GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 16, 2004

SUBJECT: BZA Application #17172
Square 0194, Lot 06 –Proposed Addition to 1519P Street, NW
Application of Alex and Amanda Marshall. Stephen duPont, Jr., Architect/Agent

I. APPLICATION OVERVIEW

The applicant, is requesting a special exception to allow construction of a two-story addition to an existing two-story dwelling on property located at 1519 P Street, N.W. pursuant to Sections 223 and 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

The application is self-certified.

II. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the special exception request be Approved with the following modifications and conditions:

- The applicant shall submit light and shadow studies of the impact of the proposed addition on units at 1517 P Street;

- The rear portion of the upper floor shall be redesigned to maintain the existing setback along the eastern property line. No construction shall be permitted in the area defined by the combination of the following conditions:
  - east of the existing side wall of the principal structure, not the existing one-story addition, and;
  - north of the existing rear wall of the principal structure, not the existing one-story addition, and;
  - more than ten feet above the existing ground level at the eastern property boundary.

- Louvers and/or translucent glass shall be required on all north-facing windows in the proposed addition.

BZA
Case No. 17172
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
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III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

Square 194 in northwest Washington is bounded by:

- North: Church Street
- East: 15th Street
- South: P Street
- West: 16th Street.

The Square is rectangular and is bisected by an east-west alley. Lot 06 is a level 2200 square foot mid-block rectangle that is 22 feet wide and 100 feet deep. The existing residence occupies 33% of the site.

1519 P Street is a two-story, mid-to-late 19th century house, located in the Dupont Circle Historic District. The house is unusual. It is set back 31 feet from the street. Although similar in appearance to the rear wings of other Dupont Circle rowhouses, the structure is freestanding. Although its western wall is on the property line, the adjacent structure to the west at 1521 P Street is not built to the property line and, therefore, shares no party wall with the applicant's property. While the house to the east is built to the property line, the applicant's property is not built to that line and, therefore, shares no party wall with either adjacent properties.

IV. AREA ZONING AND HISTORIC DISTRICT *(See Attachment 1)*

The site is zoned DD/R-5-B., as is most of the block, with the exception of the DD/SP-1 lots fronting on 16th Street.

The building is within the Dupont Circle Historic District. It is considered a "contributing structure" to the historic district, and is not individually landmarked.

V. PROJECT DESCRIPTION AND RELIEF REQUESTED

The subject house appears to be by definition a **one-family semi-detached dwelling.** Section 199 of 11DCMR defines a one-family semi-detached dwelling as "a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard." As indicated in the application the house has a zero side yard on the west and a 5'7" side yard on the east.

Section 350.4 (a) of the Zoning Regulations allows both single family houses and row dwellings in this zoning district as a matter of right. The property is also subject to the following provisions:

Standard	DD/R-5-B	Existing	Proposed	Required Relief
Lot Area	N/A	2,200 s.f.	Same	N/A
Lot Width	N/A	18 feet	Same	N/A
Square Footage	N/A	1,246 s.f.	2,046s.f.	N/A
Floor Area Ratio	1.80	0.58	0.93	N/A
Height	50 feet	Approx.34ft.	Approx 34 ft.	N/A

Lot Occupancy (max.)	60 %	33%	47% [2]	N/A
Rear Yard	15 feet	22.3 feet	19 feet	N/A
Side Yard	8 feet, 9.7 in.	5' 9" [1]	0	8 ft., 9.7 in.
Open Court	6 ft., 3 in.	None	5 ft, 8.4 in.	6 ½"
Parking (on-site)	1 space	1 space	1 space	N/A

This review indicates that the request meets most zoning requirements. However the following relief is required:

- 100% of the Side Yard requirement for a structure that is already non-conforming with respect to its side yard requirement;
- 16.6% of the Open Court requirement.

VI. 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."

For additions to single family dwellings or flats in the R-1 through R-5 zone districts, Section 223 permits the Board to consider an application for relief from Sections 405 and 406 as a Special Exception subject to the criteria specified in Section 223. This application asks the Board to allow an addition to a one-family dwelling that is non-conforming with respect to its current side yard, that will increase its side yard non-conformity, and that will create an open court that will then exceed the open court requirement.

Compliance with Section 223

The requirements under this section include:

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;

In OP's opinion, the availability of light and air to neighboring properties will be affected.

1517 P Street, the adjacent property to the east is an L-shaped structure with its front part built from building line to building line, and a rear wing constructed to the building line on the east, but set back from the building line approximately five feet[2] from the property line separating it from the applicant's property at 1519 P Street. (*See Attachment 2, Illustrations*).

[1] Existing side yard is non-conforming.
[2] The applicant has not supplied information about adjacent structures, nor the distance between any portion of the applicant's property, the existing or projected improvements on that property, and improvements on the adjacent properties.

The existing house on the applicant's property is set back approximately 5'9" from the property line. The rear wing of 1517 P Street is set back approximately 5' from the building line. Thus, the separation between the applicant's property and the rear wing of 1517 P Street appears to be approximately 10 feet.

The side portion of the applicant's proposed addition would be approximately twenty-three feet tall[3]. It will extend for thirty-five feet along the eastern property line, reducing the distance between the applicant's house and the rear wing of 1517 P Street to approximately five feet. These properties are currently separated by a six-foot high privacy fence.

The open court at 1517 P Street is a limited common element assigned to the ground floor condominium. The owner uses the area as a garden. Because the deck of the second floor condominium fully covers the rear terrace of the first floor unit at 1517, the side area is the only outdoor air available to the ground floor unit that is unobstructed to the sky. The owner uses it as a garden *(See Attachment 2, Illustrations)*.

The applicant has not provided height measurements for the side portion of the wing. Nor has the applicant provided any light and shadow studies demonstrating the impact of the proposed addition on the property to the east. Accordingly, in OP's opinion, the applicant has not demonstrated that the proposed addition will not unduly affect the light and air available to neighboring properties.

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

Privacy: The addition would not have any windows on the eastern property line and would have only one additional window facing into the neighboring property. This window will be an additional window in an existing bedroom, and would not enable occupants of that bedroom to see into any more of the windows at 1517 than can already be readily viewed from the existing bedroom window.

The applicant has agreed either to construct louvers that would physically screen views from the existing and proposed bedroom windows away from any views of 1517, and/or to install translucent glass to accomplish the same effect.[4]

OP recommends that, if the Board approves the application, the above-noted conditions be attached to approval. With these conditions, there would be no intrusion on the privacy of the adjacent condominiums at 1517 P Street.

Use: The proposed addition will reduce the openness of the view from the second floor windows of the condominium at 1517 (*Illustration 3*). It will also reduce the sense of openness and light now enjoyed by the owner of the ground level condominium at 1517. As noted above, the open court/areaway on the west side of 1517 is used as a limited common open and garden area. The

[3] The application provided does not supply this measurement. OP has had to infer it.
[4] This will need to be reviewed by HPRB staff.

proposed addition at 1519 will bring a two-story high wall all the way to the property line – some 5 feet-9 inches closer than the existing situation.

In OP's opinion, the proposed two-story addition may have considerable direct impact on the use of the ground floor garden at 1517 P Street due to restricting light.

Absent specific measurements and light and shadow studies, it is OP's opinion that the applicant has not demonstrated that the proposed addition will not have a negative impact on the use of neighboring properties.

(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; and ...

The proposed addition is set back at least six feet (6') from the existing front building wall, and is screened from the street by a six-foot (6') high privacy fence at the building line. The rear of the addition is designed so that the differences in heights and materials suggest traditional distinctions between the existing block and the proposed addition.

The proposed addition has been evaluated by the staff of the Historic Preservation Review Board and has been found compatible with the historic district.

(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:

As noted in separate sections above, sufficient graphical documentation has not been submitted for staff review and analysis. The submitted information does not include the following:

- *Proposed sidewall height measurements*
- *Complete proposed open court measurements*
- *Explanation of apparent differences between north fenestration shown on Sheet A4-1 and sheet A2-3*
- *Light and shadow studies of the impact of the proposed addition on residences at 1517 P Street.*

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed... seventy percent (70%) in the...R-5 Districts.

The lot occupancy as a result of the proposed addition would be 47%.

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.

In OP's opinion, the applicant has not demonstrated that it meets the Special Exception tests for Section 223. However, OP believes a modified design could provide the applicant with most of their desired improvements and still ensure the adjacent neighbors minimal impact on their light, air and privacy.

To minimize impacts on light and privacy of adjoining property, OP recommends that the proposed addition be modified as follows:

- The upper floor be redesigned to maintain the existing setback along their eastern property line;
- No construction be permitted
  - east of the existing side wall;
  - north of the existing rear wall;
  - and more than ten feet above the existing ground level at the eastern property boundary.
- Louvers and or translucent glass be required on all north-facing windows in the proposed addition;

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan's Generalized Land Use Map designates the area for Medium Density Residential Land Use. The addition would maintain the property as a single-family residence. This is not inconsistent with the emphasis in the Ward 2 element of the Comprehensive Plan on the retention of housing in the ring of land surrounding the central employment area.

VII. ADDITIONAL CONSIDERATIONS

Depending on the applicability of 11DCMR §405.6 versus §405.3, the applicant may not require the requested relief from the side yard requirement.

§405.3 states that *a one-family dwelling...that does not share a common division wall with an existing building...shall have a side yard on each resulting free-standing side.* Neither the existing structure, nor the structure with the proposed addition share a common wall with an existing structure. A side yard would appear to be necessary.

§405.6 states that *a side yard shall not be required in an ...R-5 District. However, if the yard is provided, it shall be ...not less than eight feet (8 ft.) wide.* Under this section, while the existing structure would appear to have a non-conforming side yard, if the addition were constructed to the eastern property line, there would be no side yard and, thus, no non-conformity.

In conversations with OP, the applicant has suggested modifying its plans to eliminate the open court that would be created by the proposed addition, and thus eliminating a design element that would require zoning relief. OP has cautioned the applicant that, should the applicant choose to revise its plans to eliminate the open court, an indentation or setback of the front wall addition that was not determined to be a court niche may still require zoning relief from the open court requirements.

OP further notes that that the applicant will be required to satisfy the requirements of 24 DCMR Chapter 37's provisions for the removal of Special Trees, should the approximately 113"-circumference tree at the northwestern corner of the existing structure be removed.

VIII. COMMUNITY COMMENTS

OP has been made aware of considerable concern neighborhood concern about the proposed addition. Unit owners at 1517 P Street have expressed opposition. The owners of 1521 P Street have expressed concern. The Dupont Conservancy has inquired in response to its members concerns.
At the time this report was written, the project had not been reviewed by ANC 2B.

In addition to the specific concerns OP noted in earlier sections of this report, the more general opposition to the proposed addition seems to stem from an indirect impact of the proposed addition. As presently designed, its construction would require the elimination of two trees. These trees are not governed by the Zoning Regulations. However, as noted above, one of the trees may be covered by 24 DCMR Chapter 37.

The two trees are:

- A relatively young, but tall maple tree that is planted on the applicant's side of the fence on the side property line between 1517 and 1519, but that grows through the fence at less than one foot above the ground and then 30 feet up entirely on the 1517.side of the fence.
- A 113-inch diameter tree in the present back yard of 1519. This is near the property line between 1519 and 1521. Because of its size, the tree's removal would have an impact on the views of the tree now enjoyed from the three condominium units at 1517, as well as the view from the property to the west, at 1521 P Street. Because of the tree's size, its removal would also be evident from properties across the alley, on the north side of Church Street.

While concern about the removal of these trees may be a factor in community sentiment about the proposal, the possible tree removal is not something governed by the Zoning Regulations, and has not been considered as part of OP's evaluation of this application.

VIII. AGENCY COMMENTS

Because the property is located in the Dupont Circle Historic District, this request was referred to The State Historic Preservation Office (SHPO) for review. SHPO staff did not express any concerns about this proposal.

IX. RECOMMENDATION

The Office of Planning (OP) recommends that the special exception request be Approved with the following modifications and conditions:

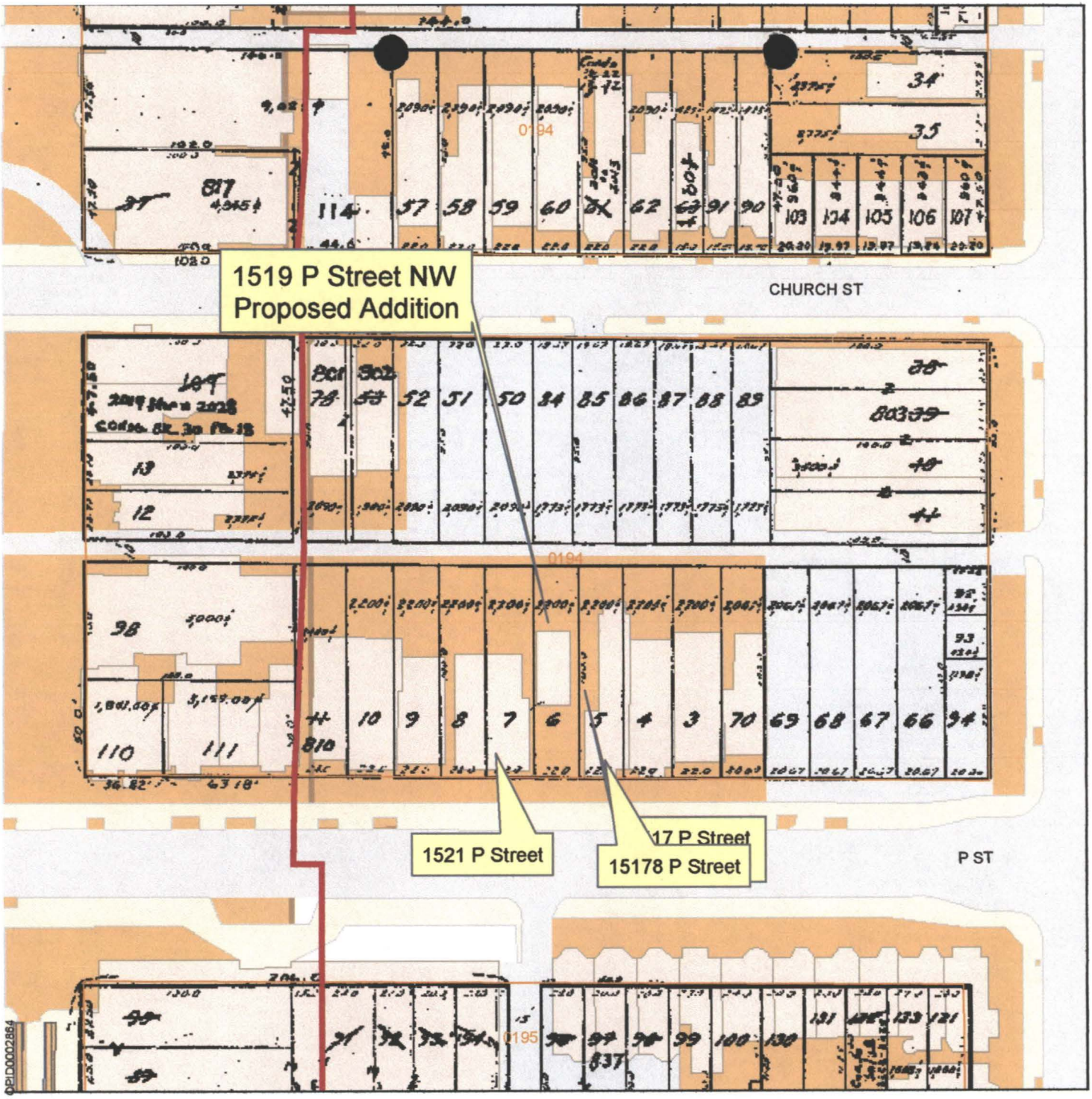
- The applicant shall submit light and shadow studies of the impact of the proposed addition on units at 1517 P Street;

- The rear portion of the upper floor shall be redesigned to maintain the existing setback along the eastern property line. No construction shall be permitted in the area defined by the combination of the following conditions:
  - east of the existing side wall of the principal structure, not the existing one-story addition, and;
  - north of the existing rear wall of the principal structure, not the existing one-story addition, and;

- more than ten feet above the existing ground level at the eastern property boundary.

- Louvers and/or translucent glass shall be required on all north-facing windows in the proposed addition.

AA/slc
Attachments (2)



BZA Case # 17172
Special Exception (223) for Addition at 1519 P Street, NW - Square 0194, Lot 06

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

Office of Planning ~ March 16, 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

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Feet

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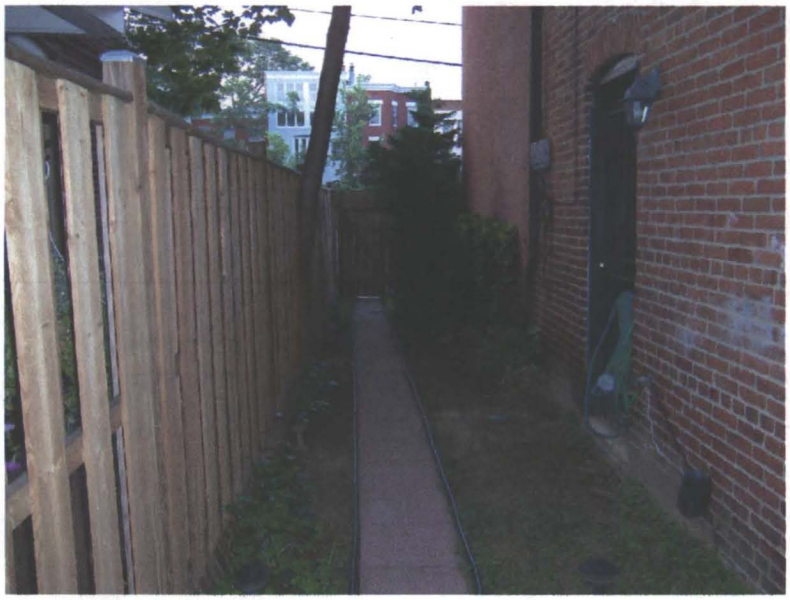
Attachment 2

Illustrations



Illustration 1and 2: Existing 6-foot privacy fence between 1519 P Street on left, and 1517 P Street on right. Proposed addition would start at overhang on left. Garden for ground floor unit at 1517 is at right.





Illustrations 3 and 4: Views of ground floor garden at 1517 P Street





Illustrations 5 and 6: View from 2nd floor unit at 1517 P Street towards 1519 P Street, and View from 2nd floor of 1519 P Street into 2nd floor unit at 1517 Street.





Illustrations 7,8 and 9: View of maple tree between 1519 and 1517 P Street; View of large tree at rear of 1519 P Street.



