GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy
Director

DATE: October 11, 2005

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17379
EXHIBIT NO. 27

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SUBJECT: BZA Application 17379 - Request filed by Kelly Hansen for a **special exception** to permit a rear building addition to a row house, for 516 Groff Court, N.E.

APPLICATION
Application of Kelly Hansen for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit a rear building addition to a row house not in conformance with § 401.3, Minimum Lot Dimensions, § 403.2, Maximum Percentage of Lot Occupancy, and § 404.1, Rear Yards

for property located on Groff Court, N.E., Square 779, Lot 124. Square 779 is bounded on the north by F Street, on the south by E Street, on the east by 4th Street and on the west by 3rd Street.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request for special exception relief as submitted by the applicant.

PROJECT DESCRIPTION
The applicant proposes to construct a two-story addition onto the rear of a two-story alley row house and add a partial third floor addition over the existing structure. The third floor addition is in conformance with the provisions of the R-4 Zone District, but relief is necessary for the rear addition. The application indicates that the purpose of the building additions is to increase the size of the dwelling from 2 bedrooms and one bathroom to 3 bedrooms and two bathrooms, and to add a dining room. A roof deck will be provided above the two-story rear addition, accessible from the third-floor addition.

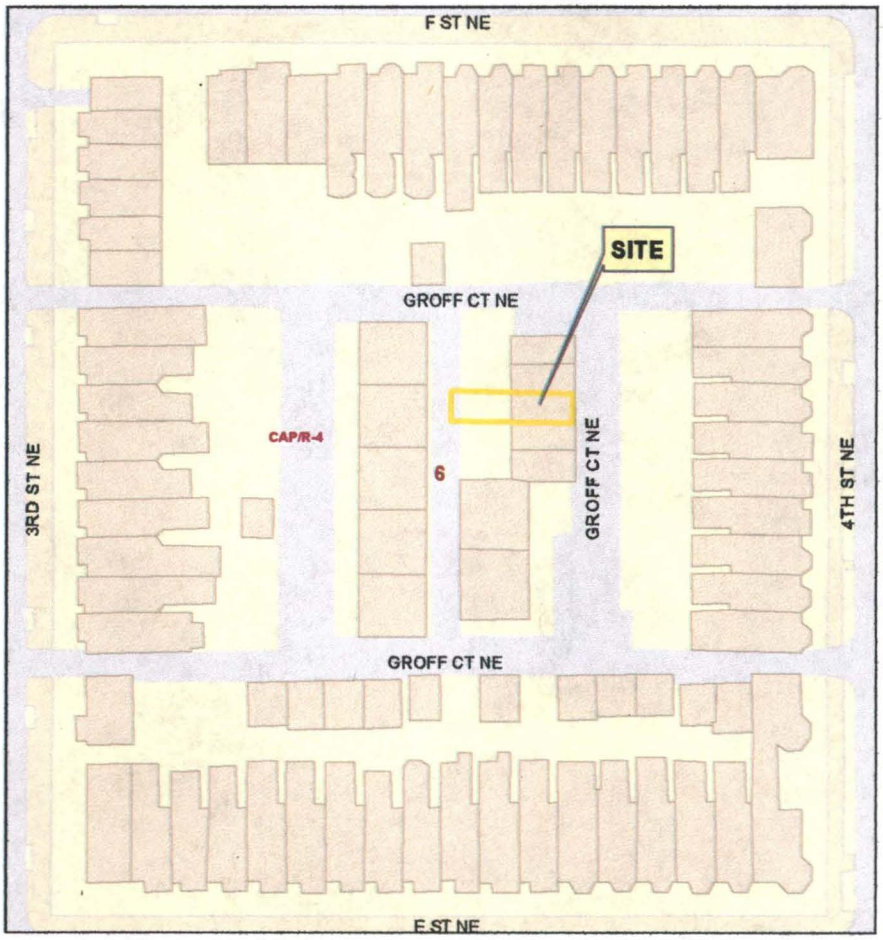
The building addition is for a lot that is 675.1 square feet in area and 12.3 feet in width, less than the minimum 1,800 square feet of lot area and 18 foot width required by § 401.3 of the Zoning

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Regulations. The rear yard is proposed to be reduced to 16.42 feet, 3.58 feet less than the minimum 20 feet required by § 404.1 of the Zoning Regulations. Lot occupancy will increase from 51 percent to 70 percent, in excess of the maximum 60 permitted by § 403.2.

SITE AND AREA DESCRIPTION

Square:	779	**Lot:**	11	**Quadrant:** North East
Area:	675.1 SF	**Lot Width:**	12.3 ft.	
Rear Alley:	10 foot width	**Front Alley:**	15 foot width	



Improvements: The subject property is improved with a two-story brick row house facing east that was constructed in 1900. A fence encloses the 20.39 foot deep rear yard.

Surrounding Uses: Surrounding uses are all residential. The majority of the square is developed with two or three story row houses. However, flats, apartments and one-family dwellings are also included. The alley lots are developed with 12 two-story row houses. Seven of the alley row houses face the ten foot wide public alley located in the center of the square. The remaining five,

including the subject property, are oriented so that their rear yards face the alley within the center of the square.

North and South:	Row houses on alley lots that face east, similar to the subject property.
East:	Row houses fronting on 4th Street. The rear yards of these row houses, which face the subject property, are used for accessory residential off-street parking.
West:	Row houses on alley lots that face east. The rear yard of the subject property faces the front of these row houses.

Zone District: R-4: row dwellings, conversions, and apartments residence district (§ 105.1(a)(2)). *"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)

Overlay District: Capitol Interest: *"The Capitol Interest (CAP) Overlay District is established to promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act".* (§ 1200.1)

Generalized Land Use Map: moderate density residential land use category- *"Row houses and garden apartments are the predominate uses; may also include low density housing."*

RELIEF REQUESTED:

Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats

Section 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 proposed addition is to a row house in a district in which the use is permitted, the R-4 Zone District. The subject property is not in compliance with § 401, Minimum Lot Dimensions, § 403 Maximum Lot Occupancy, and § 404, Rear Yards. The proposed building addition is in conformance with the provisions of the CAP Overlay District.

"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 only extend 10.39 feet out from the existing rear wall and is only two-stories and approximately 20 feet in height, similar to the other alley row houses. It will be set back farther from the rear alley than the majority of the other alley row houses, which are built to the alley line. Therefore, this building addition will not unduly affect light and air available to neighboring properties.

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

The proposed building addition will extend 10.39 feet out from the rear of the building. The only windows provided will be on the rear wall, facing the alley. The square is also a densely developed residential area and the approximate 10 foot extension onto the rear of the house will have only a negligible effect on the surrounding 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 addition will be visible from the alley at the rear of the subject property and from an east-west alley to the north. It will be two-stories in height, similar to the other alley row houses but less than some of the other buildings on the square. It will also be residential in character. Therefore, it will not substantially visually intrude upon the character, scale and pattern of houses along either of the frontages.

(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 70 percent is equal to the maximum permitted by § 223.3 in the R-4 Zone 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 does not believe that additional treatment is necessary.

"223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use."*

A row house is a use permitted as a matter of right within the R-4 Zone District. The approval of this application will not permit the introduction or expansion of a nonconforming use.

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 action and objectives of the Ward 6 Element:

"Preserve the character of residential neighborhoods." (§ 1707.1(b))

"To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill... Historic District, ..." (§ 1725.1(b))

"To encourage... renovations of structures that are sensitive to the character of the historic districts in Ward 6; and" (§ 1725.1(c))

"To monitor... modifications... of buildings to ensure preservation and compatibility with historic districts in the Ward 6 area." (§ 1725.1(d))

AGENCY COMMENTS

The applicant has informed the Office of Planning that the subject application will be scheduled to be reviewed by the **Historic Preservation Review Board** after the ANC has voted on the application.

COMMUNITY COMMENTS

ANC 6C informed the Office of Planning that they will vote on the application on October 12, 2005. The applicant has informed the Office of Planning that the ANC's Zoning Committee voted to support the application at their meeting of October 5, 2005.

The **Capitol Hill Restoration Society Zoning Committee** voted to "*urge the Board to approve the application*" at their meeting of September 15, 2005.

The adjoining neighbors at 514 and 518 Groff Court, and the neighbor directly across the front alley at 530 4th Street, signed a petition in support of the application.

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. The Office of Planning concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

EMc/sjm$_{AICP}$