GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

2005 MAY -7 PM 5:00

MEMORANDUM

TO: Board of Zoning Adjustment of the District of Columbia

FROM: Ellen M. McCarthy
Interim Director

DATE: May 25, 2005

SUBJECT: BZA Application 17331 - Request filed by Holland & Knight for a **special exception** to permit a building addition to the rear of an existing single-family detached dwelling, for 1229 E Street, S.E., proposed by JPI Apartment Development, LP

APPLICATION
Application of JPI Apartment Development, LP:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit the construction of a building addition to the rear of an existing single-family detached dwelling not in conformance with §§ 405.3, Side Yards, 406.1, Minimum Width of Open Court and 2001.3, Nonconforming Structures Devoted to Conforming Uses

for property located on the south side of E Street, S.E., between 12th Street and 13th Street, Square 1019, Lot 816.

SUMMARY RECOMMENDATION
The Office of Planning is very concerned about using a trellis to connect two separate structures in order to apply for relief under Section 223. Such an application does not meet the intent of Section 223 and will open the door for multiple buildings on a lot that should either not be approved, or when applicable should be considered under Section 2516, Exceptions to Building Lot Control. Therefore, the Office of Planning recommends that the design be amended to remove the trellis and either:

- Directly connect the two dwellings as one structure; or
- Attach the two dwellings with a connection that meets the definition of building under § 199.1.

BZA
Case No. 17331
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17331
EXHIBIT NO. 25

REQUEST

The subject application proposes to establish a flat on the subject property through the construction of a two and one half story dwelling at the rear of a nonconforming one-story single-family detached dwelling. The addition is to be connected to the existing dwelling via a 190 square foot trellis porch, and will include the restoration of the existing dwelling. The proposed addition will result in an open court 4.1 feet in width on the west side of the property, less than the minimum 11 feet required. A 12.7-foot wide open court is proposed for the east side of the property and will include one off-street parking space. The proposed addition will also be built to both side lot lines, but neither of the walls to be built to the side lot lines will share a common division wall with an existing building. As a result, a side yard is required on each side, but none is provided. Therefore, special exception relief pursuant to § 223 is requested by the applicant in order to construct the building addition as proposed.

SITE AND AREA DESCRIPTION

The property consists of Lot 816 of Square 1019, in the South East quadrant of the District. It is 3,680 square feet in area, has a minimum lot width of approximately 31.8 feet, and is improved with a one-story single-family detached dwelling constructed prior to 1857. The dwelling is vacant and boarded and its front porch is missing.

A 4.5-foot wide side yard is provided on the west side of the dwelling, making it nonconforming. The east side yard is 12.7 feet in width. Vehicular access is provided from E Street via an existing driveway apron.

The surrounding area is primarily developed residentially, including flats and one and two story row houses. To the north are Catherine R. Watkins Elementary School and Watkins Recreation Center within the R-4 Zone District. To the east and west are primarily row houses and flats within the R-4 Zone District. To the south is a largely vacant lot fronting on Pennsylvania Avenue that is the subject of BZA Application No. 17332 and proposed for 47 dwelling units. Other uses on Pennsylvania Avenue include office, retail and service commercial uses within the C-2-A Zone District and the CHC Overlay District. All surrounding properties are located within the Capitol Hill Historic 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)) and the Capitol Hill Historic District.

R-4 Districts

"*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 into 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 application proposes to create a flat by connecting an existing single-family detached dwelling to a new second dwelling with a trellis. However, a trellis has no roof or enclosed walls and therefore does not conform to the definition of "building," as contained in Section 199.1 of the Zoning Regulations. As a result the application becomes a request to construct a second single-family detached dwelling on the subject property, not a building addition, and relief is not appropriate under Section 223. Therefore, in order to construct the second dwelling on the subject property and create a flat, the connection between the two dwellings must be revised to be in conformance with the definition of "building". The provision of a structure between the two in conformance with the definition of "building" will result in a building addition creating a flat on the subject property. As a flat the proposal will not be in compliance with § 405.3, Side Yards, § 406.1, Minimum Width of Open Court and § 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;

Assuming a building connects the dwellings, the proposed building addition for the second dwelling to the rear of the existing dwelling will still provide an average rear yard of 22.5 feet, in excess of the minimum 20-foot requirement. The addition will be connected to the existing structure via a one-story addition lower in height than either the existing building or proposed larger addition to the rear. As such it will contribute little to the bulk on the site and have little effect on the light and air available to neighboring properties. The open court on the west side of the property is proposed to be 4.1 feet in width, only slightly less than the existing nonconforming

4.5-foot wide side yard. The reduced width is the result of the proposed connection between the two dwellings.

The sides of the proposed building addition will be constructed to both side lot lines, but neither sidewall will share a common division wall with an existing building on an adjoining lot. As a result, a minimum 8-foot side yard is required. However, the design of the entire site is very open, especially for a row house zone district and this proposed building addition will be located further back on the lot than the dwellings on adjoining lots, spreading the building out across the lot, rather than concentrating it at the front of the lot. There will be open courts on either side of the one-story dwelling at the front and a rear yard in excess of the minimum 20-foot requirement. 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 provide an average rear yard of 22.5 feet, in excess of the minimum 20 foot required rear yard. The addition will be constructed to the side lot lines at the rear of the lot and a nonconforming side yard will be created as a result of the building addition to the rear. The rear addition will be constructed similarly to the way row houses are otherwise permitted within the R-4 Zone District and the adjoining properties are developed, but will not be attached to the side walls of structures on adjacent properties. As a result, the structure as proposed will be detached from dwellings on all adjacent lots, a situation more commonly associated with single-family detached dwellings and lower density zone districts. The separation of the proposed structure from surrounding dwellings will serve to increase the privacy of those properties. Therefore, the privacy of 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 E Street. However, it is designed to be residential in appearance and to complement the existing residential structure on the site as a result of its review by the Historic Preservation Office and the HPRB. 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 56 percent is less than the maximum 70 percent permitted by § 223.3 for the R-4 Zone District and less than the maximum 60 permitted by § 403.2 for flats within the R-4 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 recommends that the design of the connection between the two dwellings be provided as a structure in conformance with the definition of "building" as contained within Section 199.1, creating one building. This will result in the provision of a flat in conformance with the R-4 Zone District.

"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. However, two separate single-family detached dwellings on a lot are not permitted. Therefore, to accommodate a flat, the Office of Planning recommends that the dwellings be directly connected.

Provided the application is revised to include a connection between the two dwellings in conformance with the definition of "building" as contained within the Zoning Regulations, 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 goal of the Preservation and Historic Features Element:

> "*The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.*" (§ 801.1)

This proposal will contribute toward achieving the following actions and objectives of the Ward 6 Element:

> "*Inventory all unoccupied or boarded-up dwellings in the Ward and act to return these dwellings to habitable uses;*" (§ 1707.1(s))
>
> "*To acknowledge and protect the unique architectural character of Ward 6 and preserve the continuity of the well established, essential and historic areas;*" (§ 1721.1(a))
>
> "*To encourage a high quality of architecture consistent with the styles and characteristics of buildings in Ward 6.*" § 1721.1(c))
>
> "*To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District, ...*" (§ 1725.1(b))
>
> "*To encourage new development and renovations of structures that are sensitive to the character of the historic districts in the Ward 6 area.*" (§ 1725.1(c))

COMMUNITY COMMENTS
ANC 6B unanimously voted (10-0-0) to support the application at its regularly scheduled meeting of May 10, 2005.

The **Capitol Hill Restoration Society Zoning Committee** considered the application at their meeting of April 14, 2005, and "urge the Board to approve the application."

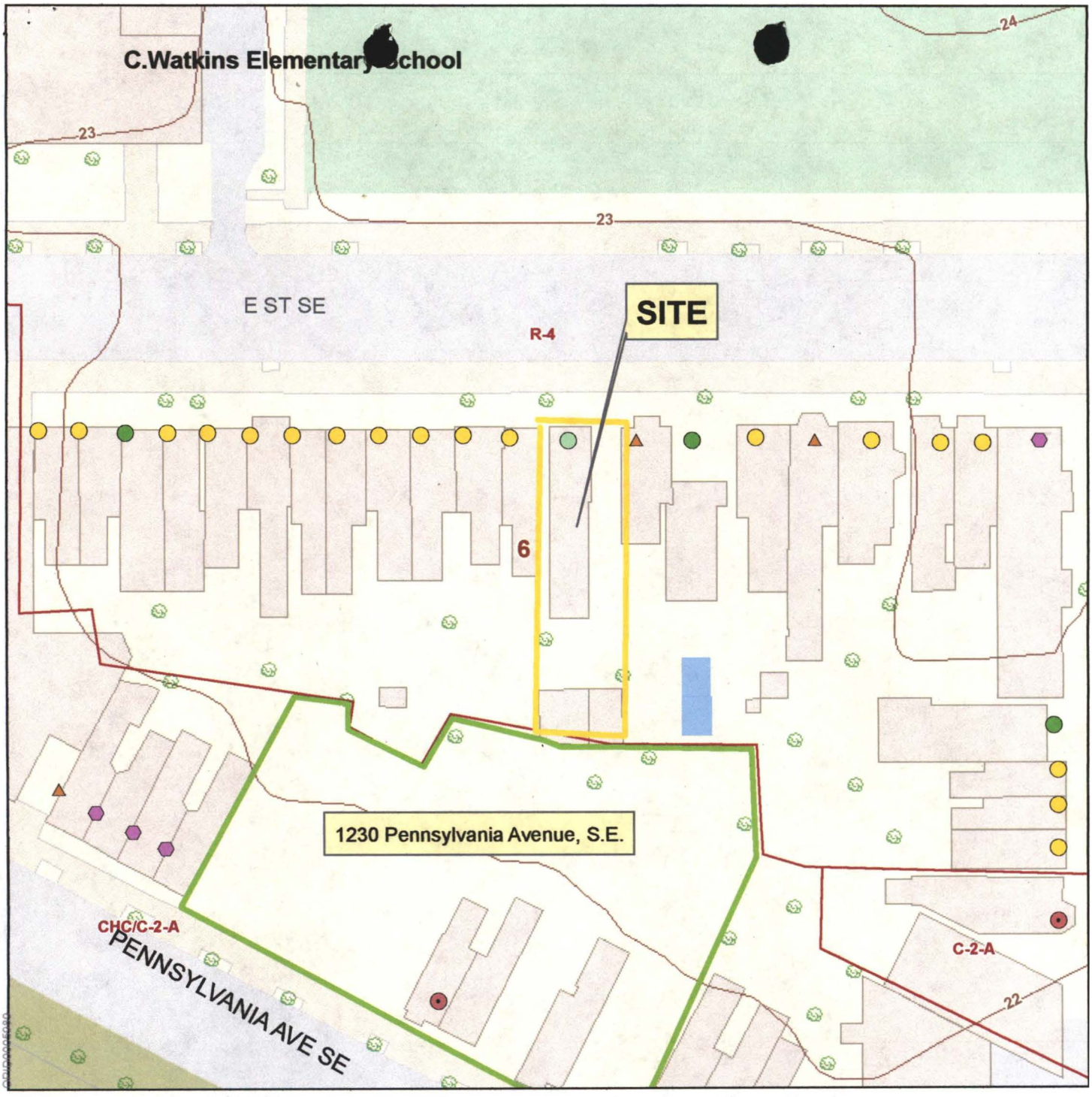
AGENCY COMMENTS
The **Historic Preservation Review Board**, at their meeting of April 28, 2005, approved the project in concept as consistent with the purposes of the Preservation Act, and encouraged the applicant to conduct archaeological testing on the property because of the valuable information it may contain.

RECOMMENDATION
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. However, the Office of Planning is very concerned about using a trellis to connect two separate

structures in order to apply for relief under Section 223. Such an application does not meet the intent of Section 223 and will open the door for multiple buildings on a lot that should either not be approved, or when applicable should be considered under Section 2516, Exceptions to Building Lot Control. Therefore, the Office of Planning recommends that the design be amended to remove the trellis and either:

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BZA APPLICATION NO. 17331
1229 E Street, S.E.

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

Office of Planning ~ April 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.

- Single-Family Detached
- Single-Family Semi-Detached
- Rowhouse
- Non-conforming SF Use
- Multi-family
- Office
- Vacant
- DC Parks

