

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** May 31, 2018

**SUBJECT:** BZA Case 19771: Request for special exception relief from E § 206.1, to allow the removal of an architectural feature; and from E §§ 304.1 and 5004.2 to allow the construction of a garage in the RF-1 District at 1834 Ontario Place N.W.

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### I. RECOMMENDATION

The Office of Planning (OP) recommends:

- **Denial** of the special exception pursuant to Subtitle E § 5203.3 -
  - **Architectural features** - E § 206.1 - (existing front porch shall not be removed; proposed – partial removal of front porch).
- **Approval** of special exception relief pursuant to Subtitle E § 5201 -
  - **Lot Occupancy** - E § 304.1- (60% maximum matter-of-right; 70% max. S.E.; 50% existing; 66% proposed).
  - **Rear Yard (Accessory Building)** E §§ 5004.1 (a) and (b) –
    - Height: (10 ft. maximum allowed, 13 ft. 8 ins proposed); and
    - Area: (100 sq. ft. maximum allowed: 375 sf proposed).

### II. BACKGROUND

The applicant was issued a permit to remove the porch and perform other renovations on the home against the initial advice of the Zoning Administrator. DCRA subsequently issued a Stop Work Order on February 12, 2018 that denied the applicant the ability to demolish the front porch and roof. As a result, a new permit (B1805851) was issued March 27, 2018 requiring the existing porch to remain, in compliance with E-206.1. The applicant subsequently filed a special exception request to: (1) remove the porch and roof and construct a new narrower stair, stoop and entry roof (2) exceed the 60% lot occupancy limit; and (3) construct an accessory garage of non-conforming size and height within the required rear yard setback.

### III. LOCATION AND SITE DESCRIPTION

Address	1834 Ontario Place, N.W.
Applicant	Lee Wells and Malcolm Haith
Legal Description	Square 2583, Lots 0351
Ward, ANC	Ward 1, ANC 1C
Zone	RF-1
Lot Characteristics	Rectangular interior lot with alley access.
Existing Development	Row dwelling
Adjacent Properties	The adjacent properties are abutting row homes.
Surrounding Neighborhood Character	Moderate-density residential consisting primarily of row homes, flats, small conversions on similar-sized lots, as well as some small apartment buildings.
Proposed Development	The applicant proposes to convert the home to a flat, with related partial removal of the existing front porch and addition of a garage structure at the rear.

### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
E § 303 - Height	35 ft. max.	32 ft. 7 ins.	32 feet, 7 inches	None Required
E § 201 - Lot Width	18 ft. min.	18.75 ft.	18.75 ft.	None Required
E § 201 - Lot Area	1,800 sq. ft. min.	2,484 sq. ft.	2,484 sq. ft.	None Required
E § 304 - Lot Occupancy	60% max.	50%	66%	<b>SE Required</b>
E § 306 - Rear Yard	20 ft. min.	49 ft. 3.5 ins.	40 ft. 9 in.	None Required
E § 206.1 - Removal of Architectural Feature	Original architectural element shall not be removed	Original bay window facing Park Place		<b>SE Required</b>
E § 5004.2 – Rear Yard Accessory Building	(a) < 10 ft. in Ht. (b) < 100 sf in GFA	None	13ft. 8 ins height <sup>1</sup> 375 sf.	<b>SE Required</b>

<sup>1</sup> Typically, accessory building height relief would require variance relief, not special exception. In this type of case, the relief is related to the rear yard, and the ZA has determined that special exception relief pursuant to E § 5007 is available.

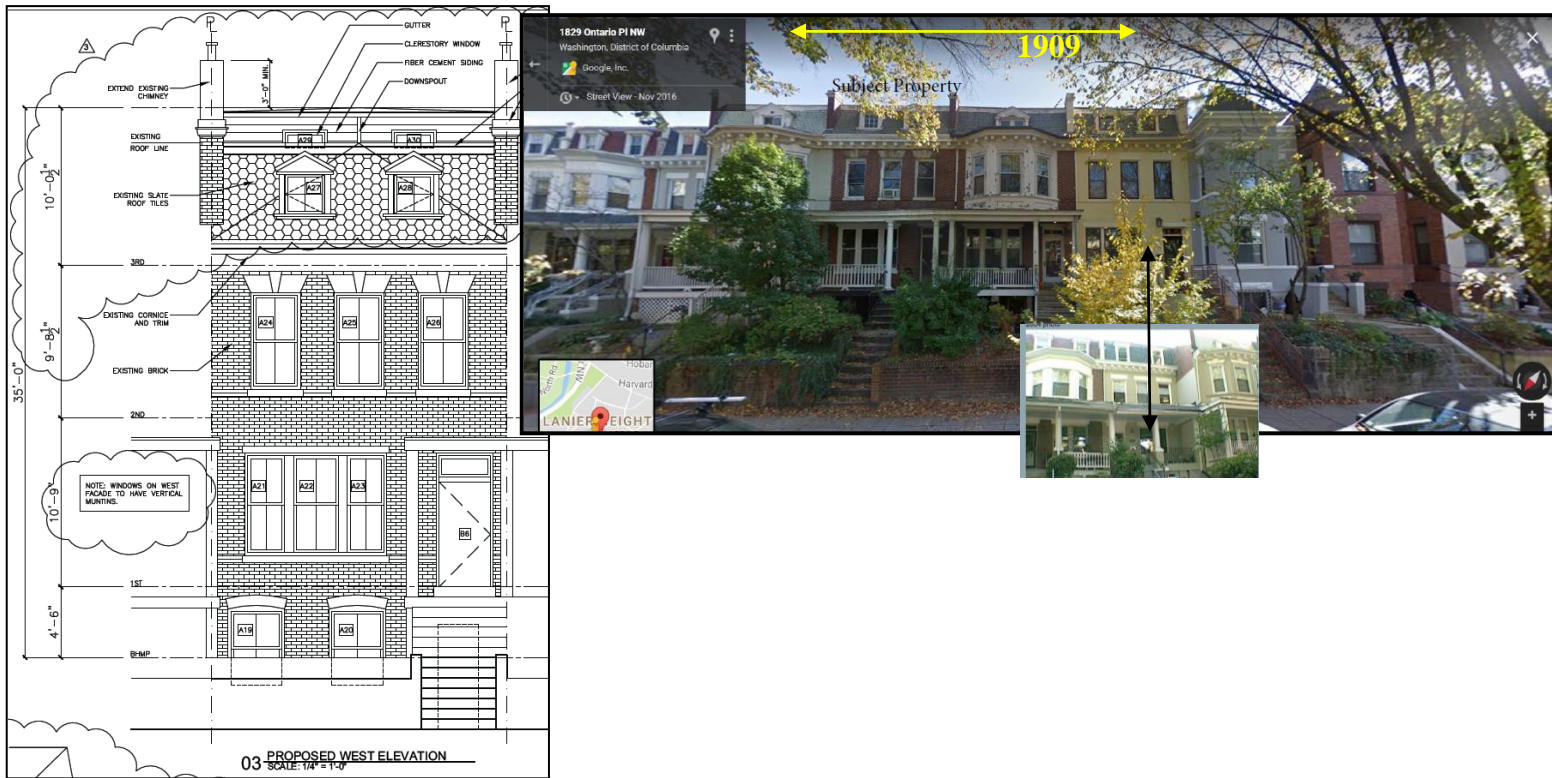
## V. ANALYSIS

### 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The provision requiring review of the removal of an architectural feature is intended to preserve the streetscape integrity of residential buildings. Porches typically provide shaded spaces in the area termed the “public parking”<sup>2</sup> for row homes. Porches are typical on this streetscape, and add to the character of the street.



In this case, the altered porch would have a substantially reduced size and roof, which would create an incompatible façade with the remaining row dwellings within the group, with

<sup>2</sup> The framework for the parking system was established in the Parking Act, passed by Congress in 1870. The “Parking Act” designated part of the right-of-way immediately next to private property as a park area to be maintained by the adjacent property owner. This area was to be landscaped and is still referred to as “parking”, a term that predates the emergence of the automobile as a dominant part of American culture. . . . Although the primary purpose of public parking is for landscaping and greenery, **projections were seen as a benefit to the public by allowing for architectural variation that added to the park-like character of streets and avenues.** Buttressed by landscaped corridors, the projections enabled natural light and fresh air to radiate into homes, significantly enhancing quality of life. These projections, immediately popular, became an iconic part of Washington’s neighborhoods.

respect to the rhythm of architectural features on the block. Even though the end unit of the originally built 4 homes removed its porch entirely, the subject property's porch stands among the other homes and does not abut the home with the removed porch. The façade would be altered in a way that is visually different from the extant row, developed in 1909 by the same architect/developer<sup>3</sup> in an alternating pattern of upper story bay front/flat façade, and all porches. The front façade's reduced covered porch, would expose the basement unit, not typical of this form of row dwelling.

Therefore, the proposed partial removal of the porch would diminish the architectural integrity of the existing dwelling and its streetscape character. The application also does not explain the window treatment that is currently under the porch and how the brick and sill would be restored to compatibility with the existing facade. These too are considered architectural features of the structure.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The porch removal and partial replacement would not likely have an adverse impact on neighboring properties, other than the diminishment of streetscape character as described above.

*(c) Will meet such special conditions as may be specified in this title.*

The subject application is not in conformance with the special conditions of E 206.1, as described below.

### **Subtitle E Chapter 206.1, REMOVAL OF ARCHITECTURAL ELEMENTS**

*5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d).*

*5203.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:*

*(b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;*

The partial removal of a porch would have no effect on the operation of any chimneys or other external vents on adjacent properties.

*(c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the*

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<sup>3</sup> The home to the east and two to the west were developed by the same builder Charles King and Architect N.R Grimm. The homes further east were developed in 1914 through 1916. Although set back from the subject extant row of four homes, the varied rhythm, form the classic pattern for row development during this period.

*Zoning Administrator;*

The proposal is for the removal of an architectural feature, not an addition. The application indicates that there are no solar features on adjacent properties.

*(d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered,*

The porch is a visible architectural feature original to the house and to this group of houses. While the applicant supplemented the record with photos of the street frontage, the north side of the street is developed with Queen Anne style row homes developed in 1910, which typically have pronounced bays and no porches. Porches are characteristic on the subject row of rowhouse, however, and the proposed removal of the porch would create a significant alteration of the character for these row homes.

## **Special Exception**

### **SUBTITLE, § 5007.1 - SPECIAL EXCEPTION**

*5007.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E §§ 5201.*

### **SUBTITLE E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

*(b) Lot occupancy;*

*(c) Yards;*

*(d) Courts;*

*(e) Minimum lot dimensions;*

*(f) Pervious surface; and*

*(g) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant seeks a special exception for the conditions of height and size of the accessory structure in a rear yard and lot occupancy proposed at 66%.

*5201.2 Special exception relief under this section is applicable only to the following:*

*(a) An addition to a building with only one (1) principal dwelling unit; or*

*(b) A new or enlarged accessory structure that is accessory to such a building.*

The subject of the application is a new accessory structure (a garage).

*5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 structure would have a height of thirteen feet eight inches and an area of 375 square feet and would not cast any shadows on the alley or neighboring property to a discernible extent. The shadows would be minimal and would not significantly darken the alley or affect traffic or pedestrian movements. The garage would not negatively impact the house across the alley, as it has no windows on the side adjacent to the alley or on any side abutting adjacent neighbors.

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

The garage opening is along an alley. The garage design does not include windows on facing facades and therefore the garage would not affect the privacy of the neighboring 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;*

The house with the proposed accessory garage is similar to others in the square. Although the garage may be 3 feet higher than allowed within a required rear yard area, an accessory building is otherwise allowed to be 20 feet in height. The garage would be a similar height to other existing garages, and would be set back from the alley centerline similar to other garages, so it should not intrude on the character, scale and pattern of garages 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 or accessory structure to adjacent buildings and views from public ways; and*

The application included plans and photographs to represent its surroundings.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The addition of the garage increases the lot occupancy to 66%. The applicant has requested special exception relief from the requirement.

*5201.4 The Board of Zoning Adjustment 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.*

OP recommends no special treatments.

*5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The applicant does not propose a nonconforming use.

*5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The garage is proposed to be developed with a pitched roof to facilitate runoff into the property. The height of the garage within the required rear yard is measured at 9 feet. As the pitch of the roof increases beyond the required rear yard it emerges to its measured height from the alley beyond the required rear yard. Thus, the height of the garage as measured from the alley would be 13-feet 8-inches, which would not exceed the maximum of 20 feet for accessory structures pursuant to E § 5002.1 (20 feet and two stories) ([Exhibit 34C, A102](#)).

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

The District Department of Transportation's report is noted as [Exhibit 31](#) of the record.

## **VII. COMMUNITY COMMENTS**

At the writing of this report, a letter in opposition was filed to the record as [Exhibit 35](#).

Attachment: Location Map

