GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment of the District of Columbia

FROM: Ellen M. McCarthy
Interim Director

DATE: March 29, 2005

D.C. ZONING COMMISSION
2005 MAR -5 PM 5:00

SUBJECT: BZA Application 17303 - Request filed by Thomas V. Stehle for a **special exception** to permit a building addition to the rear of an existing flat, for 1223 Girard Street, N.W.

APPLICATION
Application of Thomas V. Stehle for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit the construction of a building addition to the rear of an existing flat not in conformance with § 2001.3, Nonconforming Structures Devoted to Conforming Uses

for property located on the north side of Girard Street, N.W., between 11th Street and 13th Street, Square 2856, Lot 35.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

HISTORY
This property was the subject of BZA Application No. 15018, granted on July 13, 1989, for variances to permit:

1. A building addition onto an existing structure not in conformance with minimum lot width, maximum lot occupancy and minimum court width;
2. A decrease in minimum lot width to 16.67 feet;
3. An increase in the maximum lot occupancy permitted to 61.7 percent; and
4. A decrease in minimum open court width to 3 feet

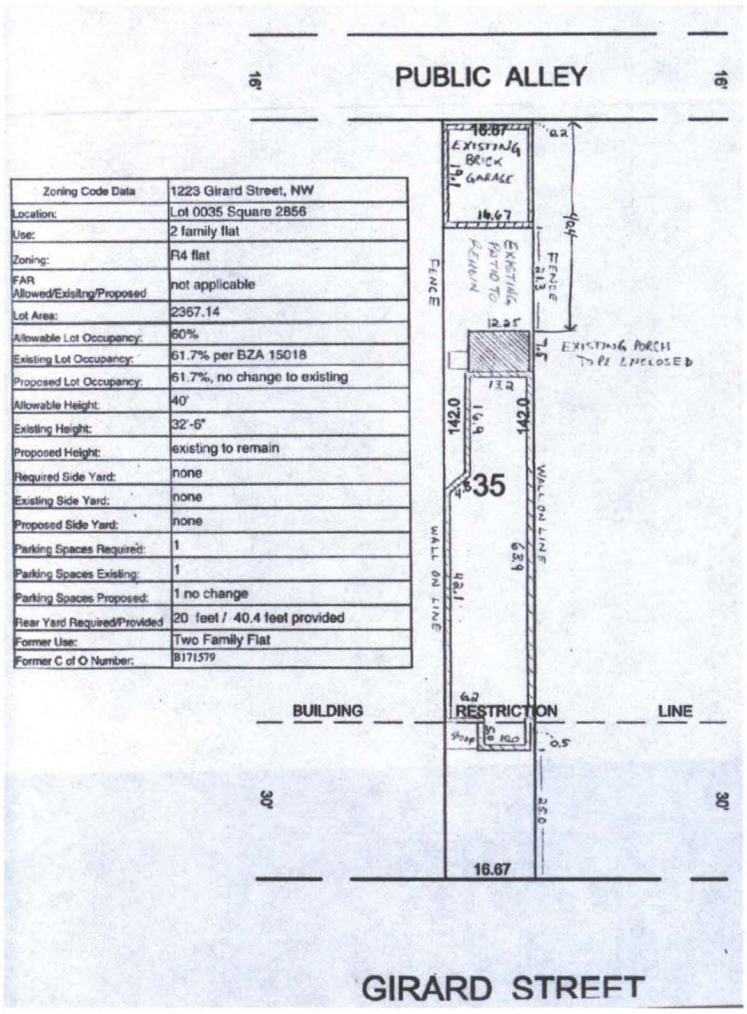
for the reconstruction and expansion of a rear porch onto a nonconforming row house within the R-4 Zone District. A deck was subsequently built in conformance with the approved variance.

BZA
Case No. 17303
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17303
EXHIBIT NO. 25

REQUEST

The subject application proposes to enclose the existing rear deck and construct an enclosed second story above it. The proposal will have no effect on existing lot occupancy, open court width or rear yard. It is in conformance with the maximum number of stories and building height permitted within the R-4 Zone District. However, because the existing dwelling is a nonconforming structure devoted to a conforming use not in conformance with all structure requirements, specifically lot width, lot occupancy and open court width for which a variance was granted in 1989, special exception relief pursuant to § 223 is necessary to construct the proposed building addition.



Zoning Code Data	1223 Girard Street, NW
Location:	Lot 0035 Square 2856
Use:	2 family flat
Zoning:	R4 flat
FAR Allowed/Exisitng/Proposed	not applicable
Lot Area:	2367.14
Allowable Lot Occupancy:	60%
Existing Lot Occupancy:	61.7% per BZA 15018
Proposed Lot Occupancy:	61.7%, no change to existing
Allowable Height:	40'
Existing Height:	32'-6"
Proposed Height:	existing to remain
Required Side Yard:	none
Existing Side Yard:	none
Proposed Side Yard:	none
Parking Spaces Required:	1
Parking Spaces Existing:	1
Parking Spaces Proposed:	1 no change
Rear Yard Required/Provided	20 feet / 40.4 feet provided
Former Use:	Two Family Flat
Former C of O Number:	B171579

SITE PLAN

SITE AND AREA DESCRIPTION

The property consists of Lot 35 of Square 2856, in the North West quadrant of the District. It is 2,367 square feet in area, has a minimum lot width of 16.67 feet, and is improved with a flat constructed in 1910. A 30-foot deep building restriction line extends across the front of property, and a 16-foot wide public alley provides access to the rear. The rear deck that was the subject of BZA Application No. 15018 extends out from the rear of the structure.

A detached garage is located in the rear yard accessible via the alley, providing parking for one vehicle.

The surrounding area is primarily developed residentially. To the north, across the public alley, is the Carlos Rosario International School. To the east and west are row houses. To the south, across Girard Street, are row houses and flats. All surrounding properties are located within the R-4 Zone District.

The area has been identified on the Generalized Land Use Map as located within the moderate density residential land use category- "*Row houses and garden apartments are the predominant uses; may also include low density housing.*"

EXISTING ZONING
The subject property is located within the R-4 "*row dwellings, conversions, and apartments residence district.*" (§ 105.1(a)(4))

R-4 Residential District
"*The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings for two (2) or more families.*" (§ 330.1)

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 flat in a zone district in which the use is permitted, the R-4 Zone District. The proposed addition is not in compliance with § 2001.3, Nonconforming Structures Devoted to Conforming Uses.

"*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 enclose and add a second story onto the existing deck, utilizing the same footprint as the existing deck. No increase in building footprint is proposed and the addition is proposed for the north side of the dwelling. The rear yard is to remain at 40.04 feet, slightly more than twice the minimum 20 feet required by the zone district, resulting in rear yard of sufficient size to ensure that adequate light and air are provided. Therefore, light and air available 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 or other openings along its southern side, the side to be constructed adjacent to the common lot line with the row house to the south, preserving the privacy of that dwelling. The building addition will be set back from the common lot line to the north a distance of 4.42 feet. Therefore, privacy and 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 building addition will be visible from the alley and from Harvard Street, across the school property. The proposed building addition is designed to be residential in appearance and is not dissimilar to other rear building additions constructed onto residential row houses. Therefore, it will "*not substantially visually intrude upon the character, scale and pattern of houses along the frontage*".

(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 61.7 percent is less than the maximum 70 percent permitted by § 223.3 for the R-4 Zone 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.*

The Office of Planning does not recommend special treatment.

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

A flat is permitted as a matter of right within the R-4 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 objective of the Ward 1 Element:

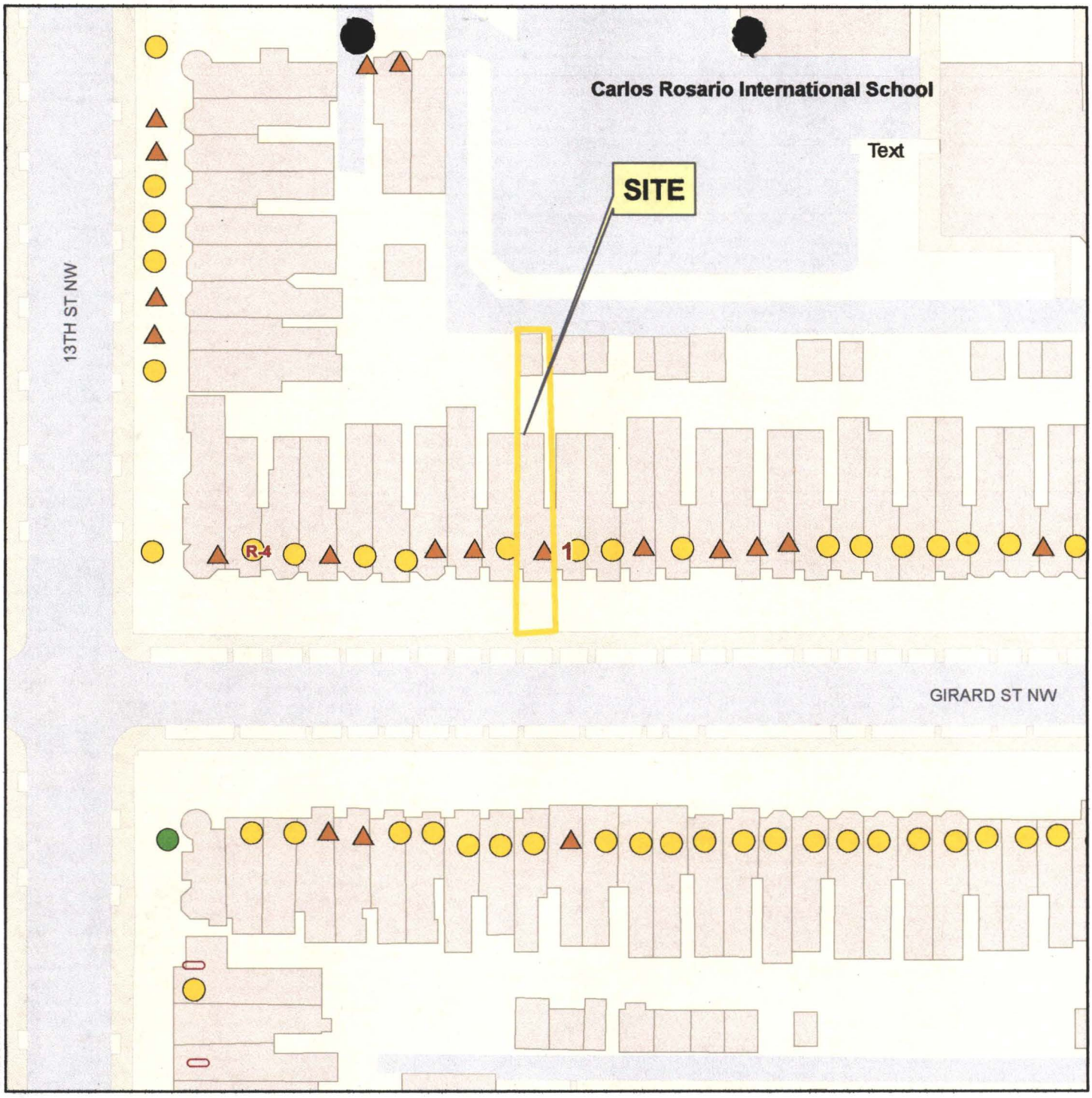
"... Existing housing should be maintained and improved for current and future residents;" (§ 1402.3)

COMMUNITY COMMENTS
ANC 1B, at their regularly scheduled meeting of March 3, 2005, voted unanimously to support the application.

RECOMMENDATIONS
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 application 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 as submitted by the applicant.

EMM/sjm$_{AICP}$



BZA APPLICATION NO. 17303
1223 Girard Street, N.W.

N

Feet

0 50 100

Rowhouse

Multi-family

Single-Family Semi-Detached

Vacant



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

Office of Planning ~ March 29, 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.