

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: May 17, 2016

SUBJECT: BZA Case 19247 (1007 S Street NW) request for relief pursuant to 11 DCMR § 3104.1, for a variance from the accessory structure height and story requirements under § 2500.4, and a special exception under § 223, not meeting the lot occupancy requirements under § 403.2.

I. BACKGROUND

On January 14, 2016, the Zoning Administrator provided a referral indicating that variance relief was required under §§ 403.2 and 404.1 for lot occupancy and rear yard setback, respectively. The Zoning Administrator also indicated that variance relief was required from § 2516.1 to erect more than one principal structure on a single lot in a residential zone. (See Exhibit 9.)

The Zoning Administrator provided a revised referral memo on April 18, 2016, indicating that variance relief was required pursuant to § 2500.4 to erect an accessory structure in excess of the allowable height and number of stories. The Zoning Administrator continued to state that special exception relief was required pursuant to § 223.2 to exceed the maximum allowable lot occupancy in the R-4 zone (§ 403.2). (See Exhibit 27.)

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 403.2, special exception relief from lot occupancy (60% maximum allowable, 70% proposed); and
- § 2500.4, variance relief for accessory uses and building (15 feet and 1 story permitted, 18.5 feet and 2 stories proposed).

OP notes that the property is nonconforming with respect to lot area.

III. LOCATION AND SITE DESCRIPTION

Address	1007 S Street NW
Applicant	James A. Martin, III, agent on behalf of Karen Tramontano, owner.
Legal Description	Square 334, Lot 22
Ward / ANC	Ward 1; ANC 1B
Zone	R-4 – row dwellings, conversions, and apartments. The property is developed with a row dwelling that is being used a flat, which is a permitted use in the R-4 zone.

Historic District or Resource	Greater U Street Historic District
Lot Characteristics	The lot is irregular in shape with an angled rear property line. The interior lot fronts on S Street NW to the south and a 10-foot improved public alley to the north.
Existing Development	The property is improved with a two-story row dwelling that is being used as a flat.
Adjacent Properties	The adjoining properties to the east and west at 1005 and 1009 S Street NW also are row dwellings being used as flats.
Surrounding Neighborhood Character	The surrounding neighborhood is primarily residential in nature; however, there is commercial to the north along U Street NW and to the west on 11 th Street NW.
Proposed Development	The Applicant is proposing to construct a two-story accessory structure. The carriage house would provide additional living space and a home office for the property owner.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-4	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft.	18.17 ft.	18.17 ft.	None Required
Lot Area § 401	1,800 sq. ft. min.	1,742 sq. ft.	1,742 sq. ft.	Existing Nonconforming
Floor Area Ratio § 402	None prescribed			None Required
Lot Occupancy § 403	60% max.	57.2%	70%	10%
Rear Yard § 404	20 ft. min.	20 ft.	20 ft.	None Required
Side Yard § 405	N/A	N/A	N/A	None Required
Closed Court § 406	5 ft. min. 350 sq. ft.	18.17 ft. 455 sq. ft.	18.17 ft. 455 sq. ft.	None Required
Height of Accessory Structure § 2500.4	15 ft. 1 story	N/A	18.5 ft. 2 stories	3.5 ft.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2500.4, Accessory Uses and Buildings

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is located in Square 334, which features a number of irregularly shaped lots, of which all but one is nonconforming with respect to lot area. The Square is bordered by Vermont Avenue NW to the west, 10th ST NW to the east, and S Street NW to the south. The subject property is irregularly shaped and nonconforming with respect to lot area. The subject property with the existing improvements is at 57.2% lot occupancy, where a maximum lot occupancy of 60% is permitted. The unusual shape and existing lot occupancy

create a practical difficulty that limits the Applicant's ability to increase the useable square footage of the home without exceeding the lot coverage.

Furthermore, the subject property is located in the Greater U Street Historic District. The Applicant would be constrained in their ability to add square footage in a third floor addition that would not be visible from the street and would not negatively impact the adjoining property owners.

ii. No Substantial Detriment to the Public Good

Other properties in the Square feature accessory buildings and the property at 1011 S Street NW is improved with a two-story carriage house. The adjacent property at 1009 S Street NW also features an accessory building at the rear property line. Construction of the proposed carriage house in line with other existing accessory buildings would provide for a consistent alley wall along this portion of the public alley and the two-story height would not be inconsistent with other accessory buildings in the Square.

iii. No Substantial Harm to the Zoning Regulations

The proposed two-story carriage house would not result in substantial harm to the Zoning Regulations. While the Zoning Regulations limit accessory buildings to one-story and 15 feet in height, the two-story accessory building form exists in the square and is not out of character with the surrounding neighborhood.

b. Special Exception Relief pursuant to § 223.2

223.2 *The addition or accessory structure shall not have a substantially adverse effect 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 construction of a two-story carriage house should not unduly affect the light and air available to neighboring properties. The carriage house would be located at the rear of the lot, adjacent to a public alley, and would provide separation from the nearest inhabited structures. In addition, the 10-foot wide public alley provides a buffer from the property located to the north.

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

The privacy and use and enjoyment of neighboring properties should not be unduly compromised. The proposed carriage house would provide space for a home office and other general living space. The windows would face on the public alley and the rear yard of the subject property. Windows are not proposed for the east and west facades. Existing privacy fencing at the property line would provide screening from the adjacent properties.

(c) *The addition or accessory structure, 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 subject street frontage; and*

The proposed carriage house would not visually intrude upon the character, scale and pattern of

houses along the street frontage or the alley way. The existing row dwelling does not have side yards, so the structure would not be visible from S Street NW. The proposed carriage house would have a height of 18.5 feet, and would be screened by the existing two-story dwelling. While the proposed carriage house would be visible from the public alley, accessory buildings of this style are not inconsistent with the neighborhood character.

- (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 or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided graphical representations, including a site plan, building elevations and photographs to demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways.

- 223.3 *The lot occupancy of all new and existing structures on the lot 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 lot occupancy of all new and existing structures on the lot would be 70%, which is permitted with the approval of a special exception in the R-4 zone.

- 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 recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features from the protection of adjacent and nearby properties.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

Should the Board grant the relief requested, it would not permit the introduction or expansion of a nonconforming use.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

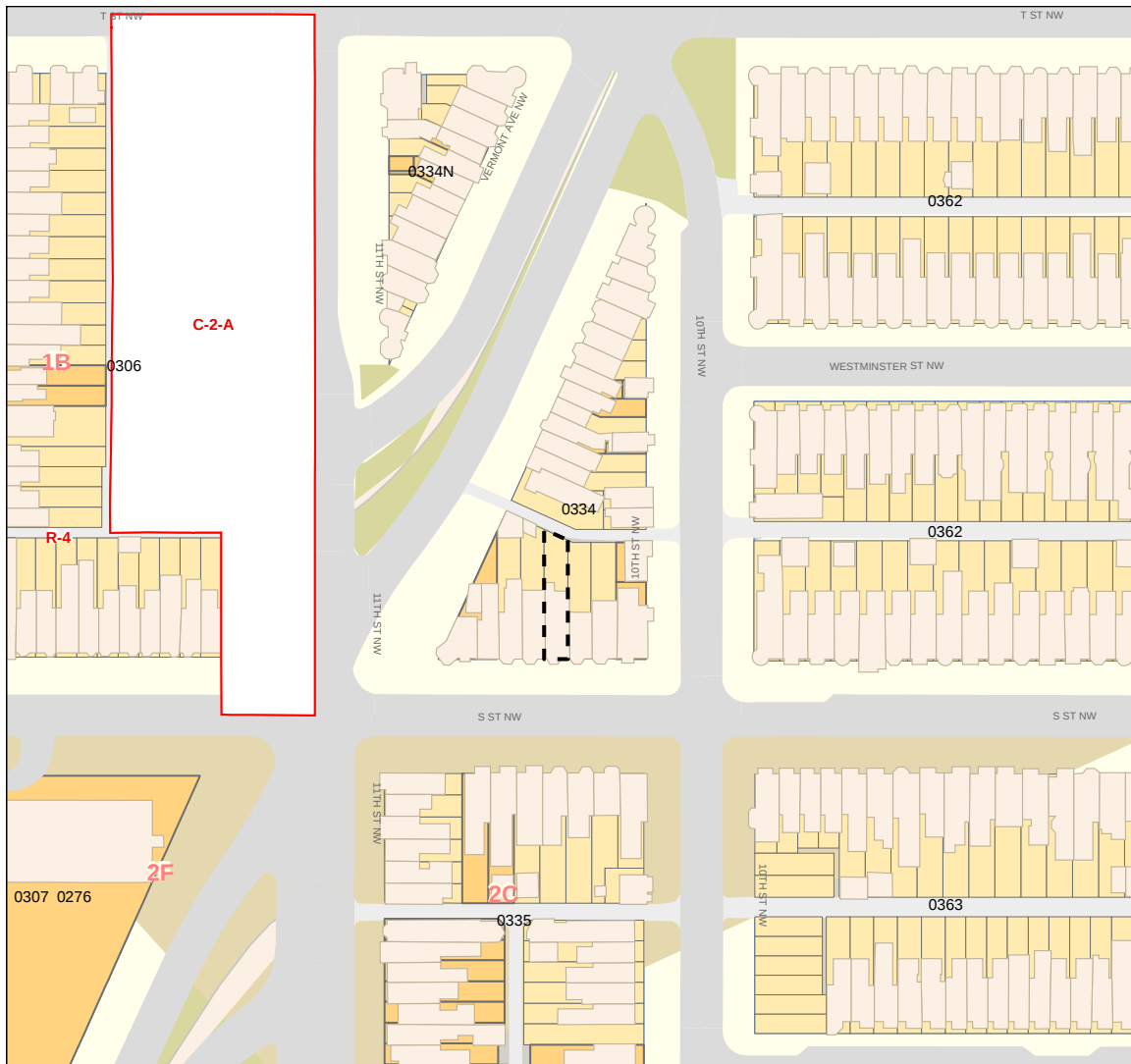
The District Department of Transportation has no objection to the approval of the requested relief. (See Exhibit 25.)

The subject property is located in the Greater U Street Historic District and the proposed carriage house would be subject to review and approval by the Historic Preservation Review Board (HPRB). The Applicant has been in contact with Historic Preservation staff and will be submitting an application for HPRB review.

VII. COMMUNITY COMMENTS

ANC 1B voted 12-0-0 at its May 10, 2016, meeting to support the requested relief. (See Exhibit 28.)

Attachment: Location Map



Location Map: 1007 S Street NW