



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: December 29, 2010

SUBJECT: **BZA Case 18153** - request for special exception relief under § 223 to construct additions to an existing row dwelling (flat) at 1461 S Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of the special exception relief requested pursuant to §223** to increase the allowable lot occupancy under § 403 of the Zoning Regulations from 60% to 67% for the proposed rear additions to the existing dwelling.

However, OP **cannot support the variance relief** requested from the one on-site parking space required under §§ 2100.10 (a) and 2101.1, because the applicant did not adequately explain how this requirement presents a practical difficulty.

II. LOCATION AND SITE DESCRIPTION:

Address:	1461 S Street NW
Legal Description:	Square 206, Lot 25
Ward:	2B
Lot Characteristics:	A rectangular corner lot that is 20.25 x 100.00 feet and 2,025 square feet (approximately 0.05 acre) in size with frontages along S Street (front), 15 th Street (side) and an alley 10 feet wide that extends east from 15 th Street (rear).
Zoning:	DC/R-4 –attached flats are allowed as a matter-of-right in this district.
Existing Development:	A two-story dwelling is a flat with one unit in the basement and the other occupying the first and second floors. In the rear yard is a one-story concrete-block building that looks like two-car garage. According to the submitted plans, one of the garage bays is used for office space. Garage doors face 15 th Street. Vehicular access is provided by a driveway in the public space of 15 th Street immediately west of the property that extends from the rear alley.
Historic District:	Greater U Street Historic District (the dwelling is considered a contributing building).
Adjacent Properties:	Similar row dwellings that have parking pads and garages that vehicles access from the abutting rear alley



Surrounding Neighborhood Character:	Moderate density residential
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III. PROJECT DESCRIPTION IN BRIEF

Applicant	Julie Norton (owner of record)
Proposal:	To demolish the existing rear garage and construct new additions that would: fill-in the irregular shape of the existing dwelling on the first and second floors, and erect a new one-story "carriage house" that would be used for office space above-grade; and continue the cellar below grade from the existing dwelling to the rear property boundary. The proposed rear structure would set approximately 3.5 feet back from the rear boundary and alley.
Relief Sought:	Originally special exception relief in accordance with §223 to increase the allowable lot occupancy percentage under § 403 and to exempt this proposal from the limitation on additions to nonconforming structures under § 2001.3.

IV. ZONING REQUIREMENTS

The subject property is located in a DC/R-4 district which allows flat and row dwelling use as a matter of right. Allowable building heights in this district are three stories and forty feet. The existing dwelling was constructed in the 1880's so that it predates the current Zoning Regulations. It is also considered to contribute to the surrounding Greater U Street Historic District.

Site development occupies 64% of the lot which exceeds the 60% allowed for flats and associated uses in the zone district under § 403 of the Zoning Regulations. Since the proposed additions would further increase the lot occupancy to 67%, the applicant submitted this request for a special exception in accordance with § 223 to:

- increase the allowable lot occupancy under § 403 from 60% to 67%; and
- waive the prohibition under § 2001.3 against additions to structures that do not conform to § 403.

No other zoning relief was requested.

After reviewing the submission, OP noted that no provision was made for onsite parking. The Zoning Regulations includes the following requirement under § 2100.10 (a):

"If the existing number of parking spaces now provided is less than or equal to the minimum number of parking spaces now required by this chapter, the number of parking spaces cannot be reduced; ..."

Section § 2101.1 of the regulations requires 1 space for each 2 dwelling units in a flat use. OP explained to the project architect that either: one parking space would have to be retained or otherwise provided onsite for the continuing flat use; or variance relief would be needed.

The applicant subsequently requested parking relief in a supplemental filing dated December 8, 2010.

V. OP ANALYSIS:

Consistency with § 223

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure 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.*

Flats and row dwellings are permitted uses in this district. The applicant is requesting special exception relief under § 223 from the requirements of listed §§ 406, and 2001.3.

223.2 *The addition or accessory structure 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;*

Proposed in-fill construction along the western dwelling wall that abuts 15th Street, and the proposed one-story accessory building in the rear yard, would not impact the air and light available to the neighboring properties to the north across the alley and to the east.

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

Infill construction along the western building dwelling wall would only face properties across 15th Street. Walls of the proposed accessory structure, that face neighboring properties to the north and east, would have no windows or doors. As a result, the use and enjoyment of neighboring properties would not be impacted.

(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*

On July 22, 2010, the Historic Preservation Review Board (HPRB) gave conditional conceptual design approval to the proposed rear addition, garage replacement, and window and door alterations to the existing dwelling on the subject property. The Board also suggested that a somewhat larger rear addition would not be inappropriate for this corner location.

(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.*

Sufficient graphical information for this case was submitted.

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 proposed 67% lot occupancy is less than the maximum 70% allowed under this section.

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 as a special exception.*

No non-conforming use would be introduced under this proposal.

Based on the above analysis, this application meets the standards for approval of the requested special exception.

Consistency with § 3103.1 – Parking Relief Request

- Unique conditions or circumstances: There do not appear to be any unique conditions or circumstances associated with this property. This is rectangular corner lot with frontages along two public streets and a 10-foot wide public alley. The lot width and area dimensions of 20 feet and 2,025 square feet, respectively, exceed the minimum 18 feet and 1,800 square feet required in this zone district under § 103. The property is located within the Greater U Street Historic District as are all the other properties in this historic district.
- Practical Difficulty:
 - One on-site parking space: The applicant provided the following justification in the supplemental submission:
 - The physical characteristics of the site make it difficult to comply to with the parking requirement.
 - The Historic Preservation Review Board would not approve a third floor addition to the existing dwelling because it's location on a corner lot, even though a third story is allowed in the R-4 district, so that applicant is proposing a rear accessory building.
 - SHPO also recommended removal of driveway to the existing garage in public space to support the integrity of this historic district.
 - The adjacent alley is only 10 feet wide making turning making right-angle turning movements into a garage “nearly impossible.”
 - A “full-sized” garage constructed next to the alley would increase the lot occupancy to more than 72%, exceeding the maximum allowed under § 223.

In response, OP notes that there are several options for providing the required parking space. An open parking pad could be provided within the fenced area of the rear yard, as is the case on several neighboring properties. The accessory building, as proposed, is of sufficient size to accommodate a 9 x 19-foot parking space. It could be re-oriented to be perpendicular to the alley for vehicular access.¹

This proposal also does not utilize all the building area that the maximum 70% lot occupancy would allow under this provision.

Given the available options, the explanation of how the requirement to provide one parking space on this property presents a practical difficulty is insufficient.

¹ The set back from the rear property line and abutting alley would have to increase to meet the minimum 12-foot setback required from the alley centerline per § 2300.1 (b).

- Detriment to the Public Good: It does not appear that granting the requested variance relief would be detrimental to the public good.
- Detriment to the Intent of the Zoning Regulations: The applicant failed to establish the practical difficulty of meeting the referenced parking requirement in a manner consistent with these regulations. Granting the requested parking relief *would* therefore be detrimental to the integrity of the Zoning Regulations.

VI. COMMUNITY COMMENTS

On December 8, 2010, Advisory Neighborhood Commission (ANC) 2B unanimously voted to support these special exception and variance requests. The Dupont Circle Conservancy also voted to support this project at its meeting on November 9, 2010.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

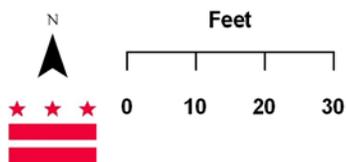
Comments from the HPRB were referenced above.

JS/afj

Attachments: Exhibit 1 Site Aerial with Zoning



BZA Application No. 18153
1461 S Street NW



Office of Planning ~ December 1, 2010

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 © Pictometry International

LEGEND

-  Ambassador Residences
-  Street Centerlines
-  Parks