GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 6, 2004

SUBJECT: BZA Application 17196

APPLICATION
Sam Daley-Harris, the Applicant, requests a special exception under Section 223.1 to allow construction of a two-story addition on the rear façade of a row dwelling located at 707 East Capitol Street, S.E. (Square 898 Lot 27) pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy percentage to 68%, and extend the nonconforming open court width of 5 feet along the western property boundary, subject to the condition that a Certificate of Occupancy for a flat be secured prior to or concurrent with the proposed construction.

SITE AND AREA DESCRIPTION
The subject property is approximately 0.04-acre (1,745 square foot) in size immediately south of tree-lined East Capitol Street, S.E. It is developed with a 2.5-story attached row dwelling (circa 1884) of masonry construction. The Applicant stated the property is currently utilized as a two-family dwelling (flat). Attached to the rear façade is a one-story wood-frame enclosed porch on masonry piers with dark-brown horizontal siding, and steps to grade. Ground cover and a large crepe myrtle extend across the rear yard. This yard is bounded to the east and west (sides) by wooden board-on-board fences 10 feet tall that are actually located on the abutting properties. A gated chain-link fence approximately 4-feet tall onsite extends between the adjacent wooden fences and around the rear (southern) boundary. A dead-end alley approximately 10 feet wide abuts the rear boundary. No parking space is provided in the rear yard of the subject property or on the two adjacent lots to the west. However, the wooden fence on the abutting property to the east is set back apparently to provide a parking space parallel to the alley.

The balance of the square is mostly developed with one-family attached and semi-detached dwellings. All the referenced properties are located in a Residential (R-4) zone district and the Capitol Hill Historic District (refer to Exhibit 1).

BZA
Case No. 17196
Exhibit No. 30

Board of Zoning Adjustment
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APPLICANT'S PROPOSAL

The Applicant proposes to replace the existing enclosed porch with a two-story addition and covered porch. The 11x15 foot wood-frame addition would reach a height of approximately 23 ft. 3 in. and have horizontal siding on the exterior. The Applicant stated the off-white color of the siding will be similar to other building additions in the area. The additional would provide space for a child's playroom on the first floor (freeing the dining room area) and new master bedroom on the second floor. The annotated D.C. Office of the Surveyor plat and zoning computation sheet in the application indicate the addition would extend 3 feet further south into the rear yard than the current extension. It would also abut the eastern (side) property line, and setback approximately 5 feet along the western (side) boundary, thus extending the existing open court. The 11-foot wide porch would be centered on the rear addition wall. It would extend 8.6 feet further south, set 2 feet back from the eastern property line, and approximately 7 feet from the western boundary. Submitted plans show the porch overhang extending to the eastern property line. Based on this information, the new construction would extend a total of 19.6 feet from the main dwelling leaving a rear yard dimension of 20 feet (excluding the porch steps).

The computation sheet also indicates the proposed construction would increase the percentage of lot occupancy from approximately 57% to 68%. No other exterior changes are proposed under this application.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-4. Row dwellings are allowed in this zone district under Section 330.5 (a) per Section 320.3 (b). The Certificate of Occupancy dated March 10, 1994 and included in the application classifies the permitted use is a "Apartment 3-unit." There are no previous certificates on file (no certificate is issued for a one-family dwelling), and records of the D.C. Office of Tax & Revenue indicate the property is taxed as a "residential conversion less than 5 units." Based on this information, the subject property appears to have been converted to a three-unit apartment building from a one-family dwelling. Section 330.5 (c) conditionally allows conversion of a building existing before May 12, 1958 into apartments, and this dwelling dates from the 1880's.

The Applicant indicates the dwelling is currently used as a flat, a use allowed as a matter of right under subsection (b). Since the property is only eligible for the zoning relief under Section 223 as a flat, Planning staff recommends that the Applicant be required to secure a Certificate of Occupancy for the current use.

This proposal is also subject to the following zoning requirements:

Standard	R-4 Requirement	Existing	Proposed	Required Relief
Lot Area	1,800 s.f. [1]	1,745 s.f. [2]	Same	N/A

[1] Row dwelling or flat From an annotated D.C. Office of the Surveyor plat
[2] District of Columbia land records
[3] From submitted plans (including estimated 2.5-foot height of ground floor above grade)

Standard	R-4 Requirement	Existing	Proposed	Required Relief
Lot Width	18 feet	19.8 feet [2]	Same	N/A
Height	40 feet/3 stories	UNK	23 ft. 3 in. [3]	N/A
Side Yard	None	None	None	N/A
Rear Yard	20 feet	31.6 feet [4]	20 feet [4]	N/A
Lot Occupancy (max.)	60 % [1]	57% (998 s.f.) [5]	68% (1,180 s.f.) [5]	SE
Open Court (addition only)	None or 4 in./ ft. of height (7.7 ft.)	5 ft.	5 ft.	SE
Parking (on-site)	1 space [6]	0 space	0 space	N/A

Note that no side yard is required per Sections 405.3 and 405.6. Section 2503.4 also allows "Steps leading to the ground from a door located *on a story* from which the principal entrance is located ..." to be located in any required yard. Proposed porch steps would conform to this requirement. The addition would extend the width of the existing court along the western property boundary that is nonconforming. With regards to parking, the Historic Preservation Office (HPO) would support waiver of any parking requirement because the 1880's building is considered to contribute to the Capitol Hill Historic District.

In summary, this proposal would extend the existing nonconforming court dimension, and exceed the percentage of lot occupancy allowed in this zone district.

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."

Upon determining the required relief, the Applicant filed the instant application requesting approval of special exception relief under Section 223.

[4] Calculated from submitted plans and excluding rear steps to grade
[5] From zoning tabulations sheet submitted by the Applicant
[6] 1 per 2 (loft) dwelling units

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 continuation of the nonconforming court dimension, and the allowable percentage of lot occupancy to increase 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;* Rear yards of the abutting lots include large deciduous trees that overlap the subject property, and cast significant shadows. Shadows cast by the proposed addition would only be evident in the winter, and would tend to fall upon the neighboring deck addition to the east, and the addition roof to the west due to the north-south orientation of the lots. Based on these circumstances, staff does not think this addition would impact air and light to the adjacent dwellings or have a substantial adverse impact on the use and enjoyment of adjacent properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The proposed addition would have windows on the southern and western walls, but none on the eastern wall. Views from the addition first floor and porch into the abutting rear yards will continue to be screened by existing fences. It appears that the view from the side window on the addition second floor would overlook the addition roof of the row dwelling to the west, however the second floor bay window would increase the visibility of neighboring rear yards. Keeping in mind that this community largely consists of closely spaced row buildings, staff thinks the privacy of neighboring yards would not substantially change.

(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; ... This proposal will be reviewed by the HPO prior to the issuance of building permits because this dwelling contributes to the integrity of the historic district. However, staff notes that existing rear additions on surrounding properties have exterior horizontal siding that is off-white in color. Based on this observation, this proposal is consistent with the character, scale or pattern of other residential additions in the area.

(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. This is proposal is consistent with this limitation.

223.3 *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.* Although no associated zoning relief is required, staff strongly recommends the Applicant maintain at least a 4-foot setback from the eastern property line and fence in order to provide sufficient space for maintenance of the porch and addition.

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 the square for Moderate Density residential development characterized by row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS
On June 15, 2004, Advisory Neighborhood Commission (ANC) 6B voted unanimously to recommend BZA approval of this application.

RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy percentage to 68%, and extend the nonconforming open court width of 5 feet along the western property boundary, subject to the condition that a Certificate of Occupancy for a flat be secured prior to or concurrent with the proposed construction.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17196
707 E. Capitol Street NE

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

Office of Planning ~ June 29, 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

Street Centerlines
Property Squares
Zoning Districts