GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy
Interim Director

DATE: April 12, 2005

SUBJECT: BZA Application 17306

APPLICATION
Hannah Reisman, the Applicant, requests a special exception under Section 223.1 to allow expansion of an existing single-family dwelling located at 301 3rd Street, N.E. (Square 763 Lot 24) pursuant to Section 3104.1 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requested special exception subject to a requirement to paint and maintain the stucco exterior of the addition the same color as the existing dwelling. The applicant has not reviewed the current design with Historic Preservation Office (HPO) staff, and OP notes that if the HPO review results in changes, the applicant may need to modify the special exception request.

SITE AND AREA DESCRIPTION
The subject corner lot is approximately 0.09-acre (1,713 square feet) in size and located immediately southwest of the C Street intersection with 3rd Street, S.E. Public records show the property address as 301 3rd Street while the application uses an address of 227 C Street, S.E. The existing semi-detached, 2,400-square foot flat (circa 1880) is of masonry and wood frame construction, and has a basement. It extends from the 3rd Street frontage (eastern property boundary) to the western boundary along the C Street frontage. The front porch, window bay and the cellar doors extend north beyond the property line and into the C Street public right-of-way. The rear yard area to the south is covered by a wooden deck and masonry stoop, both less than 2 feet in height, a masonry patio and masonry planters. A masonry privacy wall with a steel door extends from this residence south to the abutting dwelling.

No alley exists to separate the subject property from surroundings lots and buildings. Area development consists mostly of similar two- and three-story row dwellings, and several taller apartment buildings in a Residence (R-4) zone district and a Capitol Interest (CAP) overlay zone district. These lots are also located within the Capitol Hill Historic District (see Exhibit 1).

BZA
Case No. 17306
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17306
EXHIBIT NO. 26

APPLICANT'S PROPOSAL
The applicant's plans would construct a two-story addition that would relocate the main interior stair, thereby allowing:

- expansion of the dining area, a redesigned kitchen and breakfast area including a pantry, on the first floor; and
- creation of a new second-floor landing for the relocated main stair.

Based on submitted plans, the new construction would extend the existing building approximately 4 feet further south, reducing the rear yard setback from 15 feet to 11 feet. This distance is 9 feet less than the minimum requirement of 20 feet in the R-4 zone district. It would also increase the lot occupancy percentage from approximately 52% to 59% while a maximum allowed in this zone district as a matter of right is 40%. Limitations of the CAP overlay zone district do not apply to this proposal.

EXISTING ZONING AND RELIEF REQUESTED
The site is zoned R-4. Zoning Regulation Section 330.5 (a), 320.3 (a) and 300.3 (a) allow a single-family semi-detached dwelling as a matter of right. The existing lot does not meet the required minimum area of 1,800 square feet in this zone district, so it does not conform to current regulations. The existing dwelling is also nonconforming due to the existing rear-yard setback and lot occupancy percentage. The regulations include the following provisions governing the expansion of nonconforming structures:

"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 proposal would further exceed the lot occupancy percentage and rear yard setback allowed as a matter of right. The Applicant therefore submitted this request for special exception relief under Section 223.

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 allow this proposal to further exceed the allowable lot occupancy percentage and further reduce the required rear yard setback subject to Section 223 provisions.

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;* Given that the proposed addition only extends four feet south of the existing dwelling, and is not close to abutting property lines and dwellings to the south and west, this proposal would not affect the available air and light to the neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; Visibility from new second floor windows would be approximately the same as from the current window, so the privacy of neighboring yards to the south and west would not been compromised. Note that the windowless-wall of the abutting dwelling to the west extends along the entire western property boundary.

(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 stucco finish of the addition is a marked departure from the subject and neighboring dwellings that have entirely brick facades. Note that only the second floor (landing) portion of the addition would be visible from C Street above the privacy wall.

Since the property is located within the Capitol Hill Historic District, OP advised the applicant to submit these plans for review by the Historic Preservation Office (HPO). HPO representatives were unable to indicate whether this proposal is consistent with the goals of the historic district based on the submitted plans. To date, the Applicant has not provided any more detailed plans.

As a result, OP recommends a requirement to paint and maintain the stucco exterior of the addition the same color as the existing dwelling. With this condition, it does not appear that the portion of the second-floor of the addition that would be visible from C Street would intrude on the character, scale and pattern of this historic district. This condition is of course contingent on review by the HPO.

(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 provided.

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 proposal is consistent with this provision.

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 recommends a requirement to paint and maintain the stucco exterior of the addition the same color as the existing dwelling, pending whatever requirements result from the HPO review.

OP concludes this application meets the requirements of Section 223 with the above-referenced requirement.

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

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this site and surrounding properties for Moderate-Density residential development characterized row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS
During a regularly scheduled meeting on March 8, 2005, Advisory Neighborhood Commission (ANC) 6F unanimously recommended approval of this request. Copies of letters of support from neighbors residing at 227 C Street (four properties to the west) and 305 3rd Street, S.E. (the abutting property to the south) are attached

RECOMMENDATION
The Office of Planning recommends approval of the requested special exception with a requirement to paint and maintain the stucco exterior of the addition the same color as the existing dwelling, pending the HPO requirements.

EMc/afj

Attachments:
- Exhibit 1 Aerial Including Zoning
- Exhibit 2 Letter to the Board of Adjustment from Scott Cernich, Chairperson, Advisory Neighborhood Commission (ANC) 6B dated March 12, 2005
- Exhibit 3 Letter to Hanna Reisman from Stanley Bandong of 227 C Street, S.E. dated February 25, 2005
- Exhibit 4 Letter "To Whom It May Concern" from Timothy K. Sanders and Carolyn Murphy of 305 3rd Street, S.E. dated November 24, 2004

Exhibit 1



BZA Application No. 17306
301 3rd Street, S.E. (227 C Street, S.E.)

Feet

N

0 10 20 30

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

Office of Planning ~ April 5, 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.

LEGEND

- Property Squares
- Street Centerlines
- Zoning Districts
- Buildings
- Historic Landmark Points

Exhibit 2

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Ave SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

OFFICERS

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Vice Chairperson
Will Hill

Secretary
Julie Olson

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SMD 7 *Sandra Brown Thomas*
SMD 8 *Neil Glick*
SMD 9 *Antonette Russell*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

March 12, 2005

Board of Zoning Adjustments
441 4th Street, NW
Washington, DC 20004

Re: BZA Case # 17306
227 C Street, SE

Dear Board Members,

At its regularly scheduled and properly noticed meeting on March 8, 2005 with a quorum present, ANC 6B voted unanimously (7-0-0) to support the application of Hannah Resiman for a Special Exception, as it was presented to us.

Please notify the Commission if you have any questions or comments.

Yours truly,

Scott Cernich
Chairperson

Cc: Office of Planning

Exhibit 3

Thursday, February 24, 2005

Hannah Reisman
227 C Street, SE
Washington, DC 20003

I, Stanley Bandong, reside and own the home at 219 C Street, SE.

Hannah Reisman showed me around her home at 227 C Street, SE. Also, she showed me the architectural drawings of the proposed plan to build a small extension in the back of the house. She showed me the actual area where the addition would extend about 4-and-a-half feet from the existing building.

As her neighbor, I approved of her plans for this addition.

Sincerely,



Stanley Bandong

Exhibit 4

November 24, 2004

To Whom It May Concern:

We are the landowners of the property at 305 3rd Street, SE, Washington, DC. We have reviewed the renovation plans that Hannah Reissman is proposing to make to her home on 227 C Street, SE, Washington, DC pursuit to the architectural drawings shown to us on November 24, 2004. We do not object to the renovation and we support their proposal.

Timothy K. Sanders

Carol Murphy
305 3rd Street, SE
Washington, DC 20003
202-543-7991