GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen M. McCarthy
Director

DATE: October 11, 2005

SUBJECT: BZA Application 17374 - Request for a special exception to permit a building addition to a flat located at 2328 19th Street, N.W.

APPLICATION
Norbert R. Schady and Kerstin S. Canby, the applicants, request special exception relief pursuant to § 223 of the Zoning Regulations to permit construction of a building addition to an existing a flat located within the R-5-B Zone District

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requested special exception.

SITE AND AREA DESCRIPTION
The subject property at Square 2539 Lot 211 is located southwest of 19th Street, N.W., and developed with a three-story row dwelling that is also a flat. The first floor apartment has a rear patio that occupies the entire rear yard which is surrounded by a wooden fence. The single-family residence on the upper two floors has access to a two-level porch that is uncovered on the second (third floor) level. A portion of the rear property boundary also abuts an alley 20-feet side.

Surrounding properties on the square are developed with similar row structures. Some lots have garages along the alley and other dwellings have two-story porches. Most properties on the square are long narrow lots in excess of 1,800 square feet in size; however the subject property and properties to the north and immediate west vary from approximately 1,540 to 1,750 square feet in size. The square is also zoned Residential (R-5-B) zone district and located within the Kalorama Triangle Historic District (refer to Exhibit 1).

DEVELOPMENT PROPOSAL
The applicant proposes to replace the existing two-level rear porch with a sun room with rooftop terrace that would continue to be elevated above the ground-level patio. Two optional designs are proposed, neither of which would extend any further into the rear yard than the existing porch structure.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17374
EXHIBIT NO. 24

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EXISTING ZONING AND RELIEF REQUESTED

The subject property is located within the R-5-B zone district. Zoning Regulation do not include any lot area or width limitations in this zone district, and § 350.4 (a) (per § 330.5) allows a flat use as a matter of right. The proposed construction would not meet rear yard setback of 15 feet required under § 404.1 but it would continue the existing nonconforming rear yard setback of approximately 12 feet. The submitted zoning tabulation also indicates one of the two design options would create one non-conforming open court on both sides of the addition.

The Zoning Regulations include provisions for expansion a nonconforming building devoted to a conforming (flat) use:

"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 tabulation indicates that optional open court space and rear yard setback would not meet the requirements of the Zoning Regulations. Since this proposal continues the nonconforming rear yard set back of approximately 12 feet, and could create two non-conforming open courts, the applicants submitted the instant application requesting special exception relief under § 223.

ANALYSIS

Zoning Regulation § 223 set forth the following criteria for granting special exception 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;

The proposed addition will essentially cast the same shadows as the existing porch structure and not obstruct air flow. Therefore, the availability of air and light should not be impacted.

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

Visibility from the proposed addition should be no greater than from the existing porch structure so the privacy enjoyed by neighboring properties should not change.

(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 Historic Preservation Review Board (HPRB) reviewed and approved in concept both rear addition proposals on June 23, 2005 then delegated approval of the final design to the D.C. Historic Preservation Office. The staff report noted "The proposed addition is compatible with the character of the historic district in terms of size, massing, general materials use, and overall design, and is consistent with previously approved additions in this historic district." As a result, the proposed addition(s) would not substantially intrude upon the character, scale and pattern of residences along the alley.

(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 sufficient photographs and architectural drawings in support of this application.

"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 60 % is less than the maximum 70 % permitted in an R-5 zone district under § 223.3.

"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.*

No special treatment is recommended.

"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-5 zone district; therefore, this provision is not applicable.

OP concludes that the application meets the requirements of § 233.

Compliance with Section 3104.1:
Based on the above findings, granting 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 the square for Moderate Density residential development characterized by row houses and garden apartments as predominant uses. The existing and proposed uses are consistent with this Plan designation.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 1C passed a resolution in support of this application on August 5, 2005 (refer to Exhibit 2).

AGENCY COMMENTS
Action by the HPRB was noted above.

RECOMMENDATION
The Office of Planning recommends approval of the requested special exception.

Attachments:

Exhibit 1	Property Aerial with Zoning
Exhibit 2	"Resolution to Support Special Exception Requested by Michael Ray for 2328 19th Street, N.W. – BZA Application No. 17374" adopted by Advisory Neighborhood Commission 1C on August 5, 2005

EMc/afj



BZA Application No. 17374
2328 19th Street, NW

Feet
0 25 50

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

Office of Planning ~ October 11, 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. Oblique imagery ©2003 Pictometry International

Legend

- Property Squares
- Water Features / Streams
- Street Centerlines

ADVISORY NEIGHBORHOOD COMMISSION 1C

Resolution to Support Special Exception Requested by Michael Ray for 2328 19th Street, NW – BZA Application No. 17374

Whereas, Mr. Michael John Ray (as agent for property owners: Kerstin Canby & Norbert Schady) has filed an application for special exception to DCMR Title 11, Section 404 - Rear Yard set-back requirement and DCMR Title 11, Section 406 – Open Court;

Whereas the proposed addition will providing a rear-oriented sun room and second floor balcony/terrace will have no substantial detriment to the public good and the proposed addition will not exceed the footprint of the existing two-story porch and;

Whereas to minimize the obstruction of natural light to adjacent neighbors, the proposed addition is configured with two non- conforming 3.41 foot x 3.41 foot open courts requiring a special exception and;

Whereas the application for a special exception qualifies per DCMR Title 11, Section 3104.1 due to the existence of a public alley abutting the 2328 19th St property creating a significantly shorter lot than neighboring row-house properties and;

Whereas Mr. Michael John Ray (as agent for property owners: Kerstin Canby & Norbert Schady) has taken care to discuss the project with the neighbors and the ANC;

Therefore be it resolved that, the Adams Morgan Advisory Neighborhood Commission 1C supports BZA Application No. 17374.

Technical Amendment offered by Commissioner Roth, adopted by unanimous consent:
Strike references in third and fourth Whereas clauses to "variance" and insert "special exception", and substitute "3104.1" for "3103.2".

Offered by:	**Commissioner Canty**
Seconded by:	**Commissioner King**
Vote:	**Approved by voice vote, as amended, with 6 of 8 Commissioners present (a quorum)**
Date:	**August 5, 2005**