



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: February 2, 2010

SUBJECT: BZA Case No. 18032, 647 C Street NE (Square 865, Lot 79)

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of the variance request, to allow construction of a second-story addition to an existing detached garage, for relief from the following:

- ❖ § 2500.4 – Accessory structure height (15’ permitted, 22’ proposed)

OP **recommends approval** of the special exception request, authorized at § 223, for relief from the lot occupancy requirements found in § 403, to allow the conversion of an existing rear deck into a sunroom. The applicants also initially requested variance relief from § 2500.7, but have since amended their application to remove this.

II. AREA AND SITE DESCRIPTION

Address:	647 C Street, NE
Legal Description:	Square 865, Lot 79
Ward:	6
Lot Characteristics:	1, 954 square foot rectangular lot, adjacent to a 16’ wide public alley and private access easement; located within the Capitol Hill Historic District
Existing Development:	3-story rowhouse w/ a cellar; property has an existing two-car detached rear garage
Zoning:	R-4 – Row dwellings and flats permitted
Adjacent Properties:	North and West: 2- and 3-story rowhouses; East: 2-story detached garage for 3-story rowhouse facing 7 th Street NE; South: 5-story multi-family residential building.
Surrounding Neighborhood Character:	Low to moderate density residential buildings, offices, and institutional uses; Specialty Hospital of Washington to the east on 7 th Street NE; American Society of Interior Designers to the west on C Street and Massachusetts Ave NE; Stanton Park to the west along 6 th Street NE.



III. APPLICATION IN BRIEF:

John Graham and Lori Kerr, property owners, have requested zoning relief to construct a one-story rear sunroom addition to an existing 3-story rowhouse at 647 C Street NE. The proposed addition would be located in the same location as the existing rear deck. The applicants also request zoning relief to expand the existing two-car detached garage and add a second floor. The upper level would accommodate an artist studio.

IV. REQUESTED RELIEF

The applicant requests special exception relief from lot coverage requirements to allow construction of a rear sunroom. The applicant also requests an area variance to permit an expansion of an existing rear detached garage that exceeds the maximum height requirements.

Table 1 –Zoning Analysis of the Project

Standard	R-4 Requirement	Existing Building	Proposed Construction	Relief Required
Lot Area	1,800 sq. ft.	1,954 sq. ft.	No change	Conforming
Lot Width	18'	18'	No change	Conforming
Lot Coverage	60% <i>(1,172 sq. ft.)</i>	59.9% <i>(1,170 sq. ft.)</i>	69.9% <i>(1,365 sq. ft.)</i>	Yes <i>(193 sq. ft.)</i>
Accessory Building Height	15' or 1 story maximum	14'	22 1/2 stories	Yes (7 feet)
Rear Yard	20'	65.5' to house 4.9' to garage	54.7' to house 4.9' to garage	No

V. OFFICE OF PLANNING ANALYSIS

An analysis of the project against the relevant variance criteria is provided below.

Variance Criteria

The requested variance relief must satisfy the following criteria for area variances:

1. Is the property unique due to:
 - a. Exceptional narrowness, shallowness, or shape at the time of original zoning regulation adoption,
 - b. Exceptional topographical conditions, or
 - c. Other extraordinary or exceptional situation?

The subject property is located within the Capitol Hill Historic District. The existing 3-story building, constructed in 2002, is not a contributing structure to the district. The subject property is improved with an end unit rowhouse. The property is adjacent to a 16' wide public alley to the south and a private access easement to the east. The finished grade of the rear alley is about 1'7" higher than the finished grade of the property.



View (facing north) of the private easement to the east of 647 C Street NE

In addition, a private easement, which abuts the east property line, contains a storm drain to accommodate runoff from the adjacent rowhouses. To address the alley elevation, both the private easement and the subject property slope downward from southwest to northeast. As a result, the subject property is also at a slightly lower elevation than the adjacent lot to the west.



The applicant has indicated that the storm drain, located directly east of the applicant's rear yard, is often filled with stagnant water, which has created a mosquito problem in their rear yard. The change in grade between the alley and the rear yard has also created drainage and flooding issues in their rear yard. All of these factors result in an exceptional situation that uniquely impacts the subject property.



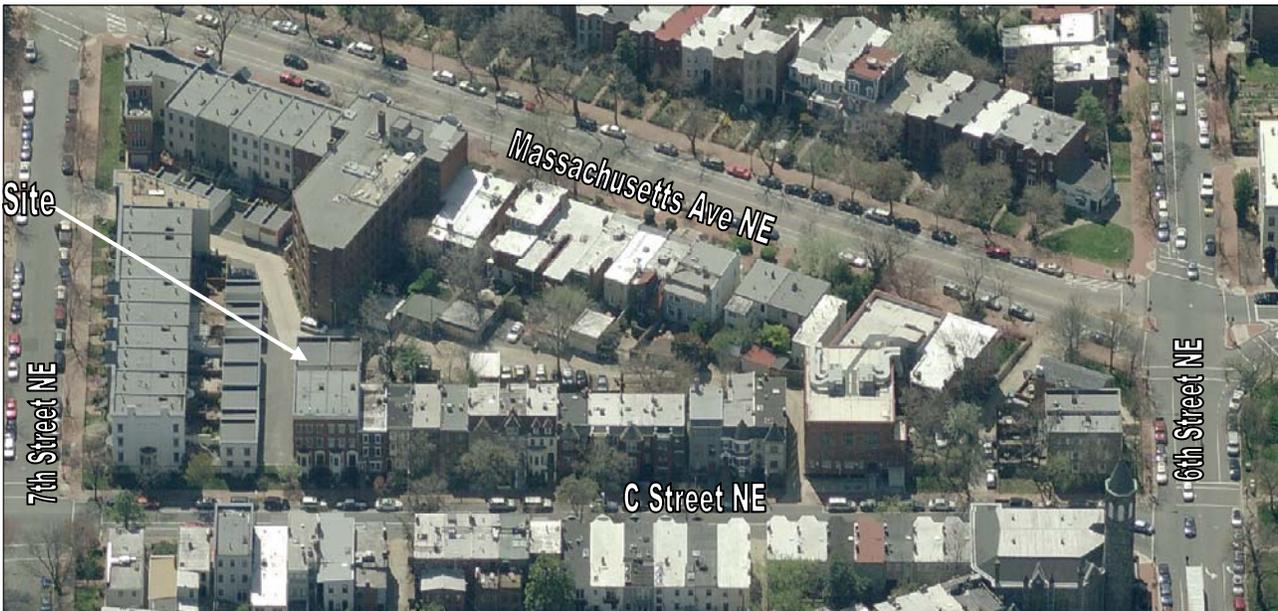
Views of the garage, adjacent garage, and rear yard

2. Does the uniqueness, in combination with the zoning regulations, result in peculiar and exceptional practical difficulties to the owner?

Despite the exceptional situation created by the site topography, building location relative to the adjacent storm drain, and other site conditions of the subject property, it does not appear to create a peculiar and exceptional practical difficulty for the owners with regard to accessory structure height. OP notes that the property's change in grade as compared to that of the rear alley does impact the height of the proposed garage addition, which requires measurement of the garage from the side facing the house. As such, the proposed garage, if measured from the established grade at the rear alley, would be approximately 19'6" as opposed to 22' if measured from the rear grade of the lot. However, the applicant has not demonstrated how the exceptional physical characteristics of the site give rise to a need for the garage to be improved with a second floor. In this case, the applicant's desire to create an artist studio is the driver of the variance request for additional height. In addition, the property is already improved with a 3-story rowhouse and detached two-car garage, which currently occupy approximately 60% of the lot. As evidenced by the current special exception request, the applicant has the option to develop the property further (up to 70% lot occupancy) and potentially accommodate an artist studio within the principal structure. However, the applicant contends that due to the noxious fumes and materials associated with oil paints, it would not be possible to create a space within the current structure for use as an art studio. While this may be the case, the difficulty to create a suitable art studio space is not related to any unique or exceptional characteristic of the property. In fact, the lack of appropriate space, building materials, and ventilation systems suitable to accommodate an art studio are characteristics likely to be typical of single-family residential construction. As a result, the uniqueness of the property does not result in a peculiar or exceptional practical difficulty.

3. Does granting the variance result in a substantial detriment to the public good or will it substantially impair the intent, purpose, and integrity of the zone plan?

While OP finds that the request does not meet the second part of the variance test, should the BZA find the project satisfies this standard, the project would not likely result in substantial detriment to the public good. The applicant has submitted letters of support from all of the adjacent neighbors as well as ANC 6C. Additionally, due to the change in grade on the property, the requested increase in garage height, as viewed from the rear alley, would only be 3'2". As such, the proposed increase in height should not have a substantial impact on the 5-story multi-family residential building to the south. Finally, the proposed garage addition would only have windows on the north side, which faces the rear yard, and therefore, should not negatively impact privacy on neighboring properties.



Aerial view of Square 865 looking south

Despite this, granting the variance could constitute an impairment of the integrity and intent of the Zoning Regulations. The proposed structure would exceed 20' in height and be two stories tall. While the applicant has provided evidence of other two-story accessory structures in the area, at least one of which is located on an alley lot, most of the detached accessory buildings in the subject square are one-story in height. The current height and story limitations within the Zoning Regulations serve to maintain the character of a zone district by prescribing the appearance and development density of permitted accessory buildings. The garage height proposed is not anticipated within this low to moderate density residential zone.

Special Exception Criteria

The requested zoning relief to allow construction of a rear sunroom requires special exception approval, per the requirements and criteria found in § 223, listed below:

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.

Single-family attached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403.

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;*

The property is adjacent to a public alley at the rear, a private vehicular easement to the east, and 3-story rowhouse to the west. Across the alley to the south is a five-story multi-family residential building. The proposed addition would be in the same location as an existing rear deck. The proposed sunroom would be one-story in height and 10'10" by 18' in size. The addition would extend 2'10" further into the rear yard than the existing rear deck and would be comprised largely of glass. The proposed work should not unduly affect the provision of light and air to adjacent properties.



View of existing rear deck

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

The proposed addition should not compromise privacy for neighboring properties. The property is surrounded by public or private right-of-ways on all sides except on the west, which is improved with another rowhouse. Currently, the subject property is separated from the adjacent rowhouse via a six-foot privacy fence. In addition, both units have open, rear decks with no intervening separation except for a picket railing. The proposed deck enclosure to create a rear sunroom should not unduly impair privacy in the rear yard for the neighboring property to the west.

(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 requested rear addition would not be visible from C Street NE so the applicant has provided proposed elevations of the rear and east sides. The project consists of a 10'10" by 18' sunroom that is one story in height. The sunroom addition would consist primarily of windows and would be in the same location as the existing rear deck. The proposed

sunroom is modest in scale and has been designed so as not to detract from the character of the existing structure in terms of the proposed building materials and design.

(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 provided a site plan, floor plans, side and rear elevations, and photographs. Sufficient information has been provided to meet this requirement.

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 lot occupancy would be 69.9% which is in compliance with the 70% maximum permitted in the R-4 zone.

VI. HISTORIC PRESERVATION

The subject property is located within the Capitol Hill Historic District and the existing building is not a contributing structure. The project has not appeared before the Historic Preservation Review Board at this time.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other agencies have been received to date.

VIII. COMMUNITY COMMENTS

The Capitol Hill Restoration Society (CHRS) reviewed the request at their January 2010 meeting. CHRS recommended approval of the special exception for the proposed sunroom but did not support the applicant's request for variance relief from the accessory structure height requirements. At their January 13, 2010 meeting, ANC 6C voted to unanimously support the requested zoning relief for garage height and lot occupancy. The applicant has submitted letters of support from neighbors from seven adjacent properties on C and 7th Streets NE.

IX. CONCLUSION AND RECOMMENDATION

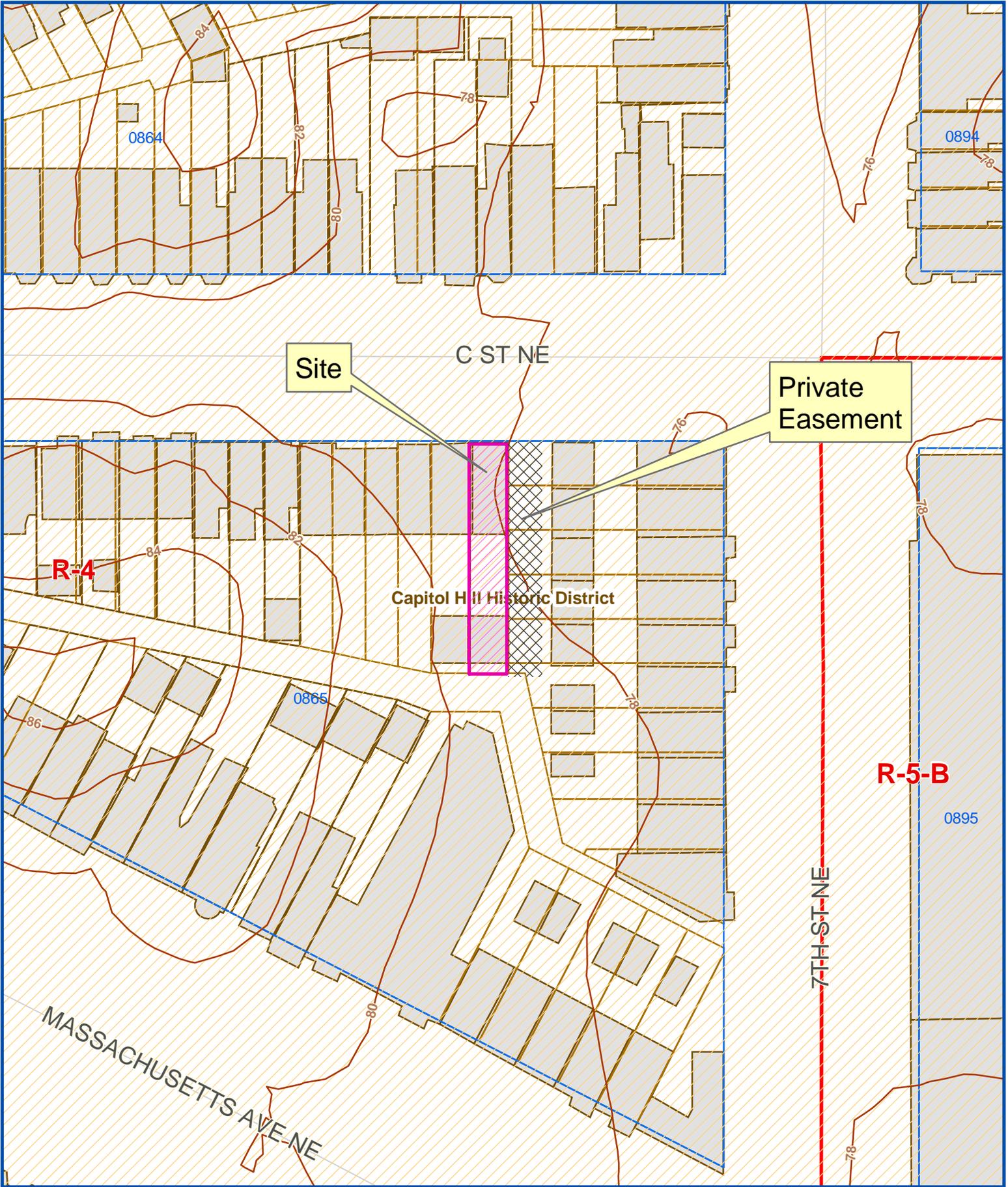
OP recommends **approval** of the requested special exception to allow construction of a rear sunroom. However, OP **cannot support** the requested variance from the accessory structure height requirements. While the property is beset with some exceptional characteristics, they do not relate to a practical difficulty preventing compliance with the Zoning Regulations concerning accessory structure height.

JS/ayj

Arlova Jackson, Project Manager

Attachments:

1. Location map
2. Aerial photograph



Legend

 Zoning Districts	 Record Lots
 Property Squares	 Buildings
 Designated Historic Districts	 Elevation Contours - 2ft
 Tax Lots	

Exhibit 1 - Lot Map BZA 18032 - 647 C Street NE

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.

DC Office of Planning
September, 2009





**Exhibit 2 - Aerial Photograph (2009)
BZA 18032 - 647 C Street NE**

Legend

Zoning Districts

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