GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 27, 2005

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SUBJECT: BZA Application 17283

APPLICATION
Julia Jones and Jason Pugh, the Applicants, request a special exception under Section 223.1 to allow construction of a two-level addition with a rooftop deck to a flat dwelling located at 429 1st Street, S.E. (Square 694 Lot 831) pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy percentage to 70%, and reduce the required side yard setbacks in accordance with the submitted plans, subject to a condition that the open deck area either be eliminated or visually screened from the abutting second floor windows.

SITE AND AREA DESCRIPTION
The subject property is approximately 16 feet wide, has an area of 0.03-acre (1,138 square feet), and is immediately east of the tree-lined frontage of 1st Street, S.E. The lot is developed with an attached 2½ story flat dwelling (circa 1880). A gated wooden fence six feet tall surrounds the angled rear (western) property boundary. Beyond this boundary is an area that apparently serves as a public access easement that continues south and east to 1st Street.

Development in the vicinity primarily consists of similar 2½ story dwellings to the north and south along the same frontage of 1st Street, N.E., 4-5 story office buildings to the east across 1st Street, a 1 ½-story detached dwelling to the west, and 3-story row dwellings further west along the frontage of New Jersey Avenue, S.E. The subject flat and all the surrounding buildings are of masonry construction.

Lots west of 1st Street (including the subject property) are in a Residential (R-4) zone district with the CAP overlay zone district (refer to Exhibit 1). A Community Business Center (C-2-A) zone district and Capital Interest (CAP) overlay zone district cover commercial properties east of

BZA
Case No. 17283
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17283
EXHIBIT NO. 24

1st Street. The site and surrounding properties are also located within the Capitol Hill Historic District.

APPLICANT'S PROPOSAL

The Applicants would like to construct a two-level rear addition of masonry construction with a rear porch and roof deck. The Statement of Existing and Intended Use explains the plan is to convert this flat into a single-family row dwelling. The addition would provide a new bedroom and bath at the cellar level, and a new back porch (deck) with stairs to grade, kitchen and powder room on the first floor (thus allowing a separate dining room). A large open deck on the roof would be directly accessible from the rear second floor bedroom. Submitted plans indicate the proposed addition would have an average rear yard setback of 21.5 feet, side yard setbacks less than 1 foot, and would increase the lot occupancy percentage from approximately 45% to 70%.

EXISTING ZONING AND RELIEF REQUESTED

The site in a R-4 zone district and CAP overlay zone district. Zoning Regulations Section 330.5 (a), per Section 320.3 (b), allow one-family attached dwellings as a matter of right. The existing dwelling predates the current regulations. However, since the lot does not meet the minimum 18-foot width or the 1,800 square-foot minimum area requirement for a row dwelling in this zone district, the property is in nonconformance with the Zoning Regulations.

The regulations include the following provision for expanding buildings on such properties:

"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, nonconforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

The zoning tabulation submitted with this application indicates that the new construction would increase the total lot occupancy to approximately 70% (the maximum allowed in R-4 is 60%). After construction plans were submitted for building permits, the Zoning Administrator referred this proposal to the Board of Zoning Adjustment (BZA) to request special exception relief under Section 223.

The proposed addition will also set back from each side property line less than 1 foot. Section 405.9 requires no setback or a minimum side yard of 8 feet (based on the approximately addition height of 20.5 feet). OP therefore thinks the proposal requires relief from the side yard setback requirement along the northern and southern property boundaries.

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 permit the proposed addition with nonconforming side yard setbacks and a lot occupancy percentage in excess of what is allowed subject to the provisions of Section 223.

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;

(a) *The light and air available to neighboring properties shall not be unduly affected;* The proposed addition to the western façade would not affect the air and light available to neighboring dwellings to the north and south due to the east-west orientation of existing flat. In addition, shadows cast by the addition would mostly fall within the shadow of the principal dwelling. Since the addition would not affect buildings to the east behind the principal structure, this proposal should not have an adverse impact on neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; There are no window or door openings in the side walls, so the proposed addition would not impact the privacy of neighboring rear yards to the north and south. Rear window and doors would have substantially the same views as are currently available from the residence. However, the open roof deck would be at the same level as the second floor windows of abutting dwellings to the north and south. Based on this circumstance, privacy on the second floors of the neighboring row dwellings could be compromised.

Therefore, OP recommends removal of the open deck or installation of visual screening such as lattice along the sides.

(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 Historic Preservation Review Board reviewed this proposal on November 18, 2004. Staff recommended Board approval finding that, "Overall, the proposal is consistent with the character of rear additions in the Capitol Hill Historic District in terms of it's overall form, size, façade organization, and general materials use" (refer to Exhibit 2).

(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 application is consistent with this limitation.

223.3 *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 recommends elimination of the rooftop deck, or visually screening the deck area from the abutting second floor windows.

With the stated conditions, OP concludes that the application would meet the requirements of Section 233.

Compliance with Section 3104.1:
Based on the findings of Section 223, granting the requested relief could be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and the proposed changes will not tend to affect adversely the use of neighboring properties.

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

COMMUNITY COMMENTS
During a regular meeting on January 11, 2005, Advisory Neighborhood Commission (ANC) 6B voted unanimously to support this application as presented.

AGENCY COMMENTS
The Historic Preservation Review Board reviewed and approved this project in concept during its meeting on November 18, 2004. In doing so, the Board delegated approval of final construction plans to staff (refer to Exhibit 2).

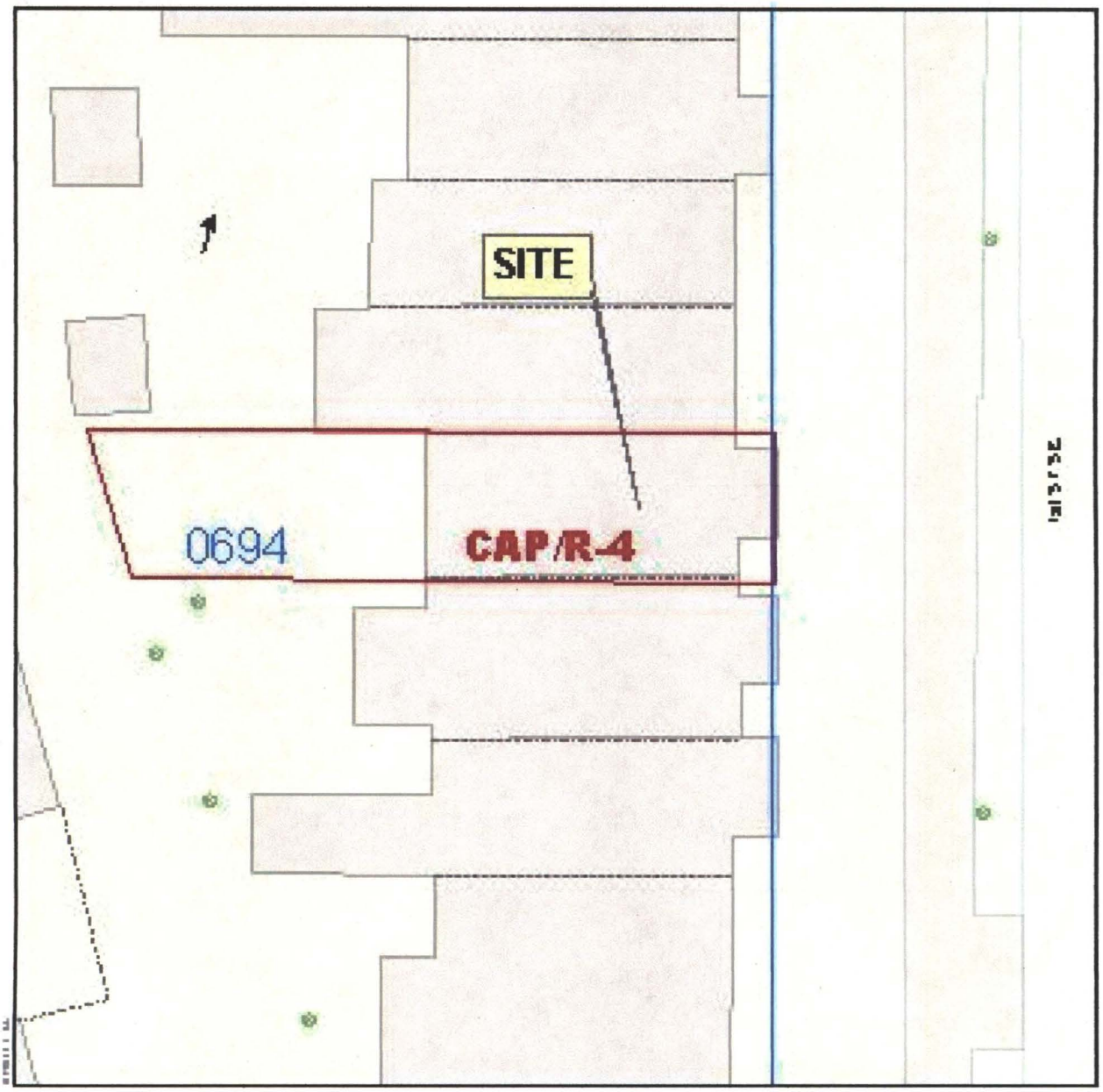
RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy percentage to 70%, and reduce the required side yard setbacks in accordance to the submitted plans, subject to a condition that the open deck area either be eliminated or visually screened from the abutting second floor windows.

AA/afj

Attachments:

Exhibit 1 Aerial Including Zoning
Exhibit 2 Staff Report and Recommendation to the Historic Preservation Review Board for 429 1st Street, S.E. for the Meeting on November 18, 2004

Exhibit 1



BZA Application No. 17283
429 1st Street S.E.

LEGEND
Property Squares
Street Centerlines
Zoning Districts
Buildings
Curbs
Alleys and Parking
Sidewalks

Government of the District of Columbia
Anthony A. Williams, Mayor
Office of Planning – January 2, 2002

This map was created for planning purposes from a variety of sources. It is not a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.
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HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**429 1st Street, SE**		Agenda
Landmark/District:	**Capitol Hill Historic District**	X	Consent Calendar
		X	Concept Review
Meeting Date:	**November 18, 2004**	X	Alteration
H.P.A. Number:	**05-044**		New Construction
Staff Reviewer:	**Emily Paulus**		Demolition
			Subdivision

The applicant, architect Kirsten Hartwig for owners Julia Jones and Jason Pugh, seeks conceptual design review for construction of a one-story addition with a second-story roof deck on the rear of a two-story with raised basement rowhouse in the Capitol Hill Historic District.

Extending from the rear elevation, the addition would measure approximately 12 feet deep by 16 feet wide. The addition would be clad in brick and include three multi-light doors topped by transoms and a stone header. A painted wood rear deck would extend 4½ feet from the rear wall while a painted wood deck would sit atop the roof. An existing window at the third floor would be converted to a door, providing access to the rooftop deck.

Overall, the proposal is consistent with the character of rear additions in the Capitol Hill Historic District in terms of its overall form, size, façade organization, and general materials use.

The project does exceed the maximum allowable lot coverage (60%) for a rowhouse and will require a zoning variance. However, the proposed lot coverage (69%) is not inconsistent with adjoining properties and maintains roughly the same size as other properties on this block.

The staff recommends that the Review Board approve the project in concept as consistent with the purposes of the preservation act, and delegate final approval to staff; however, this approval should not be construed to constitute an endorsement for the necessary zoning variances or zoning relief.

HPRB Action: staff report adopted.