GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: August 13, 2004

SUBJECT: BZA Application 17201

APPLICATION
Janet Mann, the Applicant, requests approval of a special exception under Section 223.1 to allow construction of a two-story addition to the dwelling located at 1523 Elliott Place, N.W. (Square 1358 Lot 807) pursuant to Section 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requested special exception to extend the nonconforming side yard setbacks of 0 feet, and to increase the allowable lot occupancy from 40% to 47%, subject to a condition that sidewalls of the addition extend the full length of the second floor terrace.

SITE AND AREA DESCRIPTION
According to District land records, the subject property on the southeast side of Elliott, N.W., is approximately 13 feet wide with an area of 0.03 acre (1,311 square feet). These dimensions make it the smallest lot on the square. The property is developed with a two-story one-family attached (row) dwelling (circa 1900) of masonry construction with a basement and wooden deck in the rear yard. Additional documentation provided by the Applicant indicates the rear 12 feet of the northeastern dwelling wall is set back 5 feet forming an open court along the side property boundary; and the wooden deck extends 16.5 feet into the rear yard. Basement stairs are accessed from this deck. The rear yard is also surrounded with a 6-foot tall wooden picket fence that is gated along the southeastern (rear) property line. Beyond this gate is an alley 12-feet wide.

This residence is one of five row dwellings along this frontage that are the only row dwellings on the square. Surrounding development consists of parkland to the northwest across Elliott Place, and detached dwellings across the alley to the southeast. The subject property and properties generally to the north, south and west are in Residential (R-1-B) zone districts. Other properties

BZA
Case No. 17201
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17201
EXHIBIT NO. 26

to the east and northeast are in Residential (R-5-A) and Neighborhood Shopping (C-1) zone districts, respectively (see Exhibit 1).

APPLICANT'S PROPOSAL

The existing dwelling has one bedroom and one bath on the second floor. The Applicant would like to replace the existing rear deck with a two-story addition to provide a redesigned kitchen, relocated dining room and new half-bath on the ground floor, and a relocated bath and additional bedroom on the second floor. New basement stairs constructed in the existing court, and enclosed by the addition would replace the exterior stair. Proposed construction would extend the ground floor of the existing building 10 feet further into the rear yard and the second floor 6 feet to leave room for an outdoor terrace (balcony). There would be no window openings in walls extended along the side property lines. The addition would extend nearly 2 feet beyond the abutting row dwelling to the northeast, and 3 feet beyond the abutting row dwelling to the southwest. A new wooden deck would extend another 9 feet from the addition (excluding the steps to grade).

The completed row dwelling would extend a total of 55 feet from the front property line leaving a rear yard dimension of 43 feet. No other changes are proposed on the property.

EXISTING ZONING AND RELIEF REQUESTED

The site is in a R-1-B zone district. Section 201.1 of the Zoning Regulations does not list row dwellings as a land use allowed in this zone district. Row dwellings are first allowed in R-3 zone districts. Section 405.9 requires a minimum side yard setback of 8 feet, although the existing dwelling and proposed addition have no side yard setbacks. Zoning Regulations provide the following for expanding such nonconforming buildings:

"405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; Provided, that the width of the existing side yard shall not be decreased; and Provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.)."

Although this dwelling was constructed before 1958, the non-conforming side yard setbacks cannot be extended as a matter-of-right. The following regulations also apply:

"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, nonconforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

The submitted lot occupancy calculation indicates new construction would increase the percentage of lot occupancy to 47% (the maximum allowed in R-1-B is 40%). The Applicant therefore submitted the instant request for special exception relief under Section 223, from the provisions of Section 2001.3, to allow nonconforming side yard setbacks to be extended, and to increase the allowable lot occupancy percentage.

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 nonconforming side yard setbacks, and increase the allowable percentage of lot occupancy subject to Section 223 provisions.

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; Proposed construction would extend the first floor of this residence approximately 2-3 feet beyond the abutting row dwellings, although the second floor still would not extend as far as the adjacent ground floors. Any shadows cast would largely fall on the roofs of additions to the abutting properties, therefore this change would not affect the air and light availability to these properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The existing rear façade includes window and door openings on the ground floor, but only a small window in the second floor bathroom. While the existing fence would continue to screen neighboring rear yards from ground floor windows and door in the addition, the second floor terrace would increase visibility into adjacent rear yards.

This is partially due to the narrow lot dimension, and the resulting angle of view from the second floor. Staff believes the increased visibility *toward the adjacent rear yards* would not be significantly different than the view from a standard second floor window. However, there would also be greater visibility from the terrace *toward adjacent second floors windows* due to the sidewalls on the second floor being 4 feet shorter than on the ground floor. The effect is the same as installing windows in the sidewalls. This change could impact the privacy of adjacent properties. In light of this circumstance, staff would support this proposal with a condition that sidewalls extend the full length of the terrace to screen views toward adjacent second floor

windows. The resulting addition would then not unduly compromise the privacy 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; ...* The addition would not be visible from adjacent roadways, and would not intrude on the character, scale and pattern of houses along the public alley.

(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 relief is not required.

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.* Refer to 223.2 (b) above.

OP concludes that the application would meet the requirements of Section 223 as long as sidewalls extend the full length of the second floor terrace.

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 Low Density residential development characterized by single-family detached and semi-detached houses as predominant uses.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 3D voted unanimously to recommend approval during its regularly scheduled meeting on July 7, 2004. The commission noted that "other neighbors have done similar work" to enclose exterior basement stairs. There are also letters of support in the record file from residents of all the abutting properties located at 1517, 1519, 1521 and 1525 Elliott Place, N.W.

RECOMMENDATION

The Office of Planning recommends approval of the requested special exception to extend the nonconforming side yard setbacks of 0 feet, and to increase the allowable lot occupancy from 40% to 47%, subject to a condition that sidewalls of the addition extend the full length of the second floor terrace.

Attachments: Exhibit 1 Aerial Including Zoning

AA/afj



BZA Application No. 17201
1523 Elliott Pl., N.W.

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

Office of Planning ~ June 22, 2004

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Water
Street Centerlines
Zoning Districts