GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for
Andrew Altman
Director

DATE: March 2, 2004

SUBJECT: BZA Application 17134

APPLICATION
V. Jerome Walker, the Applicant, originally requested variances to allow construction of a two-story addition to the rear façade of a row dwelling located at 163 Adams Street, N.W. (Square 3125 Lot 15) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning. The Applicant subsequently determined plans could be modified so the lot occupancy percentage of the expanded dwelling would be 70% instead of 75%. As a result, this request was changed to special exception approval under Section 223.1 pursuant to Section 3104.1.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requested special exception to:

- reduce of the required rear yard setback to 13 feet; and
- increase the allowable lot occupancy percentage to 70%.

SITE AND AREA DESCRIPTION
The subject property is approximately 0.03-acre (1,185 square feet) in size and immediately north of Adams Street, N.W. It is developed with a two-story row dwelling (circa 1909) of masonry construction. Along the Adams Street frontage is a wooden front porch that extends the width of the lot and into public space. A two-story wooden porch in the back of the dwelling extends to the eastern (side) property boundary, 4'-4' into the rear yard, and sets back approximately 4 feet from the western (side) boundary. A continuous chain-link fence nearly 4 feet tall borders the rear yard.

Square 3125 is generally shaped like a triangle that tapers toward the eastern (2nd Street, N.W.) end. The subject property is one of 22 irregular-shaped lots along all three streets at the eastern end with no intervening alley. Except for one church, development on the square consists entirely of two- and three-story row dwellings in the Residential (R-4) Zone District (see Exhibit 1).

BZA
Case No. 17134
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17134
EXHIBIT NO. 24

APPLICANT'S PROPOSAL

The existing dwelling is undergoing complete rehabilitation. Plans include replacing the open rear porch with a two-story addition that would provide a first floor sunroom, and second-floor sun and utility rooms. In a letter to the Office of Zoning dated March 1, 2004, the Applicant explained the second floor utility room is needed to "... provide an *accessory* utility room for the heating, ventilation, and air-condition unit and hot water heater for the main house because the basement is made into an apartment." At 19'-3" wide and 7'-4" deep, the original addition would have been 4'-4" wider than the existing porch (effectively spanning the lot), and extend 4 feet further into the rear yard. No other exterior changes are proposed.

After reviewing construction plans in October 2003, Chief of the Department of Consumer and Regulatory Affairs Zoning Review Branch determined in a memorandum dated November 20, 2003, that the rear addition would require relief from:

- Sections 2001.3 and 403.2 to increase the percentage of lot occupancy to 75%; and
- Section 404.1 to reduce the required rear yard from 20 feet to approximately 14 feet.

After a site visit, Planning staff suggested the Applicant determine whether their interior space objectives can be accomplished within a lot occupancy percentage of 70% instead of 75%. A moderated lot occupancy increase and the associated rear yard reduction could then be approved by special exception under Section 223.1. After conferring with the architect, the Applicant provided modified plans dated February 13, 2004 including a revised zoning tabulation reflecting the suggested change.

The Applicant now requests approval of the referenced special exception. The balance of this report reflects the modified building plans and zoning tabulation.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-4. Zoning Regulation Section 330.5 (a) per 320.3 (b) allows row dwelling as a matter of right. The existing dwelling generally conforms to the regulations, however the existing rear yard setback is 16'-2" (difference between the shortest side property line [20'-6"] and the existing porch depth [4'-4"]). Lot area is also 33% less than the minimum requirement of 1,800 square feet. The modified plans would further reduce the rear yard to 13'-2". Section 404.1 requires a minimum 20-foot rear yard setback. As noted above, the total lot occupancy percentage would increase to 70%. The highest lot occupancy allowed as a matter of right under Section 403.2 is 60%. Thus, this proposal would exceed the allowable percentage of lot occupancy, and bring the rear yard setback further out of conformance.

Zoning regulations include the following provisions regarding expansion of such buildings:

"2001.3 Enlargements or additions may be made to the structure; provided, that the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements; and
(b) The addition or enlargement itself shall:

(1) Conform to use and structure requirements; and
(2) Neither increase or extend any existing, conforming aspect of the structure; nor
(3) Create any new nonconformity of structure and addition combined."

In summary, this proposal would decrease the current nonconforming rear yard setback by 4 feet, and result in higher lot occupancy percentage than is allowed as a matter-of-right. Section 223 allows for special exception relief to Section 2001.3.

ANALYSIS
Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." The referenced special exception would allow the addition to exceed the allowable percentage of lot occupancy, and to reduce the nonconforming rear yard setback, subject to the provisions of Section 223.

Compliance with Section 223
Requirements under this section include the following:

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;

(a) *The light and air available to neighboring properties shall not be unduly affected;* An addition to the northern façade of the dwelling would not impact abutting properties along Adams and Bryant Streets. Although the addition would extend 4 feet further into the rear yard, it would continue to abut the eastern property line, and set back from the western boundary, in a manner very similar to the existing porch. Given the location and size of the planned addition, air and light to neighboring properties would not be adversely affected by this proposal.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; Visibility from the addition would be the same as the existing two-story porch so the privacy of neighboring yards would not be compromised.

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; ... The addition would not be visible from any public right-of-way.

(d) In demonstrating compliance with (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to

adjacent buildings, and view from public ways. Sufficient graphical documentation was submitted for staff review and analysis.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 districts or* seventy percent (70%) *in the R-3,* R-4 *and R-5 Districts.* Plans have been modified to meet this limitation.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.* Additional treatment is not recommended.

OP concludes that the application meets the requirements of Section 223.

Compliance with Section 3104.1:
Based on the findings of Section 223, granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this site and surrounding properties for Moderate Density residential development characterized by row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS
According to the Applicant: Advisory Neighborhood Commission (ANC) 5C unanimously recommended approval of this request during a regular meeting on February 17, 2004; and a petition in support signed by over 20 neighbors has been prepared.

RECOMMENDATION
The Office of Planning recommends approval of the requested special exception to:

- reduce of the required rear yard setback to 13 feet; and
- increase the allowable lot occupancy percentage to 70%.

AA/afj

Attachments: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17134
163 Adams Street, N.W.

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Feet
0 25 50

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ February 25, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery ©2003 Pictometry International

Water
Street Centerlines
Zoning Districts
Property Squares