GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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BZA
Case No. 17365
Exhibit No. 30

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Director

DATE: September 20, 2005

SUBJECT: BZA Application No. 17365, 1535 A Street, S.E.
Area Variances Pursuant to 11 DCMR Section 3103.2 for Addition to a Single Family Dwelling in an R-4 Zone
- Lot Occupancy (§403.2); Rear Yard Setback (§404.1)
Since Amended to
Application for Special Exception Relief Under §223

APPLICATION

The applicant requests relief pursuant to Section 223 to permit the construction of an addition to a single family dwelling at 1535 A Street, S.E. The applicant desires to add a two-story addition at the rear of the existing house and a partial third story in the front. The requested relief would:

1) Permit the enlarged structure to exceed the permitted lot occupancy by just under 10%, for a total lot occupancy of 69.84%;
2) Permit the enlarged structure to have a rear yard that would be 5'6" shallower than the required 20 foot depth, for a total rear yard depth of 14'6" -- 28% shallower than required.

This application was originally filed as a variance. However, the applicant has since reduced the size of the proposed addition to enable the relief request to be considered under Section 223.

SUMMARY RECOMMENDATION

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

AREA DESCRIPTION

The property is located in the Capitol Hill East neighborhood of Southeast Washington. It is just east of the Capitol Hill Historic District. The Square is bounded by Independence Avenue, 15th, 16th, and A Streets. It is bisected by an east-west public alley. Lot 810 is bordered by structures on three sides and has no alley access. The area has a mix of uses. Two-story rowhouses predominate on A Street. There are small apartment buildings on Independence Avenue, and there are some commercial uses on the

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parts of 15th Street and Massachusetts Avenue zoned C-2-A, to the south and west of the subject property.

EXISTING CONDITIONS

The applicant's lot is non-conforming with respect to lot area and lot width. Measuring approximately 12.19 feet by 55.44 feet, it is at least 5.81 feet, or 32%, narrower than a conforming lot. It contains 653 square feet. This is approximately 36% of a minimum lot size.

The site is flat and generally rectangular, but has an irregular boundary at the mid-point of its western side, where it narrows to 10.23 feet in one section. It is bordered by a rowhouse on the east, an under-construction rowhouse on the west, and the side of another rowhouse to the south. It faces A Street on the north, and has no public alley access. There is no parking space.

The existing house is two stories high and measures roughly 12.19 feet by 27 feet. There is a one-story rear addition. The main house and existing addition comprise 413.32 SF, and occupy 63.29% of the lot. The zone district permits 60% lot occupancy as a matter of right. The existing addition, which will be demolished, creates a non-conforming 4.08' wide open court. The zone district requires that, if a court is provided, it be no less than 6' wide.

There are several other structures in the 1500 block of A Street, S.E. that have rear additions. 1537, the property to the immediate east of the applicant's has a relatively new cinderblock rear addition. 1531 A Street has a similar addition. These are shown in the applicant's photos. 1539 A Street received a variance to exceed lot occupancy in 1979 by BZA Order No. 12979.

PROJECT DESCRIPTION

The applicant wishes to demolish the existing one-story rear addition, and build a new two story rear addition, plus a partial 3rd story in the front. The addition would fill in the existing open court to the property line. It would measure 13'2" deep and its width would vary with the lot between 10'3" and 12 feet and 5/8 inches. It would contain a new kitchen and a new bedroom. The 3rd story would measure 25'0" deep by the width of the lot. It would be accessible by a pull-down ladder.

The renovated building would be three stories, complying with R-4 limitations. The zone district has no FAR requirements. With the addition, as revised September 12, 2005, the building would occupy 456.08 square feet, i.e. 69.84% of the lot. 70.0% is the maximum permitted in the R-4 zone with a special exception under 11DCMR Section 223.

The proposed addition would have windows facing south and north, and none facing east or west.

EXISTING ZONING AND RELIEF REQUESTED

The property is zoned R-4. That zone district has been designed primarily to permit row dwellings, but also accommodates conversions of row dwellings to flats and some multiple-dwelling structures (11DCMR §331.1).

The property is presently non-compliant with respect to lot size (less than 1,800 SF), lot width (less than 18'), lot occupancy (more than 60%), open court (less than 6 feet), and rear yard (less than 20').

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 on a non-conforming lot and used as a single-family attached residence. With the proposed addition the structure would exceed lot occupancy and rear 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 table below summarizes the need for zoning relief, based on information supplied by the applicant.

Section	Item	Restriction	Existing	Proposed	Deviation
401.3	Lot Size	1800 SF	653 SF	Same	32%
401.3	Lot Width	18'	12.19'	Same	32%
400.1	Height	40' and 3 stories	21' 1" and 2 stories	31'11" and 3 stories	None
402.4	FAR	N/A	N/A	N/A	N/A
403.2	**Lot Occupancy**	60% M-O-R;	63.29%	69.84%	9.84% difference, which is a 16.4 % deviation
404.1	**Rear Yard**	not less than 20'	16'5"	14'6"	5'6" difference, which is a 28% deviation.
405.9	Side Yard	N/A	N/A	N/A	N/A
406.1	Open Court	None required, but if provided, not less than 6'	4.08'	None	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 east (1535 A Street, S.E.): 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. *(See photos in Applicant's pre-hearing statement).*

Property to the west (1533 A Street, S.E.): Since the application was filed, this property has been demolished and a new residence is under construction. The applicant will have a windowless party wall contiguous with the new structure's windowless party wall. *(See photos in applicant's pre-hearing statement).* The applicant's wall will extend four feet south of the new wall of 1533, will have no impact on the adjacent property. The application is supported by the owner of 1533 A Street.

Properties to the south (107 16th Street, S.E.): The proposed addition would be 14.27' from the side of the residence to the south. The applicant's property currently has windows facing in this direction; the new windows would be approximately 11.5 feet closer to 107 16th Street. The proposed windows would not face directly into any windows on the side of the 16th Street property, as there are no windows on that side of 107 16th Street. *(See photos in applicant's pre-hearing statement*). There is no letter of opposition from the owner of this property, which has changed hands since the application for 1535 A Street was filed.

Properties to the north: There would be no impact on the properties to the north, which are across A 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 east or west, which would ensure privacy. There would be windows facing south, but, as noted above, these would not compromise the privacy of 107 16th Street. The addition would cast no shadows to the east, and no significant shadows to the west.

(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;*

As viewed from A Street, the proposed addition would contribute to the changing scale of the block. Some of the two-story row-houses are building third stories. The property to the west, 1533 A Street has already added a third story, as has a small apartment building on the opposite site of A Street from the applicant's property. From the public alley at the rear, the full second story and partial third story will not be intrusive. OP believes that the addition would not intrude on the character or pattern of houses as viewed from the street or other public ways. The change in scale is not out of context with the changing scale of the neighborhood. Given the small size of the existing buildings and the increasing pace of

renovation in the neighborhood, it seems likely that additional building expansion will accompany future renovations.

> *(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. The applicant has also met with OP.

> *223.3 The lot occupancy... shall not exceed ...seventy percent...in the R-3, R-4 and R-5 Districts.*

The revised application proposes 69.84% lot occupancy in the R-4 zone district.

OTHER DISTRICT AGENCY REPORTS

As of September 9, 2005 there were no other District agency reports on file.

ANC POSITION

ANC 6B voted unanimously on June 14, 2005 to support the application.

OTHER NEIGHBORHOOD REACTION

The neighbors to the east and west have sent letters of support. The neighbor to the south, whose property has a blank wall facing the proposed addition, has registered no opposition. There were four other letters of support and no letters in opposition as of September 9, 2005.

CONCLUSION

OP believes the proposed structure is the type of addition intended to be addressed by Section 223. OP concludes that the proposal:

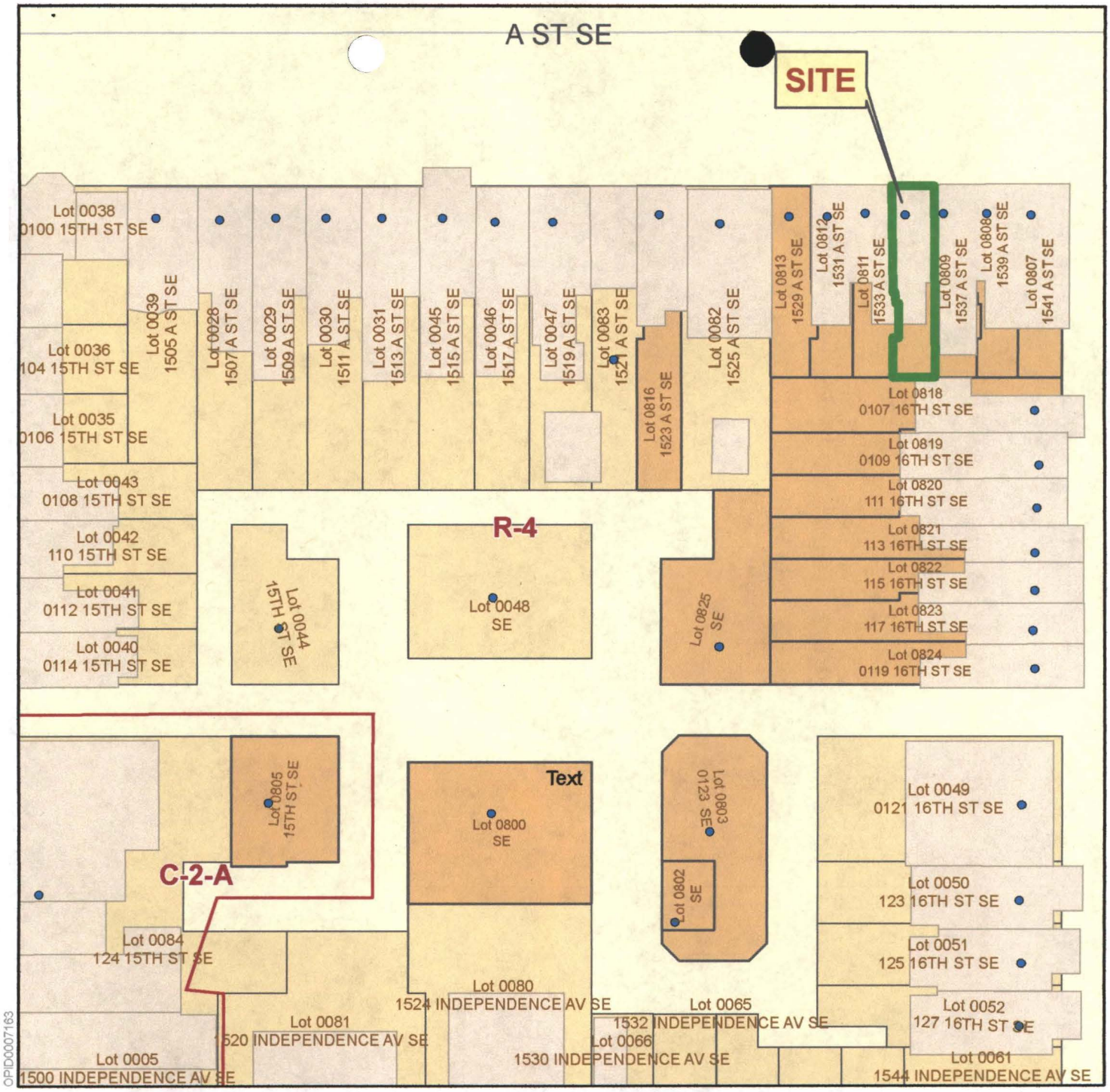
- Would have no substantially adverse impact on the adjoining properties;
- Would not substantially intrude on the character or scale of the neighborhood, and would not unduly compromise the use and enjoyment of the neighboring properties.

RECOMMENDATION

Provided the applicant supplies an additional drawing showing the reduction in the length of the proposed addition from 13'6" to 13'2 ", OP concludes that the application will meet all the tests set out by 11 DCMR Section 223 , and recommends approval.

Emc/slc

attachments



BZA Case No. 17365
1535 A Street, SE

Feet

N

0 20 40 60

Water

Street Centerlines

Buildings

Owner Points

Zoning Districts

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

Office of Planning ~ September 8, 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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Attachment 1
Location Map



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1535 A Street, SE

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0 20 40 60

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Attachment 2
Location Photograph



From left to right: 1537 A St, 1535 A St (applicant's house), 1533 A St (three stories plus attic), 1531 A St, 1529 A St (empty lot), 1525 A St (2 unit modular apartment building) 1523 A St, 1521 A St, 1519 A St (red brick)



Across A St: 1518 A St (three stories) and 1520 A St.

Attachment 3, BZA Case No. 17365:
1800 block of A Street, SE Context