GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: December 7, 2004

SUBJECT: BZA Case No. 17247
Michael & Marion Usher

APPLICATION

The application by Michael & Marion Usher pursuant to 11 DCMR 3104.1, for a special exception pursuant to Section 223 to allow additions to a non-conforming structure, for a one-family dwelling in the D/DC/R-5-B 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 Dupont Circle Neighborhood of Ward 2, located at 2021 Hillyer Place, N.W., Square 093 and Lot 105. The property is on the north side of Hillyer Place near the middle of the block. R Street bounds the site to the north, Hillyer Place is to the south, 20th Street to the east and 21st Street is to the west. There is a 12-foot east west public alley along the rear of the block.



Subject property.

The subject property is improved with a single-family row dwelling constructed in1922, which was prior to the adoption of the current Zoning Regulations. Therefore,

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17247
EXHIBIT NO. 26

The structure does not comply with all of the current zoning requirements. The applicant purchased the property in 1985. Before the applicants purchased the property, the structure was configured into two separate living units. The applicant converted the structure back to a single-family dwelling.

PROPOSAL

The applicant would like to create more living space in the subject dwelling by enlarging the size of the kitchen, which is very narrow and adjacent to an existing rear deck by removing most of the deck. The newly created space will also allow the applicant to expand the size of the dining area and create a play area for visiting grandchildren.



Rear area to be enclosed

ZONING REQUIREMENTS

The subject property is in the Diplomatic (D)/Dupont Circle Overlay District (DC)/R-5-B District. Two of the purposes of the DC Overlay District (Section 1501.4) are to:

(c) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location and density of commercial and residential development; and
(d) Ensure compatibility of development with the Comprehensive Plan.

The R-5-B District is a general moderate density residence districts designed to permit flexibility of design by permitting in a single district, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4.

ZONING ANALYSIS

The existing house was built in 1922 prior to the adoption of the current Zoning Regulations. Therefore, it does not meet all of the zoning requirements, such as lot occupancy.
The applicant would like to create more living space by enlarging an existing narrow kitchen into an area of the structure that has a rear deck. Most of the deck area would be converted into interior space. A small portion of the deck would remain.

The proposed enlargement will require a special exception from the BZA in order to be constructed. Section 223 is intended to provide the opportunity for property owner to make

minor modifications to structures that do not comply with all the requirements of §§401, 403, 404, 405, 406, and 2001.3. Relief for these sections shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of Section 223.

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

223.1 An 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 neighboring properties?

No. The proposed kitchen enlargement will not unduly affect light and air available to neighboring properties. The rear building line of the subject dwelling and the adjoining dwellings on both sides are built to approximately the same depth, except the subject dwelling has a narrow two-story addition that extends beyond the rear building line of the adjoining dwellings. The first story of the addition is a storage area and the second floor is the existing kitchen. The proposed enlargement will not have any more impact on light and air to neighboring properties than already exist.



Narrow second floor kitchen.



Area of proposed kitchen addition.

Will the proposed addition unduly compromise the privacy of use and enjoyment of neighboring properties?
No. The proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. The new addition will enclose a portion of an existing deck and will only extend

of neighboring properties. The new addition will enclose a portion of an existing deck and will only extend approximately 6.2 feet. Both the two-story dwelling on the east side and the three-story dwelling to the west have windows on the rear, but not facing the existing kitchen or deck.

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 kitchen enlargement will not be visible from the front of the property, which is a row dwelling that fronts on Hillyer Place. The proposed addition will be visible from the alley at the rear of the property, although there is a 6-foot security fence across the rear of the property. The addition 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, most of which have additions. Thus, the proposed addition will not change the character, scale or pattern of houses along the block.

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 that were sufficient 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.

In the R-5 District, a structure can occupy a maximum of 60% of the lot area as a matter-of-right. The existing structure is already non-conforming because it occupies 65.8% of the subject lot. The enlarged kitchen addition will increase the percentage of lot occupancy to 69.6%. However, the subject property is eligible for relief under Section 223 of the Zoning Regulations, which allows a maximum lot occupancy of 70% by special exception in the R-5 District, for a dwelling or flat, together with new additions.

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 kitchen enlargement 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 special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The subject structure is used as a single-family row dwelling, which is consistent with the intended use in the R-5-B Districts, where moderate density residence is the permitted use. The applicant's proposed kitchen enlargement will not change the residential use of the property. The proposed new addition will enhance the quality of life for the applicant, and will be designed to be in character, scale and pattern of other houses on the 2000 block of Hillyer Place, N.W.

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

No. The proposed kitchen enlargement will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. The enlargement will be on the rear of the second floor of a two story rear portion of a three-story row dwelling, and will only extend approximately 6.2 feet beyond the rear building line of the existing structure. The addition will not extend the kitchen beyond its existing rear building line, but will rather enclose an area of an existing deck, which is adjacent to the west side of the kitchen. There will not be windows on either side of the kitchen expansion. The only windows proposed for the new addition, will be on the rear of the addition, facing the alley and away from neighboring properties. A small portion of the existing deck will remain. The new addition will be designed and constructed in a manner that will minimize any adverse affect on neighboring properties.

COMMUNITY COMMENTS

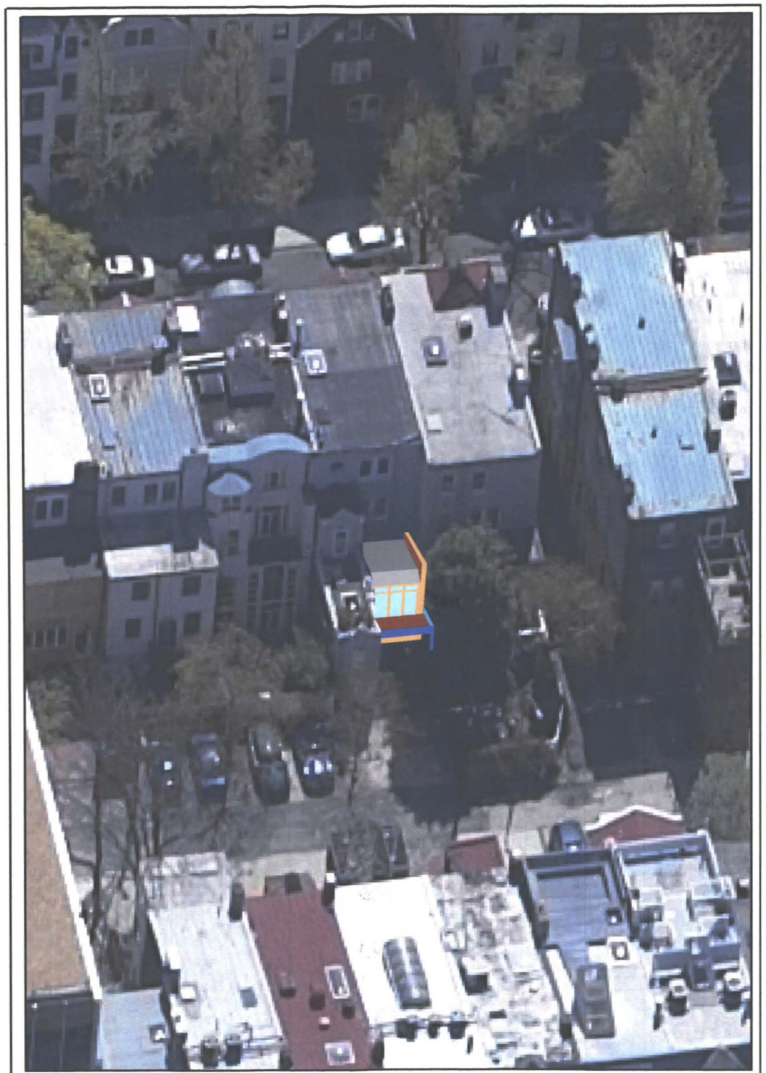
The applicant's special exception request to enlarge the kitchen, by enclosing a major portion of an existing deck was presented to Advisory Neighborhood Commission 2B, at a regular scheduled meeting, held on November 10, 2004. The ANC supported the application.

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 kitchen enlargement 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.

AA/jm



North view of kitchen enlargement area.



N

Feet

0 20 40 60

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

Office of Planning ~ November 18, 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 - 17247
Rear Addition
2021 Hillyer Place, N.W



Attachment 3