GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: October 19, 2004

SUBJECT: BZA Case No. 17223
Carl Mintz

APPLICATION

The application by Carl Mintz pursuant to 11 DCMR 3104.1, for a special exception pursuant to Section 223 to allow an addition to a non-conforming lot, with respect to the side yard, for a one-family dwelling in the R-4 District.

RECOMMENDATION IN BREIF
The Office of Planning recommends **approval** of the requested special exceptions.

SITE AND AREA DESCRIPTION
The subject property is in the Capitol Hill Neighborhood of Ward 6, located at 704 East Capitol Street, N.E., Square 0897, and Lot 805. The property is on the north side of the block, near the intersection of 7th & East Capitol Streets. A Street bounds the site to the north, East Capitol Street to the south, 8th Street to the east and 7th Street is to the west. There is a 15-foot east west public alley to the rear of the property.



North view, front of the subject dwelling, and dwellings on each side.

The subject property is improved with a semi-detached two-story row dwelling. The dwelling was constructed between1860 and 1870, which was prior to the adoption of the current Zoning Regulations. Therefore, the structure does not comply with some of the current zoning requirements. The subject lot is 24 feet in width and 83.08 feet in length. The existing dwelling is 21 feet in width and 42 feet in length. The subject dwelling

BZA
Case No. 17223
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17223
EXHIBIT NO. 24

And the adjacent dwelling to the east (706 E. Capitol St.) is the oldest structures on the subject block. The subject dwelling is attached to 702 E. Capitol St., on the west side, but there is a narrow side yard (only three feet wide) on the east side of the structure. According to the Sanborn Maps, a one-story kitchen addition (kitchen) was added to the rear of the structure, sometime between 1904 and 1916.

PROPOSAL

The applicant would like to create more living space in the subject dwelling, by adding a new multi-purpose space above the existing kitchen. The proposed addition will be built on the same building line as the existing structure. The addition will be 14.1 feet in length and the same width (21 feet) as the existing structure. The proposed addition will add 227 square feet of new interior space to the subject dwelling.

ZONING ANALYSIS

The subject dwelling is in the R-4 District, a district that is designed to protect residential areas now development with one-family detached dwellings and adjoining vacant areas likely to be developed with similar uses. Semi-detached dwellings are permitted in the R-4 District.

405 SIDE YARDS

405.2 In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.



South view, space between subject dwelling and the adjoining dwelling to the east.

The subject dwelling is nonconforming because it does not meet the minimum side yard zoning standards for properties in the R-4 District. The dwelling is a one-family semi-detached structure located in a row house district. Side yards are not generally required in the R-4 District, but if a side yard is provided, it must meet the minimum side yard requirements for side yards in the R-2 District, which is 8 feet. The subject property has a 3-foot side yard on the east side of the structure. Therefore, the existing side yard does not comply with the requirements of §§ 405. However, the subject property is permitted a special exception from the side yard requirements, under Section 223 of the Zoning Regulations.

ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of sections 401, 403, 404,405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantial adverse affect on the use or enjoyment of any abutting dwelling or property, in particular:

Will the proposed addition unduly affected light and air available to neighbor ion properties?

No. The new second floor addition is being designed and located to take maximum advantage of light and air, while not unduly compromising light and air to neighboring property. The subject dwelling is orientated north-south, which is opposite to the east-west direction that light travels. Therefore, the subject block receives adequate sunlight. The new second floor addition will fill in an open area above the existing kitchen on the subject dwelling, that had previously been vacant and allowed maximum air and light to the adjacent property on the east side. There is also concern that the small 3-foot side yard between the east side of the subject dwelling and the property line with the neighboring property, is too narrow to allow maximum air and light to pass between the two properties. Additionally, the new addition will affect even further the amount of light that enters the windows on the west side of the adjacent dwelling on the east side, but not to the extent that light and air will be unduly restricted by the addition. The adjacent neighbors on both sides of the subject dwelling, as well as a majority of the other neighbors on the block have signed letters of support for the applicant's plans to add a new addition.

Will the proposed addition be unduly compromise the privacy of use and enjoyment of neighboring properties?

No. The only windows proposed for the new addition, will be on the rear section, and that portion of the structure faces a public alley. The west side of the addition will be built in typical row house fashion, on the party wall with the adjoining dwelling. The adjoining dwelling already extends further in the rear of its lot than the addition on the subject dwelling will extend after construction. There are windows on the west side of the adjacent dwelling, but no windows are proposed for this side (east side) of the addition. Therefore, the proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties.



North view of 3-foot side yard

Will the addition, together with the original building, as viewed from the street, alley, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage?

No. The new second floor addition will not be visible from East Capitol Street, which is at the front of the property. The proposed addition will be visible from the alley at the rear of the property, but it is being designed to enhance the character and scale of the existing dwelling, as it relates to the pattern of other dwellings on the block, some of which have additions. Thus, the proposed addition will not change the character, scale or pattern of houses along the block.



North view of 3-foot side yard

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

The applicant provided a surveyor's plat, floor plans, elevations and photographs to represent the relationship of the proposed addition to the existing dwelling and to other neighboring properties.

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.

Maximum lot occupancy in the R-4 District for a row dwelling, church or public schools is 60%. All other structures are limited to maximum lot occupancy of 40%. The subject dwelling is a semi-detached structure, which consumes 50.5% of the lot. When the new second floor addition is added, the lot occupancy will not increase. The subject property is eligible for use Section 223 of the Zoning Regulations, which allows a maximum lot occupancy of 70% in the R-4 District.

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.

OP does not believe there is a need for the Board to impose other special treatment on this application.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

The addition of the proposed new second floor addition will not introduce or expand a nonconforming use.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST

Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?

Yes. The applicant's semi-detached dwelling is permitted in the R-4 District, and the applicant plans to continue using the property for its intended purpose. The proposed new second floor addition is being built in order for the applicant to increase the living space in a very small one-bedroom home. The subject property was improved with the existing house more than 150 years ago, and the kitchen was added between 1904 and 1916. Both improvements were well before the enactment of the current Zoning Regulations, and therefore some aspects of the structure are nonconforming, in this case the side yard and lot occupancy requirements. Section 223 of the Zoning Regulations was designed to provide the opportunity for making simple modifications to structures that qualify, such as the subject structure. The proposed new addition will enhance the quality of life for the applicant, add value to the subject dwelling and will be designed to be in character, scale and pattern of other houses on the 700 block of East Capitol Street, NE.

Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. The proposed new addition will be located above the existing kitchen, on the same building line as the existing dwelling. The designed of materials for the new addition will re-introduce the fabrication of materials that will be close to the materials used on the original structure. The only windows proposed for the new addition, will be on the rear of the addition, facing the alley and away from neighboring properties. The new addition will be designed and constructed in a manner that will minimize any adverse affect on neighboring properties, and contribute to the enhance the character of will be in accordance with the Zoning Regulations and Maps.

COMMUNITY COMMENTS

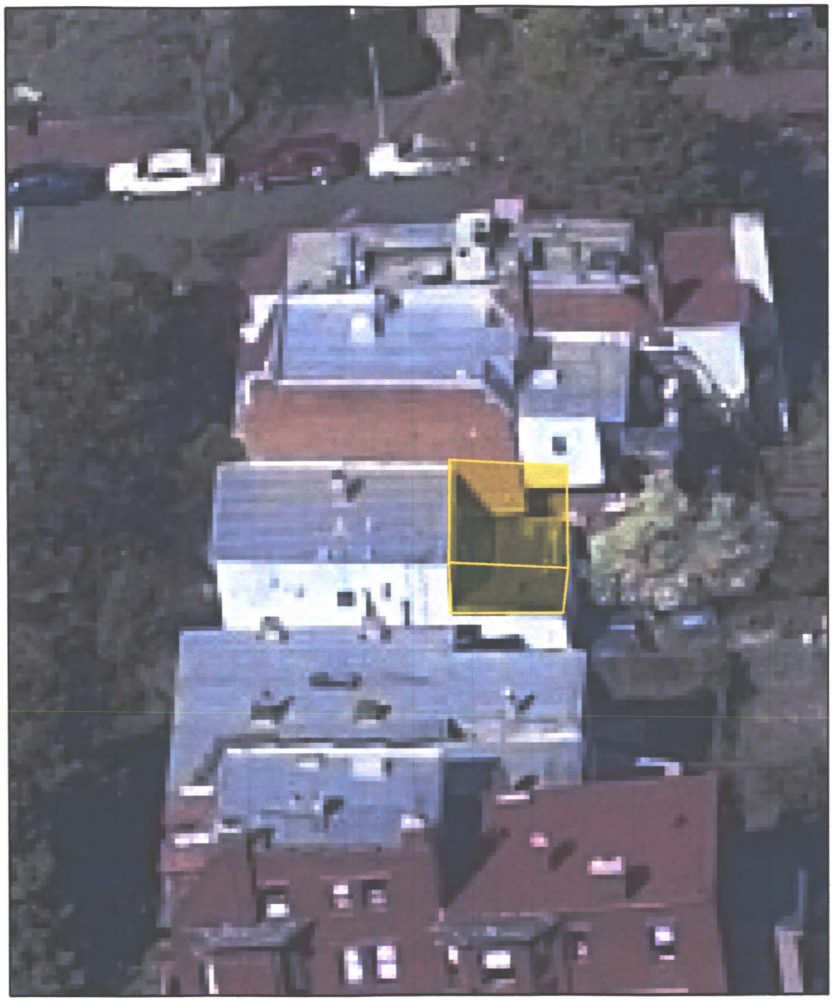
The applicant's proposal to add a new second story addition to the rear of their home was presented to Advisory Neighborhood Commission 6C, at a regular scheduled meeting, held on September 8, 2004. The ANC supported the application.

The Capitol Hill Restoration Society's Zoning Committee at a meeting held on September 21, 2004, voted to support the application.

The Land Use Committee of the Stanton Park Neighborhood Association, at a meeting held on September 13, 2004, did not object to the proposal of Carl A. Mintz, Jr. and Esther S. Bushman to add an addition to their home, above an existing kitchen.

OP RECOMMENDATIONS

The Office of Planning finds that the applicant has satisfactorily meets all the requirements specified in Section 3104.1, and 223, and that the proposed second floor addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the use of neighboring property. Therefore, OP recommends approval of the special exception request for the addition to the subject property.



Area of second floor addition



N

Feet
0 25 50

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

Office of Planning ~ September 24, 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

BZA Application - 17223
704 East Capitol Street, NE



Attachment 3