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 M. McCarthy
Interim Director

DATE: January 25, 2005

SUBJECT: BZA Application 17279 - Request filed by Allen Neyman, AIA for **a special exception** to permit a building addition to an existing one-family row dwelling at 2604 Mozart Place, N.W., proposed by Stephanie Peters and Charles Fishman

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APPLICATION
Application of Stephanie Peters and Charles Fishman for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit a building addition to an existing one-family detached dwelling not in conformance with § 403.2, Percentage of Lot Occupancy, § 404.1, Rear Yard and § 406.1, Courts

for property located on the west side of Mozart Place, N.W., between Euclid Street and Fuller Street, Square 2579, Lot 19.

The subject application also includes a request to increase the maximum FAR permitted. However, the applicant has since refined the floor area calculations and as a result a variance is no longer needed. Therefore, only special exception relief is required.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request for special exception.

PROJECT DESCRIPTION
The applicant proposes to remove a two-story screened-in porch at the rear of the row house on the subject property and construct a two-story building addition. This building addition requires special exception relief to:

1. Increase the lot occupancy from 60 percent to 70 percent;
2. Reduce the minimum rear yard from 15 feet to 12 feet; and
3. Reduce the minimum width of an open court from 10 feet to 2 feet.

BZA
Case No. 17279
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17279
EXHIBIT NO. 24

The building addition will reduce the rear yard to 12 feet and provide an open court facing the adjoining property to the north a minimum of two feet in width for a distance of 9 feet, 3 ¼ inches. No windows or doors are proposed to open onto this portion of the open court. This open court will be a continuation of an existing 3.9 foot wide open court. No side yard is proposed along the southern property line, in conformance with the provisions of the R-5-B Zone District.

SITE AND AREA DESCRIPTION

The subject property consists of Lot 19 of Square 2579, in the North West quadrant of the District. It is 1,513 square feet in area, has a lot width of 17 feet and is rectangular in shape. It is improved with a 2-story one-family row dwelling constructed in 1910. Rear access is provided via a 10-foot wide public alley on the west side of the subject property, accessible from either Mozart Place or Fuller Street.

The surrounding area is developed with a mixture of residential uses, including row houses, apartment buildings and flats. Commercial uses are located to the north on Columbia Road and apartment buildings and embassy related uses are located along 16th Street.

To the north is a row house within the R-5-B Zone District. To the south is a multi-family building within the R-5-B Zone District. To the west, across the public alley, are multi-family uses within the R-5-B Zone District. To the east, across Mozart Place is the former Italian Chancery within the D/R-5-B Zone District.

The area has been identified on the Generalized Land Use Map as being located within "mixed use" land use category, consisting of the "moderate density residential" and "low density commercial" land use categories. The mixed use land use category is described as *"[a] combination of land use categories are depicted in areas where a variety of uses are to be encouraged. Mixed use areas include existing commercial areas and areas proposed for significant land use changes."*

Moderate Density Residential Land Use: "*Row houses and garden apartments are the predominant uses; may also include low density housing.*"

Low Density Commercial Land Use: "*Shopping and service areas that generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses.*"

EXISTING ZONING

The subject property is located within the R-5-B *"moderate density general residence district"*. (§ 105.1(a)(5)(B))

R-5-B Residential District

"The R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district, except as provided in §§ 350 through 361, all types of urban residential development if they conform to the height, density, and area requirements established

for these districts under chapter 4 of this title. The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts." (§ 350.1)

RELIEF REQUESTED:

Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats

§ 223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are as follows:

"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 §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The proposed addition is to a one-family row dwelling in a district in which the use is permitted as a matter of right, the R-5-B Zone District, as per § 350.4(a) of the Zoning Regulations. The subject property also does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3, specifically § 403.2, Percentage of Lot Occupancy, § 404.1, Rear Yard and § 406.1, Courts. Therefore, the proposed addition may be permitted as a special exception if approved by the Board of Zoning Adjustment.

"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:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed building addition will provide for a one-room addition on each of the three levels (basement, first and second) of the dwelling. It will be located on the rear of the dwelling, in a location approximate to a former two-story screened in porch. Although the width of the open court is to be reduced to a minimum of 2 feet, no side yards are required within the R-5-B Zone District. The proposed building addition could have been proposed to be located along on the common lot line to the north, the same as it is proposed to be located on the south, in conformance with the provisions of the R-5-B Zone District.

A distance of 22 feet (the proposed 12-foot rear yard plus the 10-foot wide public alley) will separate the property to the west of the alley, in excess of the minimum required 15-foot rear yard that

would otherwise have separated the two properties had a public alley not been located between the two.

The building located across the rear alley contains windows facing the subject property. However, the proposed building addition is only two stories in height and the proposed building addition will be separated from that building by a distance of 22 feet. The combination of the distance between the addition and property across the alley, in combination with the modest height of the addition, will minimize the impact the impact that the proposed addition will have on the building across the alley. Therefore, light and air to neighboring properties will not be unduly affected.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed building addition will contain no windows on either side, preserving the privacy of the adjoining properties to the north and south. The property to the rear, located across a 10-foot wide public alley, is a multi-family dwelling. The proposed building addition will be set back off of the nearest lot line of this property by 22 feet (12 foot proposed rear yard plus the 10 foot width of the alley), minimizing the impact this proposal will have on that property. Therefore, the privacy of use and enjoyment of neighboring properties will not be unduly 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 frontage; and*

The proposed addition will be visible from the alley only. It is proposed to be located in approximately the same location as the existing two-story screened-in porch. Although larger, the proposed addition is to be located in approximately the same location as the porch, and is designed to appear residential in character. Therefore, it will not substantially visually intrude upon the character, scale and pattern of houses along the street or alleys.

(d) *In demonstrating compliance with paragraphs (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 views from public ways.*

The applicant submitted photographs and architectural drawings as a part of the application in support of § 223.

"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.

The proposed lot occupancy of 70 percent is permitted by § 223.3 for the R-5 Zone Districts.

"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.

The Office of Planning does not make any special treatment recommendations.

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

A one-family row dwelling is a use permitted as a matter of right within the R-5-B Zone District. The approval of this application will not permit the introduction or expansion of a nonconforming use.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 223 and that granting the relief, "*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,...*" (§ 3104.1)

COMPREHENSIVE PLAN

This proposal will contribute toward achieving the following policy of the Ward 1 Element:

"*To promote the conservation, enhancement, and revitalization of Ward 1's residential neighborhoods for housing and neighborhood related uses;*" (§ 1320.1(a))

COMMUNITY COMMENTS

ANC 1C "*passed a resolution on January 5, 2005 to accept the variance application.*"

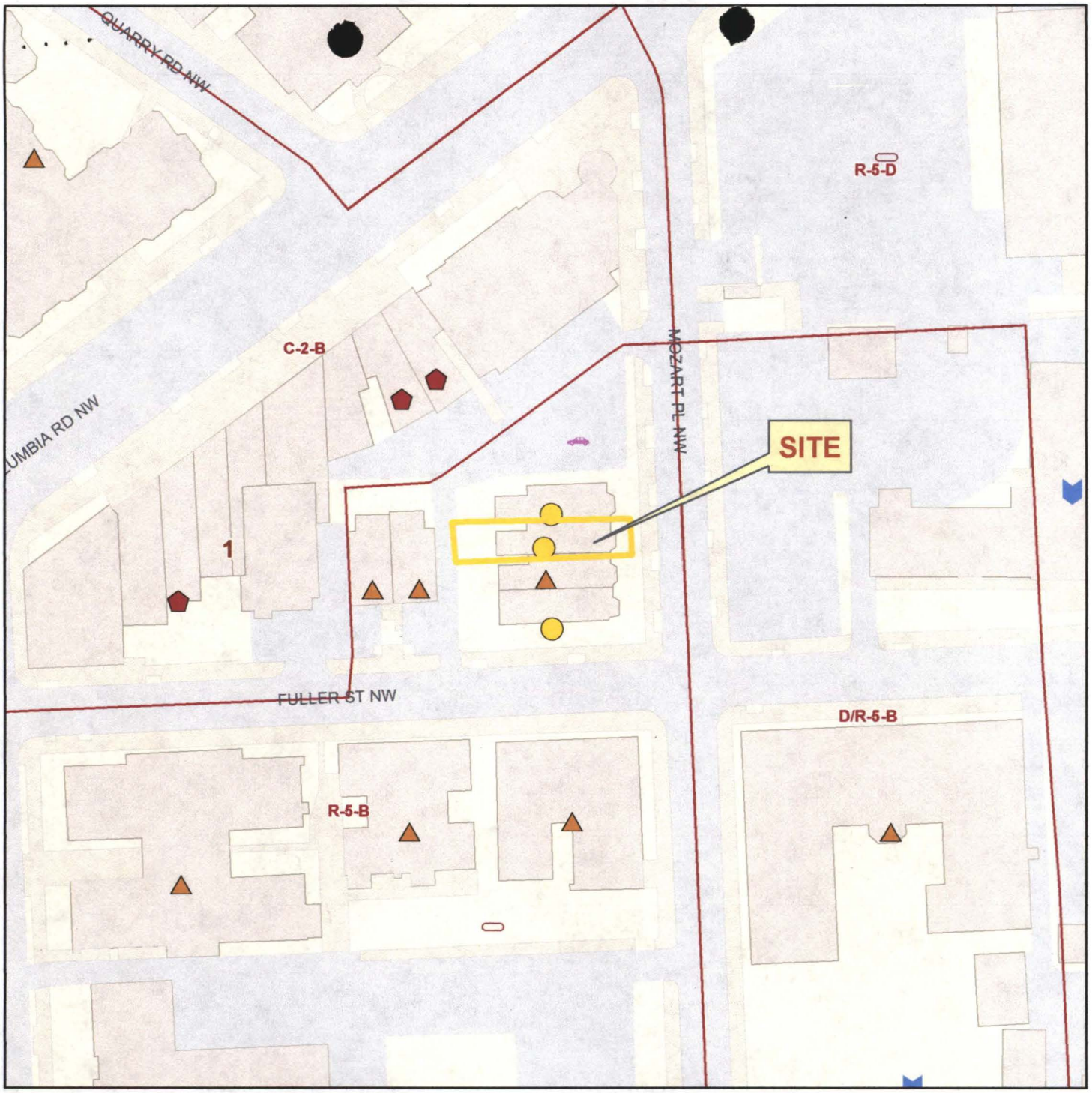
RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. The

Office of Planning concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends **APPROVAL** of the application.

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BZA APPLICATION NO. 17279
2604 Mozart Place, N.W.

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

Office of Planning ~ January 21, 2005

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- Rowhouse
- Multi-family
- Store
- Parking - Special Purpose
- Embassy or Chancery
- Vacant

