GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Interim Director

DATE: February 15, 2005

SUBJECT: BZA Case No. 17286

APPLICATION

The application by Grace Guggenheim pursuant to 11 DCMR 3104.1, for a special exception pursuant to Section 223 to allow an addition to a non-conforming structure devoted to a conforming use, in the R-3 District.

RECOMMENDATION IN BREIF
The Office of Planning recommends **approval** of the requested special exception.

SITE AND AREA DESCRIPTION
The subject property is in the Woodley Park Neighborhood of Ward 3 located at 2912 Cortland Place, N.W. the site is bound to the north by Cortland Place, Cathedral Avenue to the south, 29th Street to the east and Woodley Road to the west. There is a 16-foot alley that bisects the subject block from east to west. (See attached Area Photograph)

The areas surrounding the subject property to the north, south and west are predominantly low density residential in character. The area to the east is a mixture of low, moderate and medium density residential. The National Zoological Park and Rock Creek Park are approximately three blocks southeast of the subject site. There are both high-density residential and medium density commercial along Connecticut Avenue, which is approximately three blocks east of the subject site. (See attached Comprehensive Plan Map)

The subject property was improved with a residential structure in 1920, which was prior to the adoption of the current Zoning Regulations. Therefore, the structure did not comply with some of the current zoning requirements, such as lot area, lot occupancy and rear yard requirements. The lot contains a three-story semi-detached dwelling with basement.

BZA
Case No. 17286
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17286
EXHIBIT NO. 23

PROPOSAL

The applicant proposes to construct a rooftop addition to enlarge the existing third floor of a single-family dwelling. The addition will consist of a dormer added to the front (north), another dormer on the east side and enlarging the roof on the south side to allow for a third dormer. The third floor of the dwelling is accessible by a small winding staircase. The proposed addition will include a larger interior staircase that will be building code compliant. The proposed addition will allow the applicant to create a recreation space or possibly use some of the space as a home office.

ZONING ANALYSIS

The subject dwelling is in the R-3 District, a district designed essentially for row dwellings, but there shall be included in the R-3 District areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of thee or more row dwellings. To maintain a family-life environment, permitted related uses are the same in R-3 Districts as in R-1 Districts. (See attached Zoning and Land Use Map)

The subject dwelling was built in 1920 prior to the adoption of the current Zoning Regulations. The structure was grandfathered into the R-3 District as a non-conforming structure devoted to conforming use. In 1996, the owner (Application No. 16167), pursuant to 11 DCMR 3107.2 requested a variance to allow an addition to an existing non-comforting structures that exceeded the allowable lot occupancy requirements and did not meet the minimum rear yard requirements and would increase both non-conformities. The Board granted the previous request. The applicant is now requesting to make further modifications to the top floor of the structure. Minor modifications are permitted in the R-3 District by special exception, if they meet the standards in Section 223.

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 if the requested special exception is granted to the subject structure. The proposed dormers will not cause a reduction in the amount of light and air to neighboring properties. The front of the dwellings on the subject block are orientated towards the north, opposite the east-west direction

that light travels, and there are no physical impediments that block the flow of light and air from structures on the block.

The applicant has the support of the immediate neighbors on both sides of the proposed addition, as well as other neighbors on the subject block. Nearly all of the dwellings on the block, west of the subject dwelling, already have dormers similar to those proposed for the subject structure.

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. The proposed dormers are designed to bring light into the third floor, but will not provide an intrusive view into neighboring property. The dwelling attached to the subject dwelling on the west has dormers on the east side of the third floor. However, the subject dwelling will not have dormers on the west side.

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 proposed new addition to the subject structure will enhance the character, scale and pattern of houses along the subject street frontage. The proposed third floor dormers will be visible from Cortland Street, the front of the property as well as from the alley, which is at the rear of the property. However, nearly all of the dwellings on the subject block have dormers similar to those proposed for the subject dwelling. There is also broad support for the proposed addition by neighboring property owners.

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-3 District for a church or public schools is 60%. All other structures are limited to maximum matter-of-right lot occupancy of 40%. The subject dwelling is a semi-detached structure of approximately 1280 square feet, occupying 46.5% of the 2750 square foot lot. In 1996 (Application No. 16167) the applicant was granted a variance to allow an addition to an existing non-conforming structure that exceeded the lot occupancy requirements

and the minimum rear yard requirements. The proposed dormers will be constructed within the footprint of the exiting building, will conform to use and structure requirements, and will not increase or extend any non-conforming aspect of the structure.

The subject property is 6.5% above the 40% lot occupancy permitted in the R-3 District as a matter-of-right. However, the property is eligible for a maximum lot occupancy of 70% by special exception in the R-3 District. (§ 223 11 DCMR)

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 third floor dormer additions 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 was constructed in 1920, prior to the adoption of the Zoning Regulations in 1958. The applicant plans to continue using the property for its residential purpose. The proposed new addition is being built in order for the applicant to create more living space (recreation space or home office) in an otherwise small structure. Section 223 of the Zoning Regulations was designed to provide the opportunity for making modifications to structures such as the subject structure that otherwise are non-conforming. The proposed new addition will be designed to be in character, scale and pattern with most of other houses on the subject block.

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

No. Based on the analysis of Section 223, the proposed new dormer additions to the subject structure will not adverse affect neighboring properties in accordance with the Zoning Regulations and Maps. To the contrary, the additions will be compatible with dormers on other structures on the block and will not tend to unduly affect light and air to neighboring properties.

COMMUNITY COMMENTS

The proposed special exception was presented to Advisory Neighborhood Commission 3C on January 25, 2005. The ANC voted to approve the application.

The Commission of Fine Arts has no objections to the proposed renovation and addition of three (3) dormers.

The applicant has received support from immediate neighbors, (2914 & 2910 Cortland Place) and other neighbors on the subject block.

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 dormer additions 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



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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.
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BZA Application - 17286
Third Story Addition
2912 Cortland Place, NW



Zoning and Land Use Map
BZA Application #17286
2912 Cortland Place, NW

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Land Use Legend

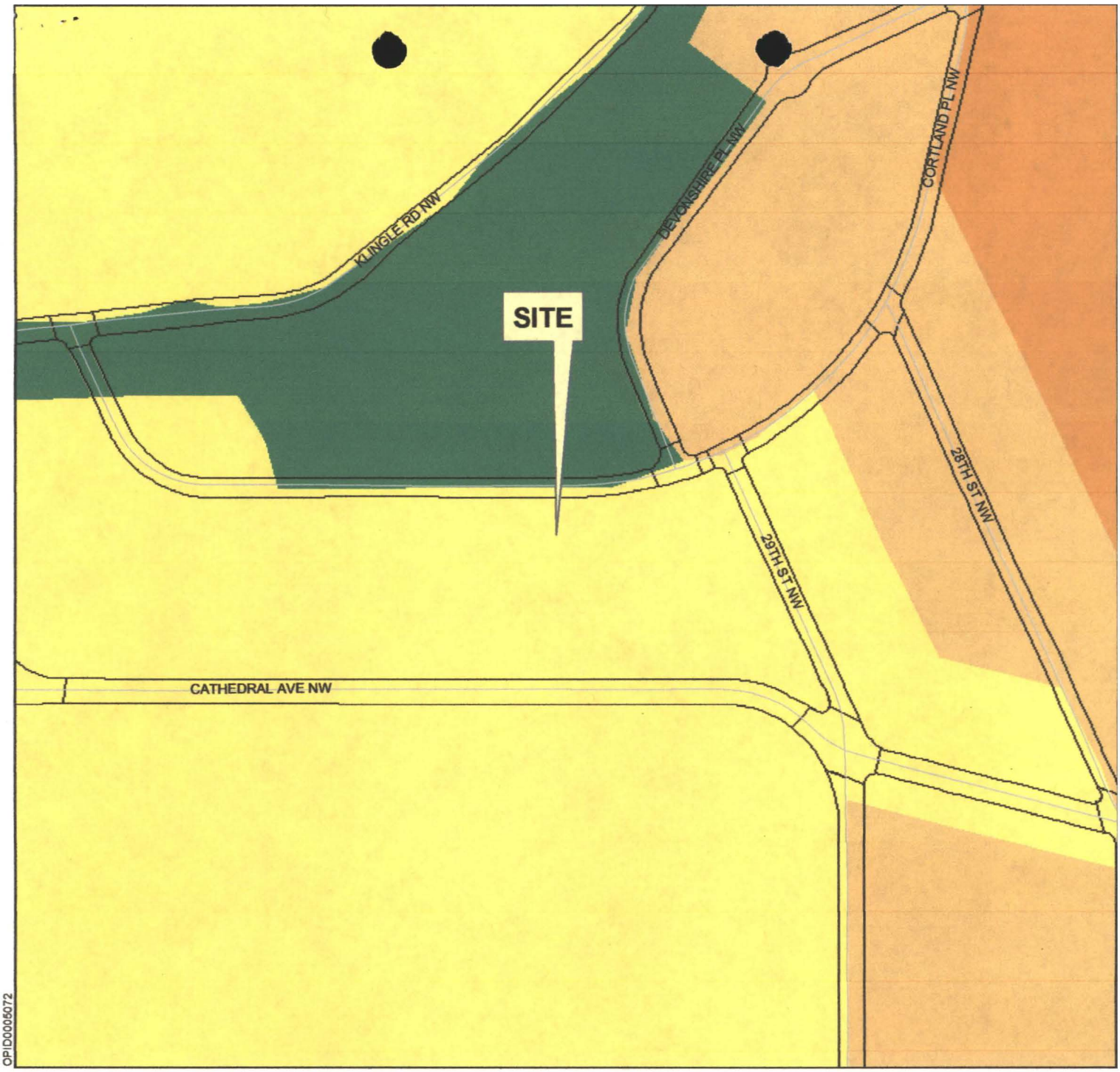
- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose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

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Attachment 1



Comprehensive Plan Map
BZA Application #17286
2912 Cortland Place, NW

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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