GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE May 3, 2004

SUBJECT: BZA Application **17161**
1680 31st Street, N.W.

APPLICATION
The applicant, **Chiswell D. Langhorne, Jr.**, is requesting a special exception, pursuant to 11 DCMR § 3104.1, to allow a second story glass enclosed (conservatory) addition to an existing single family detached dwelling under section 223, not meeting the side yard requirement (section 405.9) in the R-1-B District at premises 1680 31st Street, N.W. (Square 1281, Lot 31).

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the special exception request.

SITE AND AREA DESCRIPTION
The subject property is located in Square 1281 in the northwest quadrant of the District. The Square is bound by R Street to the north, 32nd Street on the west, and 31st Street on the east and Q Street to the south. The property is located in the Georgetown Historic District and is zoned R-1-B.

PROJECT DESCRIPTION
The application proposes to expand the second floor roof deck as a glass enclosed conservatory to fully enclose the existing roof deck. This area will accommodate a ramp to facilitate handicapped access between second-floor spilt levels and the addition will be only 2'x12'8".

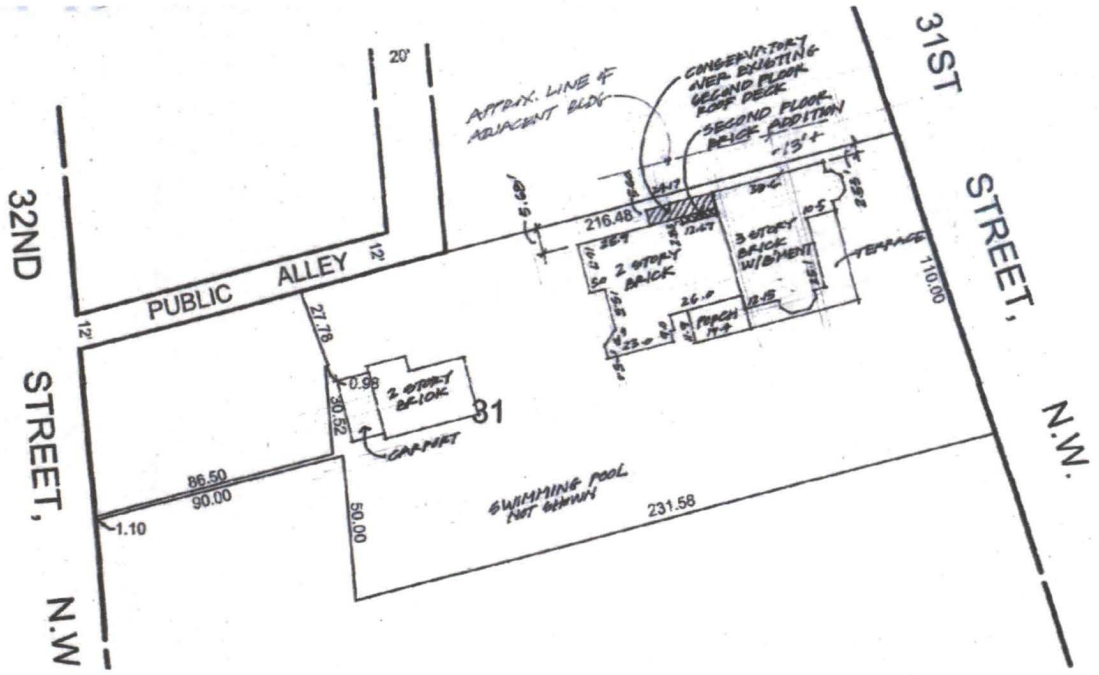
ZONING REQUIREMENTS
The R-1-B zone District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet, a minimum lot area of 5,000 square feet, an 8-feet minimum side yard and maximum lot occupancy of 40%.

BZA
Case No. 17161
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO. 17161
EXHIBIT NO. 28

The existing structure predates the 1958 Zoning Regulations. The following tabulates the requirements of the Zone District in relation to existing site measurements:

Section	Item	Required	Existing	Deviation
401.3	Lot Area	5,000 square feet (minimum)	24,314.08 square feet	N/A
401.3	Lot Width	50 feet	110.0 ft.	N/A
403.2	Lot Occupancy	40%	19%	N/A
405.9	Side Yard	8 feet	3.08 ft.	5 feet



According to submitted plans and the surveyor's plat (partially shown above), the north side yard varies in width between 2.53 feet and 5.68 feet from front to rear along the sides of the residence. The proposed addition (2'8" x12") extends the narrowest portion of the side yard by an additional 12 feet to allow construction of a conservatory over an existing second floor roof deck. The conservatory will include an access ramp to enhance mobility among rooms on the second floor. Interior remodeling involving wider entrances will also be done according to ADA accessibility requirements.

Special Exception Analysis

The applicant's request was reviewed according to the special exception criteria of §223, which was designed to provide relief to homeowners with nonconforming structures (as defined by §199 of the Zoning Regulations). The requirements are as follows:

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:

The proposed two-foot wide, second story addition in the side yard of the property aligns with the 3-story brick portion of residence, which faces 31st Street. The addition would not increase the building's height or the second story and a six-foot brick/stone privacy wall extends along the property line for the full length of the residence.

The addition would not affect light and air to the adjacent property, since there will be no net loss in the distance between the two residential structures[1], currently landscaped with trees and shrubs. Residences along 31st Street are aligned east to west; therefore, the most affected property owner to the north would not experience loss of light due to shadowing. The addition only fills in a 2-foot wide space, which would align it with the front portion of the residence.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

As previously mentioned, a six-foot privacy wall exists between the subject property and the adjacent residence to the north. The glass in the conservatory area functions mainly to provide light to this portion of the residence and is effectively screened by existing trees. OP does not believe that the enjoyment of neighboring properties would be compromised.

(c) The addition, together with the original building, as viewed from the street, alley and other public way, shall not visually intrude upon the character, scale and pattern of houses along the subject street frontage, and;

The addition would be located in the side yard, to the rear of the property and would project no visual intrusion upon the scale and pattern of houses along the street frontage. The application has been reviewed and approved by the National Trust for Historic Preservation, which holds a preservation easement on the exterior of the house. The Trust determined that the proposed design was appropriate and in general conformance with the intent of the preservation easement.[2] The Commission of Fine Arts also reviewed the application in this capacity and recommended approval of the concept drawings. Based on these reviews, OP is satisfied that the addition, together with the original building conforms to the general characteristic of residences in this historic district.

(d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to present the relationship of the proposed addition to adjacent buildings and views from public ways.*

The applicant submitted plans and photographs in support of the relationship of the proposed addition to adjacent buildings and views from the street.

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[1] According to the applicant, this is approximately 15 feet.

[2] National Trust for Historic Preservation approval letter dated August 27, 2003 (Attached).

§223.3 requires the lot occupancy not exceed 40%, including the dwelling and addition in this zone district. The lot occupancy of the dwelling is not increased since the addition would be placed over an existing roof deck, which already contributes to the existing lot occupancy of 19%. Since the dwelling with the addition is well within the limit of the required lot occupancy, the criterion is satisfied.

§223.4 permits the Board to request special treatment through design, screening, lighting or other features to protect adjacent or nearby properties. Based on recent aerial photographs (2003) and site visits, OP determined that this is not necessary, since the property is well landscaped in both side yards, providing adequate screening which protects the privacy of nearby properties.

As required by §223.5, the addition does not introduce or expand a non-conforming use, since a single-family dwelling is a permitted use in the R-1-B Zone District.

The addition is in harmony with the general purpose and intent of the Zoning Regulations, having met the above criteria required for special exception approval. The minimal expansion of the second floor to accommodate ADA accessibility requirements inside the residence is minimal and would have no adverse effect on the use and enjoyment of neighboring properties. The subject property is well landscaped and the conservatory area, while glassed would serve mainly as an access area between split-levels on the second floor.

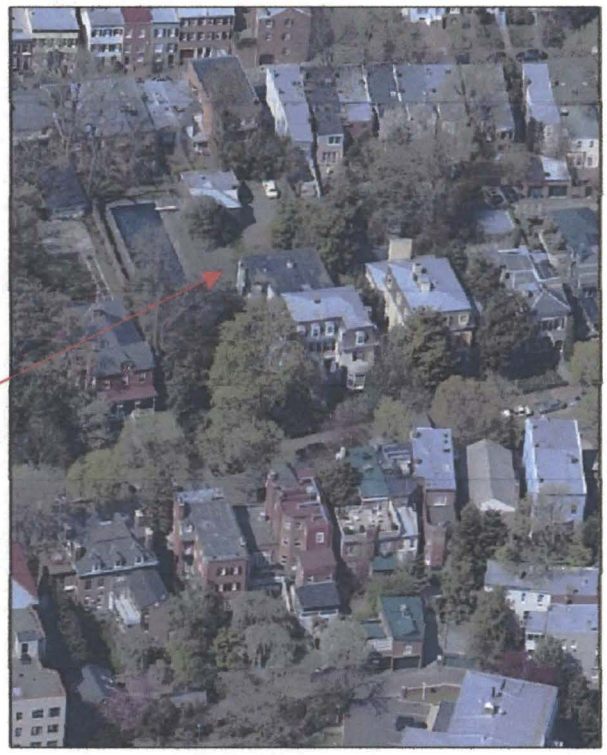
COMMUNITY COMMENTS

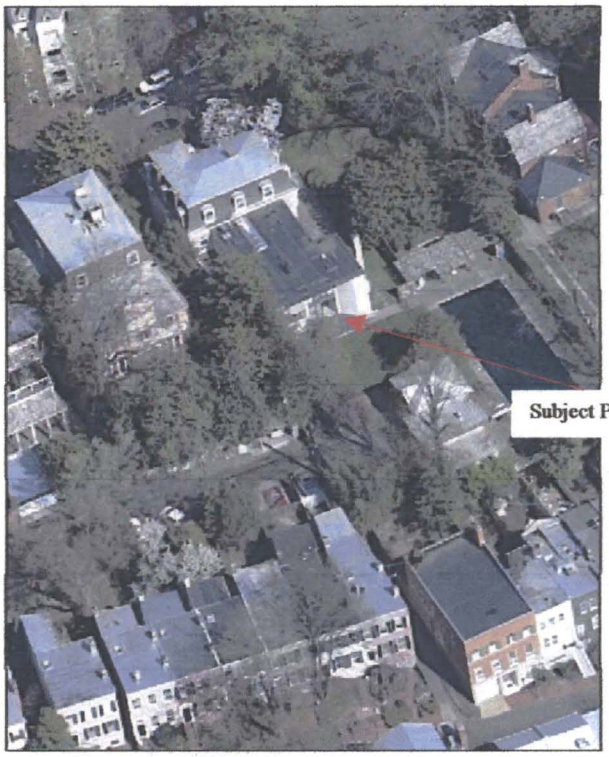
The National Trust for Historic Preservation (August, 2003) and the Commission of Fine Arts (September, 2003) reviewed and approved the proposed addition to the subject property. The application was also presented to the Advisory Neighborhood Commission (ANC 2E) on July 2nd, 2003. OP has no information at this time regarding the ANC's determination.

CONCLUSION

The Office of Planning recommends approval of special exception relief from the side yard requirement of §405.9 to allow the addition to the subject property. The structure predates the 1958 Zoning Regulations and is encumbered by a preservation easement on the exterior. The addition requires minimal expansion of the structure, and is sufficient to allow interior modifications designed to meet current ADA requirements for the applicant's mobility throughout the second floor of the residence.

OP believes and is supported by other agencies approvals, that the addition together with the dwelling would maintain the character of the neighborhood, while preserving the intent, purpose and integrity of the Zoning Regulations and Map.


Subject Property


Subject Property

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

NATIONAL BUILDING MUSEUM
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202-504-2200
202-504-2195 FAX

26 September 2003

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

O.G. 03-282 HPA. 03-513	1680 31st Street, NW Chiswell Langhorne Residence	Conservatory addition at rear 2nd floor level - permit

LOT: 31 SQUARE: 1281

RECOMMENDATION: No objection to issuance of permit for proposed conservatory addition at second floor level at rear. Working drawings conform to approved concept. See previous Recommendation (O.G. 03-227). See enclosed letter from the National Trust for Historic Preservation who holds an easement on this property.

Frederick J. Lindstrom
Assistant Secretary

NATIONAL TRUST
for HISTORIC PRESERVATION™

August 27, 2003

Mr. and Mrs. Chiswell D. Langhorne, Jr.
1680 31st Street, NW
Washington, DC 20007

Re: Proposed Exterior Modification at 1680 31st Street NW, Washington, DC 20007

Dear Mr. and Mr. Langhorne:

Thank you for having your architect, Douglas Rixey, of Rixey - Rixey Architects send to me the design documents for the proposed exterior modification of your residence. The drawings are dated June 3, 2003. I have had conversations with Mr. Rixey and also visited your residence for the purpose of determining the appropriateness of the proposed design for the house. The National Trust holds a preservation easement on the exterior of the house and it is within this context that we review the proposed design concept.

In consultation with my colleagues in the National Trust's legal department, Paul Edmondson, General Counsel, and Thompson Mayes, Assistant General Counsel, we have determined that the proposed design is appropriate and in general conformance with the intent of the preservation easement.

If you have any questions about this letter or if you have other preservation questions, please do not hesitate to contact me at 202.588.6000, extension 6159.

Sincerely,

George Siekkinen
Senior Architect

Cc: Douglas Rixey, Rixey - Rixey Architects