GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: November 19, 2004

SUBJECT: BZA Application 17244

APPLICATION
Alejandro Soriano, the Applicant, requests a special exception under Section 223 for a proposed 3rd floor addition to a non-conforming dwelling located at 1555 9th Street, N.W. (Square 397 Lot 819) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the special exception as submitted by the Applicant.

SITE AND AREA DESCRIPTION
The subject property is a rectangular corner lot approximately 0.03-acre (1,415 square feet) in size located in the southwest corner of the Q Street intersection with 9th Street, N.W. It is developed with a two-story one-family row dwelling that is partially demolished.

Development in the vicinity consists of a 2-story vacant commercial building and 2-2½ story masonry row dwellings to the north across Q Street, and vacant and occupied 2-story row dwellings to the south along 9th Street. An alley 10-feet wide abuts the property to the east, and beyond the alley is the 4-story Ujamaa School building. To the west across 9th Street is a one commercial building on the opposite corner, and a continuous row of vacant 2-3-story row dwellings further south (including the Carter G. Woodson House at 1538 9th Street, N.W., listed on the National Register of Historic Places). Area structures are predominantly of masonry construction, zoned R-4, and located within the Shaw Historic District (please refer to Exhibit 1).

APPLICANT'S PROPOSAL
As described in the Affidavit of Intended Use the Applicant is undertaking extensive renovation of the subject property in order to continue the residential use. This includes construction of a partial third floor of 480 square feet in order to provide a new master bedroom and bath. This addition will not change the existing building footprint.

BZA Case No. 17244 Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17244
EXHIBIT NO. 27

The zoning tabulation submitted with this application indicates the existing dwelling occupies approximately 66% of the lot area. Section 403.2 of the Zoning Regulations limits the percentage of lot occupancy in the R-4 zone district to 60%. As a result, the current dwelling is a nonconforming structure. After reviewing construction plans for the addition, the Chief of the Zoning Review Branch, D.C. Department of Consumer and Regulatory Affairs, stated in a memorandum to the Board of Zoning Adjustment dated September 15, 2004, that a third-floor addition to this nonconforming dwelling requires approval of a special exception from the requirements of Section 2001.3. The Applicant then submitted the instant application because the existing and proposed lot occupancy percentages are not otherwise allowed under the Zoning Regulations.

EXISTING ZONING AND RELIEF REQUESTED
The site is zoned R-4. Section 331.1 (a) of the Zoning Regulations allows a one-family row dwelling as a matter of right per Section 320.3 (b). Since the current and proposed lot occupancies exceed that allowed in this zoning district, the dwelling is a nonconforming building devoted to a conforming use. The 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."

This proposal would continue the current lot occupancy percentage of nearly 66%. No other zoning relief is requested.

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 current nonconforming 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;

The light and air available to neighboring properties shall not be unduly affected; The subject property generally has an east-west orientation, so any shadows cast by the proposed third floor addition would fall either on-site or onto the roof of the abutting row dwelling to the south. Based on these circumstances, this proposal would not affect the light and air available to the neighboring properties.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;* The abutting dwelling to the south occupies the entire lot, and across the alley to the east is a school building, so the privacy of neighboring yards would not be compromised.

(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 renovation and addition would not visually intrude on the character, scale and pattern of houses along 9th Street or the abutting alley. Historic Preservation staff reviewed and deemed appropriate the design of the proposed renovation and addition. Note that this is also the only dwelling along the Q Street frontage of this square.

(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 the only zoning relief requested for the proposed addition.

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.* This proposal does not need any special treatment.

OP concludes that the application meets the requirements of Section 223.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates this area for Moderate Density residential development characterized by row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS

OP asked Advisory Neighborhood Commission (ANC) 2C for comments on this application. To date no response has been received.

AGENCY COMMENTS
The proposed renovation and construction received conceptual approval from the Historic Preservation Review Board, and the staff approved the final construction drawings.

RECOMMENDATION
The Office of Planning recommends approval of a special exception pursuant to Section 223 of the Zoning Regulations.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17244
1555 9th Street, N.W.

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

Office of Planning ~ October 22, 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