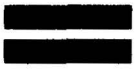
GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Interim Director

DATE: May 31, 2005

BZA
Case No. 17326
Exhibit No. 27

SUBJECT: BZA Application No. 17326, 2027 13th Street, N.W.
Square 273, Lot 62
Special Exception for Addition to a Single Family Dwelling in an R-5-B Zone, Pursuant to 11 DCMR Section 223

APPLICATION

The applicant requests special exception relief pursuant to 11 DCMR Section 223, to permit the construction of an addition to a single family dwelling at 2027 13th Street, N.W. The addition would be a three-story, plus unfinished basement, addition to the rear of the existing house. The requested relief would:

1) Allow an addition to an existing non-conforming row dwelling;
2) Permit the enlarged structure to exceed the permitted lot occupancy by 10%, for a total lot occupancy of 70%.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of the special exception relief.

AREA DESCRIPTION

The property is located in the Greater U Street neighborhood of Northwest Washington, just north of the U Street/Cardozo Metro stop. The Square is bounded by 12tth, 13th, U and V Streets. It is bisected by two north- south public alleys. The area has a mix of uses. U Street is primarily retail and entertainment uses. The Lincoln Theater faces U Street, and the parking lot behind the theater occupies much of the center of the Square. 12th Street is primarily high-rise residential. V Street is entirely new townhouses and flats on the north side, but on the south side includes mid and high rise residential east of the alley; the Lincoln Theater's parking lot is on the west side of the alley. 13th Street is primarily row houses.

The property is within the Greater U Street Historic District.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17326
EXHIBIT NO. 27

EXISTING CONDITIONS

The applicant's lot measures 16.75 by 78 feet. It is flat, is bordered by rowhouses on the north and south, 13th Street on the west, and a public alley on the east. The alley provides access to a fenced in rear yard and parking space.

The existing house is two stories high and has a basement. The principal house is brick, is 42 feet deep and has a 4'3" by approximately 16-foot open court on the east side. There is an approximately 12'3" by 12'6" one story frame addition on the rear. This brings the total length of the open court to approximately 28'5". The approximately 23' 9" by 16'9" rear yard has access to a public alley. It is used for parking and is separated by fencing from the alley and adjacent properties. The 891.7 square foot footprint covers 68.25% of the lot. The existing house has 1601 square feet, for an FAR of 1.22.

PROJECT DESCRIPTION

The applicant wishes to demolish the existing one-story addition, gut the rear-most 14'2" of the principal structure and build a new three-story addition that would fill in the open court to the property line. It would measure 26' 5" x 16'9" on the first two stories, and 19' by 16'9" on the third story. The height in the rear of the building would increase from 27 ½' to 37 ½'. The 22.2 square feet of additional lot coverage would increase lot occupancy from 68.7% to 70.0% -- the maximum permitted in the R-5-B zone with a special exception under 11DCMR Section 223. The new square footage would be 2196 SF for an FAR of 1.68.

The proposed addition would have windows facing east, towards the alley and parking lot behind the Lincoln Theater. It would have no windows on either side. There would be a west-facing roof deck entered off the third story addition.

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned R-5-B. That zone district has been designed to permit all types of urban residential development if it conforms to the height density and area restrictions established by the Zoning Regulations. (11DCMR §350.1). The rear property line abuts the Arts/CR zone district.

The property is presently non-compliant with respect to lot occupancy (more than 60%) and open court (less than 10 feet).

Special Exception Relief Under 11 DCMR Section 223

Section 223 was initiated at the request of the BZA and adopted by Zoning Commission Order No. 840 in 1997. Order No. 840 states that "[T]he purpose of the amendment is to provide a legal basis for making reasonable additions to single-family dwellings where the strict tests associated with an area variance are unattainable". The order further states that "[T]he overall goal of the proposal is to provide a degree of flexibility regarding additions, while retaining essential controls related to effects on neighboring properties and neighborhood character".

The applicant's property is developed and used as a single-family attached residence. The applicant has noted that with the proposed addition the structure would exceed lot occupancy and side yard requirements, and would not conform to the restrictions on constructing an addition to an existing non-conforming structure. The property is eligible to apply for zoning relief under Section 223.

> *223.1: An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the requirements of Sections 401,404, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3104 of Chapter 31 of this title, subject to the provisions of this section.*

The following table summarizes the need for zoning relief, based on the information supplied by the applicant.

Section	Item	Restriction	Existing	Proposed	Deviation
401.3	Lot Size	None prescribed	1306.5 sf	Same	None
401.3	Lot Width	None prescribed	16.75'	Same	None
400.1	Height	50 feet	27.5' and 2 stories	37.5 feet and 3 stories	None
402.4	FAR	1.8	1.22	1.68	None
403.2	**Lot Occupancy**	60% M-O-R; **(70% with S.E. under §223.3)**	68.25%	**70.0%**	**Increase in non-conformity** by 1.75% over existing 8.25% deviation
404.1	Rear Yard	4" per foot of height of rear wall; not less than 15'	25.2'	23.75'	None
405.9	Side Yard	N/A	N/A	N/A	N/A
406.1	Open Court	None required, but if provided, 4" per foot of height of court; not less than 10'	4.25'	Eliminate	Elimination of non-conformity

Relief Test

Section 223.2 Sets out the standards for relief:

> *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;*

Property to south (2025 13th Street): This property has a windowless party wall that already extends farther back than the proposed addition. There would be no impact, and the owner of that property has signed a letter in support of the application.

Property to the north (2029 13th Street): This property shares a party wall with the front section of the applicant's property and has a less than 10-foot open court contiguous with the applicant's open court. The owner of 2029 13th Street has filed a letter noting that he has seen the applicant's plans and that he recommends the BZA approve the application. The applicant has stated in the filing that the owner of 2029 13th Street has no objection to the addition to 2027 13th Street, because the owner of 2029 13th Street wishes to construct a similar addition, and that the proposed addition in Case No. 17326 would, therefore, have no impact on 2029 13th Street. OP notes that if the intended addition at 2029 13th Street is not constructed, the applicant's proposed addition at 2027 would cast a shadow over the back yard of 2029 13th Street and would have a minor impact the light available to the open court at 2029 13th Street.

Properties to the east: The proposed addition would be 23 from the alley at the rear of the property. Immediately across the alley is an open parking lot for the Lincoln Theater. To the east of that alley is another alley, and then the back of a new 9 story apartment building fronting on 12th Street. There would be no impact on properties to the east.

Properties to the west: There would be no impact on the townhouses to the west, which are across 13th Street from the applicant's property.

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

The addition would not have any windows facing the properties to the north or south, which would ensure privacy. See above for a discussion of possible compromises to the light and air available to the property to the north.

(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 proposed addition would be visible only from the rear. The property is within the Greater U Street Historic District. The proposed addition has been reviewed by the Historic Preservation Review Board's (HPRB) staff, which considers the impact of and context for both front and rear additions on the historic district and its character and scale. OP's HPRB staff has no concerns about the proposal and will be recommending the HPRB delegate project approval to the staff. OP's development review staff does not feel that the addition would substantially intrude upon the character or pattern of houses as viewed from the street or other public ways.

(d) In demonstrating compliance with (a), (b) and (c) of this subsection, the applicant shall use graphical representation 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.

The applicant has provided a site plan, elevation and section drawings, and photographs showing the general relationship of the existing house to the proposed addition, and of the proposed structure to the existing structure and adjoining properties. In addition, OP has discussed the project with the applicant, members of the ANC, and visited and photographed the site.

OTHER DISTRICT AGENCY REPORTS

As noted, the staff of the Historic Preservation Review Board has reviewed the project and has no issue with it. The staff will be recommending that the Board delegate approval of the project to the staff.

As of May 24, 2005 there were no other District agency reports on file.

ANC POSITION

ANC1-B voted 8-0-0 to support the application.

OTHER NEIGHBORHOOD REACTION

The neighbors to the north and south have sent letters of support for the project. The owner of 1225 V Street has filed for party status to support the project. There were no other letters in support or in opposition as of May 24, 2005.

CONCLUSION

OP believes the proposed structure is the type of addition intended to be addressed by Section 223. Based on the information provided by the applicant, by a visit to the site, and by the letters from the adjacent neighbors, OP concludes that the proposal:

- Would have no substantially adverse impact on the adjoining properties;
- Would not substantially intrude on the character or scale of the neighborhood, and would not unduly compromise the use and enjoyment of the neighboring properties.

RECOMMENDATION

The Office of Planning concludes that the application meets all the tests set out by 11 DCMR Section 223 and recommends approval.

Emcslc

attachments



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Anthony A. Williams, Mayor

Office of Planning ~ May 23, 2005

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BZA Case No. 17326
2027 13th Street
Location and Zoning Map

- Water
- Zoning Districts
- Street Centerlines
- Greater U Street Historic District
- M Metro Stations



Feet

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Office of Planning ~ May 31, 2005

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BZA Case No. 17326 -- Attachment 2
2027 13th Street
Close Up Aerial of Site and 2029 13th St.

- Water
- Zoning Districts
- Street Centerlines
- Greater U Street Historic District
- Metro Stations



BZA Case No. 17326 -- Attachment 3
2027 13th Street
Aerial View West, from Rear

Feet

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2027 13th Street
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