GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Interim Director

DATE: February 1, 2005

SUBJECT: BZA Case No. 17277

APPLICATION

The application by Sabrina Wright 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, and lot width for a one-family dwelling in the R-1-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 Brookland Neighborhood of Ward 5, located at 1916 Newton Street, N.E., Square 4202, and Lot 118. The property is on the north side of the block, near the intersection of 20th & Newton Streets. Otis Street bounds the site to the north, Newton Street to the south, 18th Street to the east and 20th Street to the west. There is a 16-foot alley that bisects the subject block from east to west, and connects with three additional 16-foot north-south alleys. (See attached Ariel Photograph)

The area surrounding the subject property is predominantly low density residential in character. The subject area is well served by educational institutions. John Burroughs Elementary School is on the entire square south of the subject block, between Newton and Monroe Streets. Lincoln Multi-Cultural/Taft Junior High School is one block north of the subject site, on a triangular square bounded by South Dakota Avenue to the north; 20th Street to the east; Otis Street to the south; and 18th Street to the west. Catholic University is approximately five blocks southwest of the subject area. (See attached Comprehensive Plan Map)

The subject property was improved with a residential structure in 1926, which was prior to the adoption of the current Zoning Regulations. Therefore, the structure does not comply with some

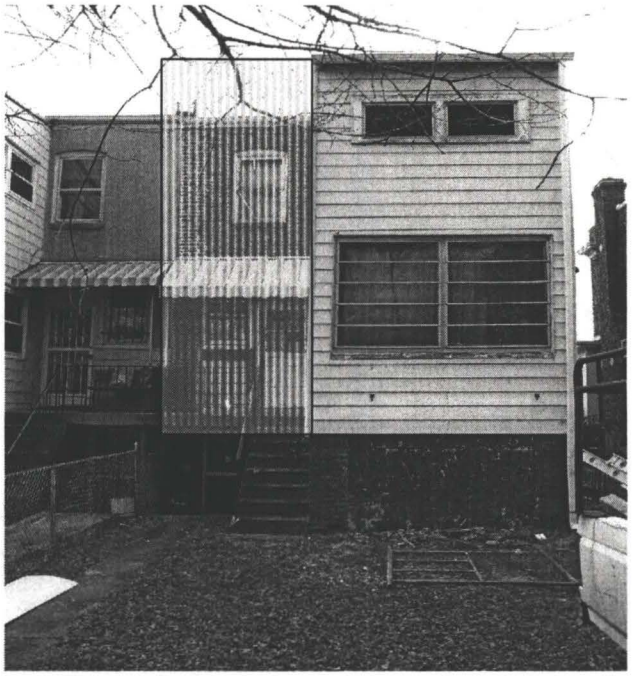
BZA
Case No. 17277
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17277
EXHIBIT NO. 20

of the current zoning requirements, such as lot area, lot width and side yard requirements. The lot contains a two-story semi-detached dwelling with basement. The structure is in fair condition, and is currently vacant. The applicant recently purchased the property and is preparing the house for occupation.

PROPOSAL

The applicant would like to create more living space, by adding a two-story addition to the rear of the dwelling. The proposed addition will allow the applicant to increase the size of the kitchen on the first floor and a bedroom on the second floor. Currently, the kitchen can only accommodate limited cabinet /storage space and the subject bedroom is too small to accommodate twin size bed or accessory bedroom furniture. The addition will be 9 feet in length by 9 feet in width, and will yield 81 square feet in new interior living space.



South View of proposed addition area

ZONING ANALYSIS

The subject dwelling is in the R-1-B District, a district designed to protect quite residential areas now development with one-family detached dwellings and adjoining vacant areas likely to be developed with similar uses.

The subject dwelling was built in 1926 prior to the adoption of the current Zoning Regulations and is a non-conforming structure. Most of the structures on Square 4202 are semi-detached, and pre-date zoning. Therefore, these structures are non-conforming. Additions to non-comforting structures are permitted in the R-1-B District by special exception, if they meet the standards in Section 223. (See attached Zoning and Land Use Map)

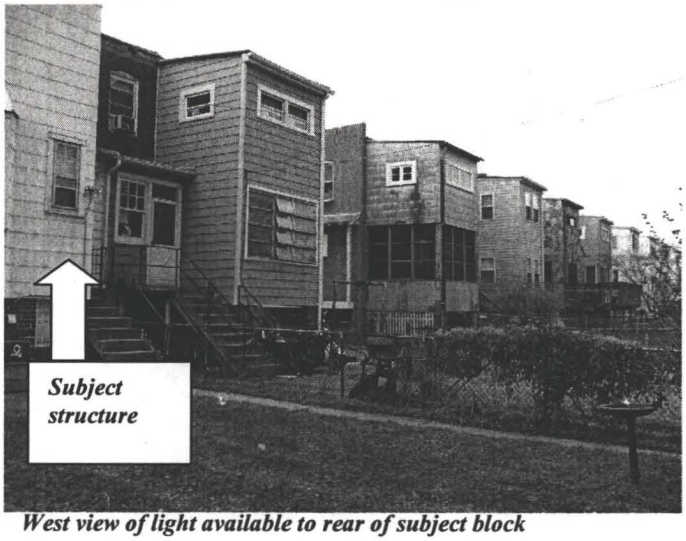
ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

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 neighboring properties?

No. The availability of light and air to neighboring properties will not be unduly affected by the construction of a new rear addition to the subject structure. The new two-story addition proposed for the subject dwelling will not diminish available light and air to neighboring property. The front of the dwellings on the subject block are orientated towards the south; opposite the east-west direction that light travels. However, there are rear projections on almost every structure on the block that cause light shadows during the early morning, and late afternoon. The proposed new rear addition to the subject structure will not create any more light shadows (early morning late afternoon) than already exist.



West view of light available to rear of subject block

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

No. The proposed addition will not compromise the privacy of use and enjoyment of neighboring properties. There is approximately seven feet between the subject structure and the semi-detached dwellings on the west side. The dwelling attached to the east side of the subject dwelling have windows on both the first and second floors, on the side of the structure facing the west side of the subject new addition. There are currently windows on the east side of the subject property, opposite the adjoining dwelling. However, there will be no windows on the inside or east sidewall of the new addition.

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 two-story addition will not be visible from Newton Street, which is at the front of the property. The addition will be visible from the alley at the rear of the property, but it will not intrude upon the character and scale as it relates to the pattern of other dwellings on Square 4202.

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.

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-1-B District for a 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 of approximately 738 square feet, or 24% of a 3,083 square foot lot. Side yards less than 5 feet in width are included in lot occupancy. The side yard on the subject lot is only 3.35 feet wide and 39 feet in length. Therefore, the side yard (131 sq. ft.) counts towards lot occupancy. When the new 9 x 9 square foot (81 sq. ft.) two-story addition is constructed, the lot occupancy will increase to 31% of the lot. The subject property is eligible for an addition under Section 223 of the Zoning Regulations, which allows maximum lot occupancy of 50% in the R-1-B 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 two-story 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 grandfathered into the R-1-B District, because the property was improved with the subject structure prior to the adoption of the Zoning Regulations in 1958. The applicant plans to continue using the property for its intended residential purpose. The proposed new addition is being built in order for the applicant to increase the living space in an otherwise small structure. The property was improved in 1926; therefore some aspects of the structure are nonconforming, in this case side yard requirements. Section 223 of the Zoning Regulations was designed to provide the opportunity for making simple modifications to such structures. The proposed new addition will be designed to be in character, scale and pattern with other houses on Square 4202.

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

No. Based of the analysis of Section 223, the new addition will not adverse affect neighboring properties in accordance with the Zoning Regulations and Maps

The proposed new two-story rear addition will not adverse affect neighboring properties in accordance with the Zoning Regulations and Maps. The addition will enhance the character; the only windows will be on the rear wall facing the alley and away from neighboring properties on both sides of the subject structure. Further, the proposed addition will not diminish light and air from neighboring properties.

COMMUNITY COMMENTS

The applicant has so far been unsuccessful in getting on the January 26, 2005 agenda of ANC 5A. OP has requested the applicant provide a copy of the ANC's recommendation, if the special exception proposal is taken-up by the ANC.

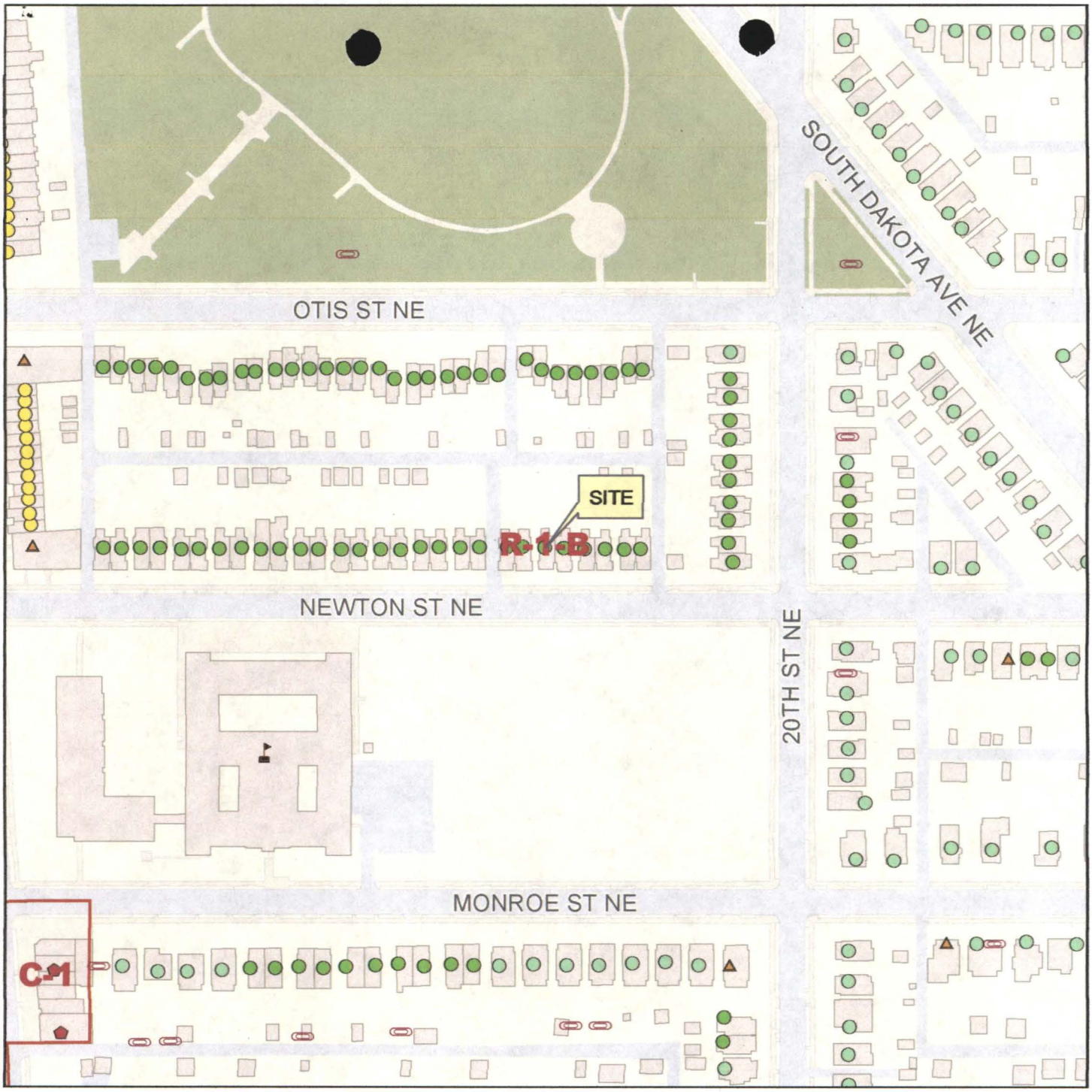
The applicant has received good support from the community, after circulating a petition among Neighborhood property owner.

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

OP RECOMMENDATIONS

The Office of Planning finds that the applicant has satisfactorily met all the requirements specified in Section 3104.1 and 223, and that the proposed two-story rear 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.

EM/jm



Zoning and Land Use Map
BZA Application #17277
1`916 Newton Street, NE

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Feet
0 100 200

Land Use Legend

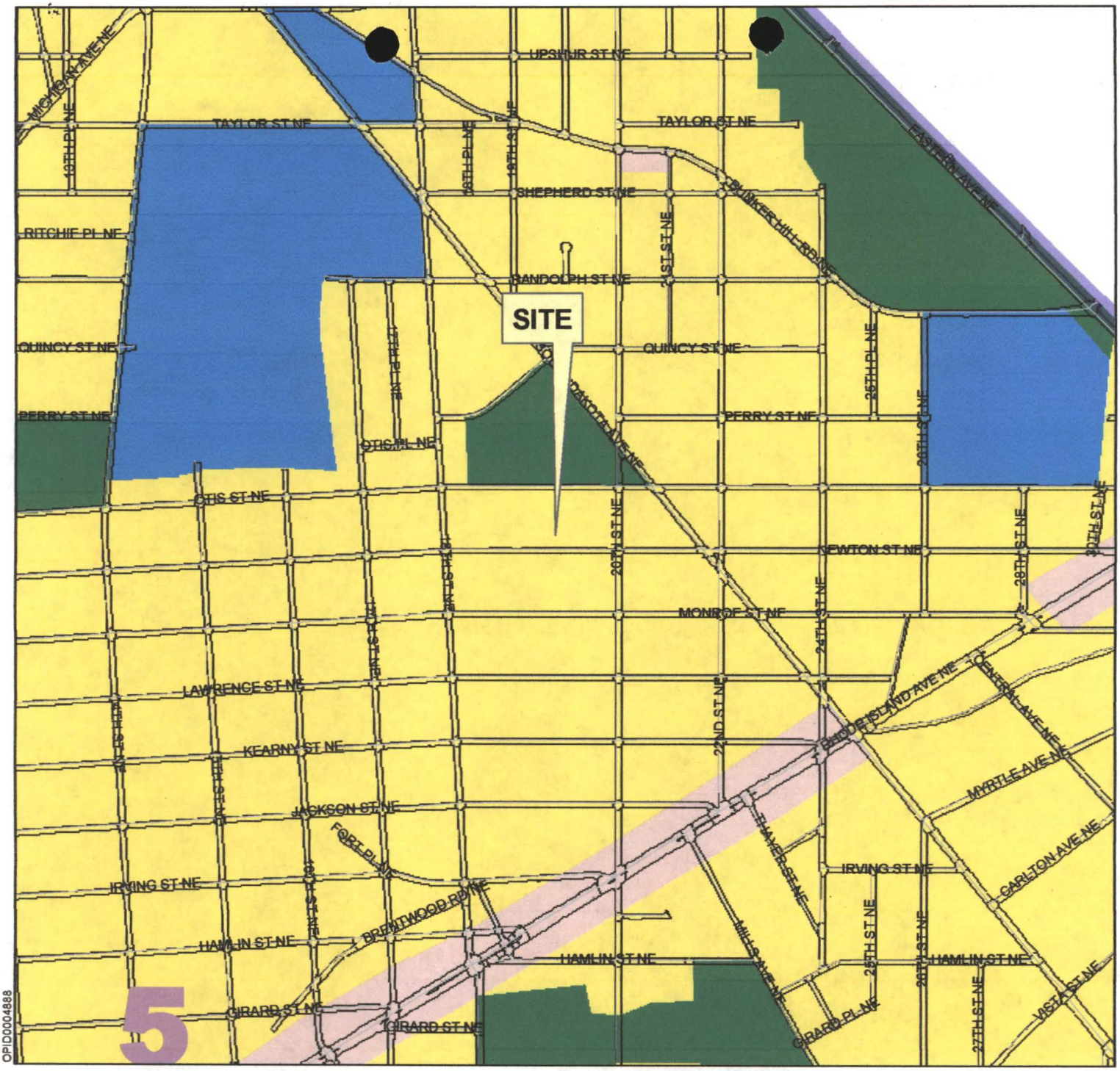
- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose
- Warehouse
- Religious
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Recreational
- Health Care Facility
- Memorial
- Special Purpose
- Vacant

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

Office of Planning ~ January 6, 2005

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.

Attachment 1



Comprehensive Plan Map
BZA Application #17277
1916 Newton Street, NE

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Feet

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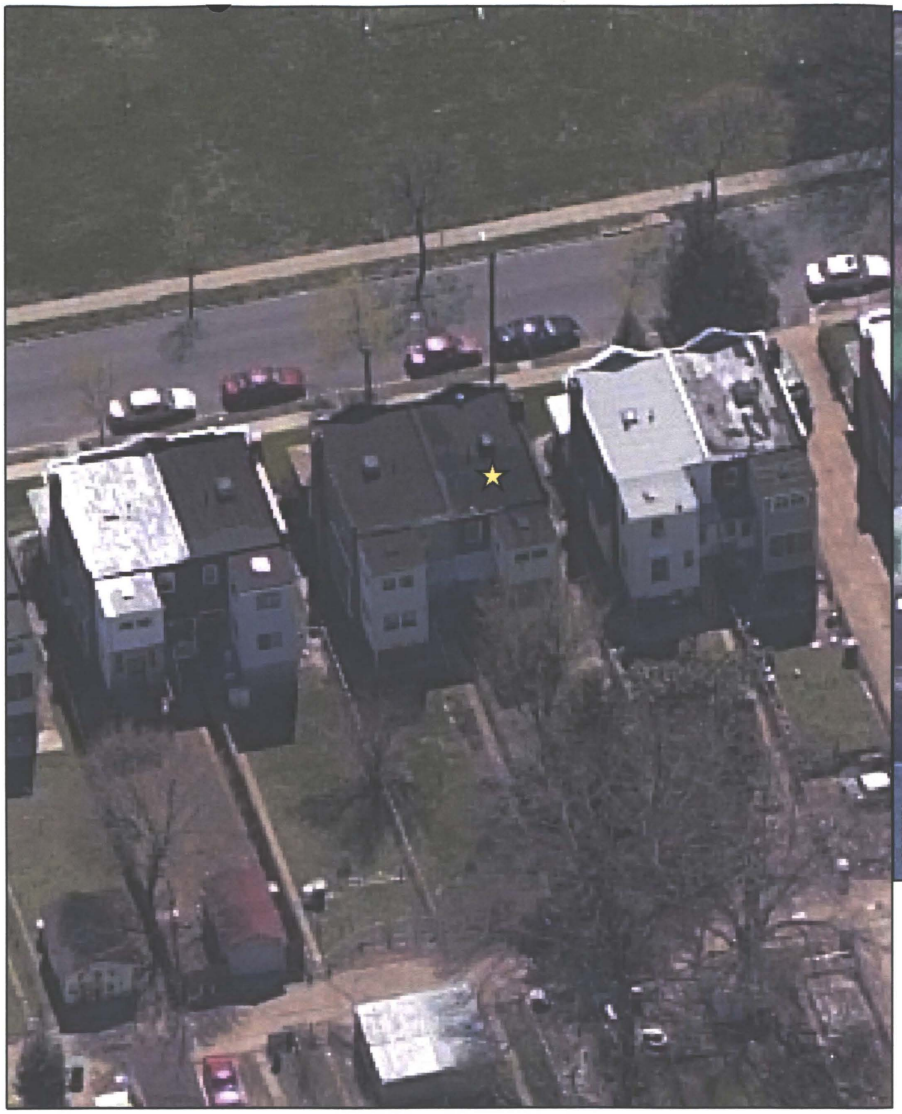
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Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Attachment 2





N

Feet
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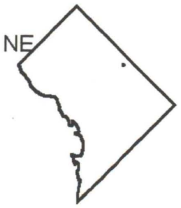
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BZA Application - 17277
Two-story Rear Addition
1916 Newton St. NE

Subject site 1916 Newton Street, NE



Attachment 3