GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: November 23, 2004

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 17204
Donnell Property
2512 I Street, N.W.
Square 17 Lot 35

Supplemental Report

The applicant initially proposed a much larger addition that required four variances. The revised application proposes a smaller addition and the applicant is now requesting a special exception pursuant to §223 of the zoning regulations. The proposed addition will be three stories and be constructed beginning at the rear of the original structure. The approximately 30-foot deep, 3-story addition will start approximately 29' back from the front façade of the original structure and end in-line with a neighboring addition to the north approximately 15 feet short of the rear property line except for the garage and deck. The remaining rear yard, which is currently occupied by a carport, will be covered by a new attached garage with a roof top deck. The applicant indicates that the garage is less than 4 feet above grade and therefore would not be included in lot occupancy, which the applicant calculates to be 60%.

BZA
Case No. 17204
Exhibit No. 47

Board of Zoning Adjustment
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Zoning Analysis

Single family dwellings in the R-3 zone may be granted relief from the zoning regulations by the Board subject to the provisions of §223. The proposed addition still requires relief from the provisions of §§401 for lot area and lot width, 404 for rear yard and 2001.3 for construction of an addition to a non-conforming structure, which may be provided under §223.

Based on the applicant's revised tabulation the following table summarizes the area requirements:

Area Req.	Existing	Required/Allowed	Proposed	Variance	Code Ref.
Height	20.5'/2 Stories	40'/3 Stories	33'/3 Stories	None	§400.1
Min. Lot Area	1362.5 SF	2000 SF	1362.5 SF	None[1]	§401.3
Min. Lot Width	13.625'	18'	13.625'	None[1]	§401.3
Lot Occupancy	47%	60%	60%	None[2]	§403.2
Rear yard	22.6'	20'	0'	20'(100%)[1]	§404.1
Side yard	None	None	None	None	§405.9
Parking	1	1	1	None	§2100
Loading	0	None	0	None	§2200

[1] The addition requires relief from the provisions of §2001.3 which may be granted as a special exception under §223.
[2] The applicant indicates that because the garage is less than four feet below the grade at the front of the house it does not count as building area used in calculating lot occupancy, see discussion below.

The Office of Planning believes the garage portion of the building is above the level of the main floor of the building and may be counted as lot occupancy.

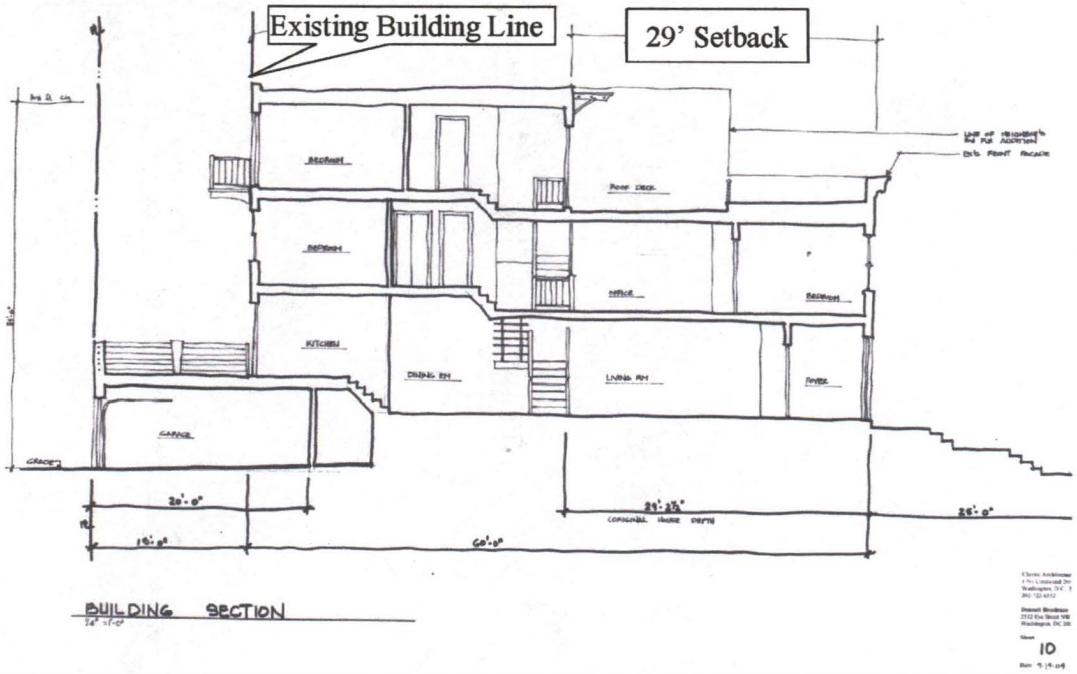
Analysis

An addition to a one-family dwelling that does not comply with all of the requirements of §§401, 403, 404, 405, 406 or 2001.3 shall be permitted if approved by the Board of Zoning Adjustment, subject to the provisions of §223. The existing lot is non-conforming in lot area, lot width, and a non-conforming court.

Section 223 requires that the non-complying addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:

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The light and air available to neighboring properties shall not be unduly affected;
The amount of light and air available to neighboring properties will not be unduly affected by the proposed addition. On the alley side, the addition will align with the existing structure to the west. On the street frontage the addition will be setback 29' from the existing façade. Therefore, there is no appreciable impact on light and air.

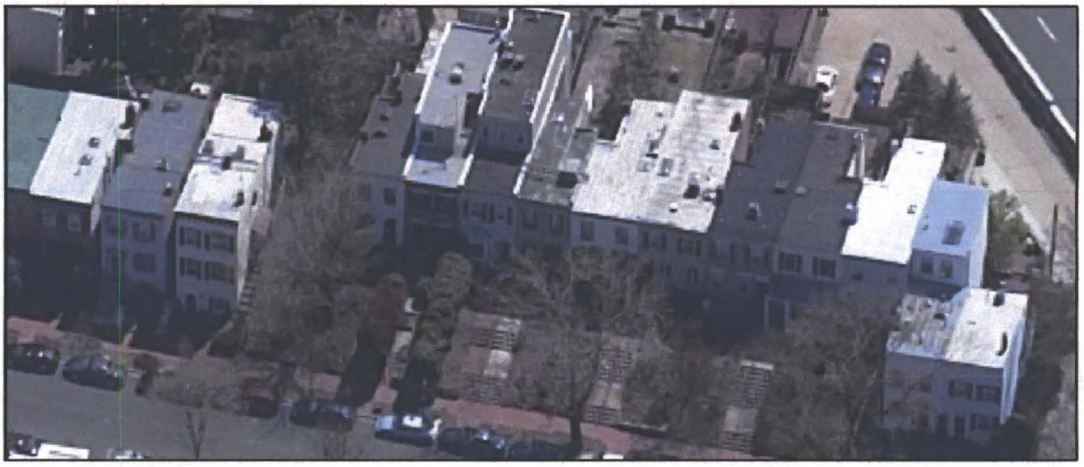


The privacy of use and enjoyment of neighboring properties shall not be unduly compromised
The addition will only have windows facing the street and alley. Therefore, the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

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 proposal will add an additional story to the existing historic 2-story building. Although the additional third story will be set back from the existing façade approximately 29 feet and add only approximately 13 feet in height, due to the undeveloped lot to the east, the side of the addition will still be visible from the street. The alley view will also substantially change. As can be seen in the aerial photo below, this property is one in a set of 2-story historic structures, all with a similar setback. The structure across the vacant lot to the east is a 3-story structure with no set back and will obscure the proposed

addition. The visual impact on the character, scale and pattern of houses along the street frontage could be mitigated by appropriate architecture.

The new construction should be constructed of materials and style compatible with the existing structure and the historic area. However, the applicant has not submitted an application to the Historic Preservation Review Board. Without HPRB input the Office of Planning is reluctant to make a recommendation.



The visual impact on the character, scale and pattern of houses is particularly important in this case because of the Foggy Bottom Overlay District, which is specifically intended to limit the development of non-conforming additions. As discussed in OP's original report, the purposes of the Foggy Bottom Overlay District are to require "a scale of development consistent with the characteristics of the low scale harmony of rhythmic townhouses, to protect the integrity of the historic district and its small scale and open spaces, to preclude partial demolitions that would lead to an increase in height, and to preserve areas planned as open backyards and alleyways and protect the light, air and privacy they provide."

Given the above, the special exception may not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

ANC Recommendation

ANC 2A has reviewed the application and has asked for a continuance to allow for more time to review the application. As reflected in the ANC's initial report, the ANC has concerns with the impact on the neighboring property, the alley, the historic district, and compliance with the purposes of the overlay district.

Recommendation

In summary, the Office of Planning cannot make a recommendation at this time, due to three outstanding issues that must be addressed.

1. Does the garage portion of the building count toward lot occupancy?
2. Is the granting of a special exception under §223 "in conformance with the requirements of the underlying R-3 District" as required in the overlay (§1523.1)?
3. Will the addition visually impact on the character, scale and pattern of houses (i.e., can this question be answered without input from HPRB)?