



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: November 17, 2009

SUBJECT: BZA Case 18000 - Request for special exception relief under § 223 to construct an addition to an existing single-family, semi-detached dwelling at 321 6th Street, SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to § 223, to permit a two-story rear addition for an existing single-family, semi-detached residence, requiring special exception relief from §§ 403 and 405. Relief has been requested to allow a side yard with variable measurements, including 2.17 ft and 1.67 ft. and lot occupancy of 56.8%. The property is also non-conforming with regard to lot width and area (Section 401).

The proposed addition is not contrary to the intent of the Capitol Overlay District (§ 1200.4).

II. LOCATION AND SITE DESCRIPTION:

Address:	321 6 th Street, SE
Legal Description:	Square 844, Lot 810
Ward:	6
Lot Characteristics:	Rectangular lot, nonconforming with regard to lot width and area, with no alley access.
Zoning:	CAP/R4 – Row dwellings and flats. The Capitol Overlay District is intended to provide land use, height and bulk controls adjacent the US Capitol.
Existing Development:	Single-family semi-detached dwelling, permitted in this zone.
Historic District:	Capitol Hill
Adjacent Properties:	Single-family, semi-detached residence (south). Row dwellings, most of which face 6th Street, are located to the north of the property. The neighboring property immediately to the north is a three-story, brick building with a side bay and porch overlooking the rear yard of 321 6 th Street, SE across their adjoining side courts.
Surrounding Neighborhood Character:	Predominantly single-family attached residential uses with some multi-family buildings ranging in height from 2-3 stories. The west side of 6th Street, upon which the subject property is sited, is residential, while the east side is residential at the southern half and commercial (including a large parking lot) at the northern half across the street from 321 6th Street, SE.

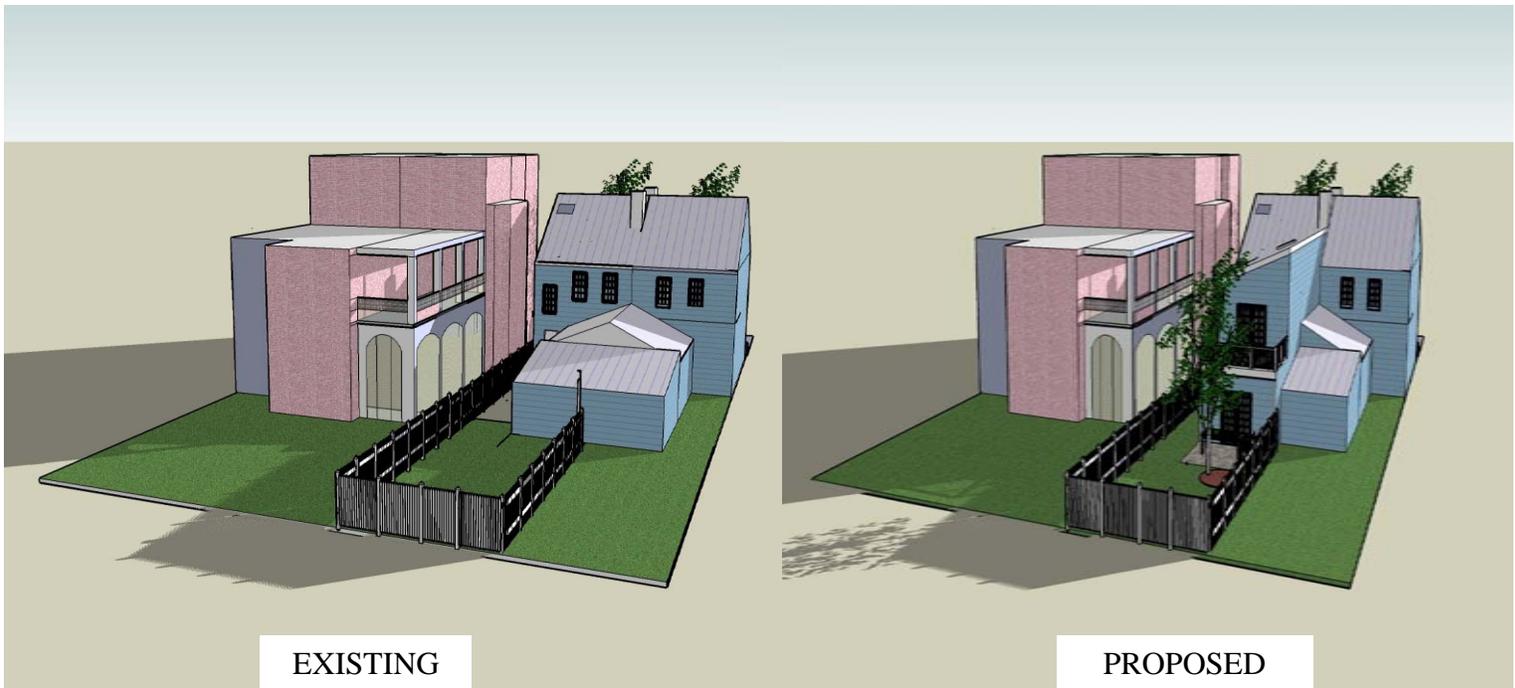
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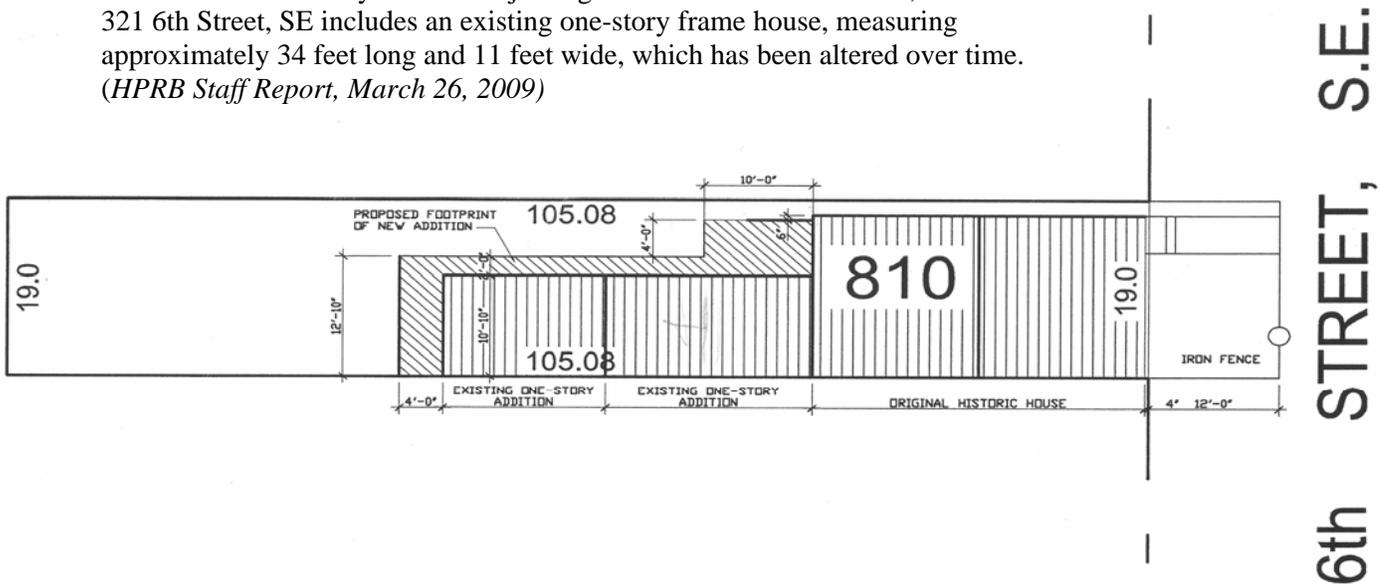


III. PROJECT DESCRIPTION IN BRIEF

Applicant	Christopher and Jean Whaley, owners
Proposal:	A two-story rear addition to accommodate an expanded kitchen and master bedroom. An existing one-story addition would be removed and the existing dog-leg portion at the side yard would be partially filled in with an addition that would wrap around the back of the house to extend 4 feet beyond the existing rear plane. The two-story rear addition would be clad in wood siding on all elevations, projecting 38' from the back of the house (4' beyond the existing addition). The addition would generally measure 12'-10" wide, except for a small connector piece abutting the main block of the house, where the addition would be 16'-10" wide. This connector piece would provide a passageway from the hallway of the historic house into the new addition.
Relief Sought:	§223 - Additions to One-Family Dwellings or Flats



This 2-1/2 story frame house, detached on the north (top) side, was constructed in the mid-nineteenth century with the adjoining residence at 323 6th Street, SE. 321 6th Street, SE includes an existing one-story frame house, measuring approximately 34 feet long and 11 feet wide, which has been altered over time. (HPRB Staff Report, March 26, 2009)



IV. ZONING REQUIREMENTS

R4 Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40 ft. /3 stories	21ft. 9.5”/2 stories	21ft. 9.5”/2 stories	None required
Lot Width (ft.) § 401	30 ft. min.	19 ft.	19 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	3,000 sq. ft. min.	1,996 sq.ft.	1,996 sq.ft.	Existing non-conforming
Floor Area Ratio § 401 CAP FAR	None prescribed 1.8 FAR (Max.)	0.70 FAR	1.11 FAR	None required
Lot Occupancy § 403	40% max.; (798.40 sq.ft) 70% w/ § 223	47.6 % (950.10 sq. ft.)	56.8% (1133.73 sq. ft)	Required
Rear Yard (ft.) § 404	20 ft. min.	40.2 ft.	36.2 ft.	None required
Side Yard (ft.) § 405	None required but if provided 3”/ft of building height but not less than 8 ft.	1ft 8 in.	6 ft. 2 in; 2 ft. 2 in	Required

OP’s calculation of lot occupancy differed from the information provided by the applicant, since the applicant did not include the area of the non-conforming side yard into the buildable area as required by the definition of lot occupancy.

V. OP ANALYSIS

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, semi-detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 405. This lot is also non-conforming to lot area and width requirement of Section 401.

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 proposed extension would not block any windows of the adjacent property on the north (#317), since there is a proposed 6 ft 2in-wide side yard separation, including the adjacent property’s 4 –foot side yard. In addition, the adjacent property to the north has a third floor, and the proposed addition maintains the existing 2-story height of the subject residence. Therefore, the light and air to 317 6th Street should not be unduly affected by the proposed addition.

The addition would extend 4 feet beyond the rear of the property to the south (#323). However, there are no windows facing the subject property along the southern property line. The same building height as the existing structure and the abutting neighbor's residence would be maintained. As a result, the addition should not unduly affect light and air to the abutting property to the south.

The rear yard of the subject property abuts the rear yards of properties which front on 5th Street and the addition would be sufficiently separated from the rear of those properties by at least 32 feet, so as not to adversely affect available light and air to those properties.

The applicant has submitted light studies to show the effect of the addition on the neighboring properties.

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

No new windows are proposed to face the abutting properties to the north and south. The proposed renovation would provide a side yard of 6 feet 2 ins. for most of its depth, and the properties are screened by six-foot high privacy fences.

While a new deck is proposed for the second floor from the bedroom at the rear, views from this deck into the rear yard of the abutting neighbors would not be an unusual feature of row dwellings in the District. The neighboring property immediately to the north is a three-story, brick building with a side bay and porch currently overlooking the rear yard of the subject property across their adjoining side courts. As a result, the proposed construction should not unduly compromise the enjoyment and 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; and

The proposed two-story addition would not be visible from any street, would maintain the same building height as the existing structure and be in keeping with the character and scale of other homes on the block. The Historic Preservation staff report of March 26, 2009 indicated that the plan is compatible with the historic house and with the character of the Capitol Hill Historic District. As such, the proposed renovation should not visually intrude upon the character, pattern, or scale of the homes along this street.

(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 floor plans, elevations, and photographs. Sufficient graphical information was provided for this request.

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 is 56.8%.

Since the existing property is within the Capitol Overlay District, the following also applies:

1202 SPECIAL EXCEPTIONS

1202.1 In an application for a special exception in any CAP Overlay District, the Board of Zoning Adjustment shall consider whether the proposed development is:

(a) Compatible with the present and proposed development of the neighborhood;

As previously stated under the review of Section 223.2 (c), the proposed renovation is deemed compatible with the development of the neighborhood.

(b) 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

(c) In accordance with the plan promulgated under the Act.

The proposed addition is consistent with the Act, as it is well within the height and bulk anticipated by Sections 1200.3 and 1200.7 for the historic residential district to the east of the U.S. Capitol.

1202.2 Upon receipt of the application, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reviews in writing of all relevant District departments and agencies including the Departments of Transportation, Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

The application was submitted to the Office of Planning for review and was also reviewed and approved in concept by the Historic Preservation Office.

1202.3 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

The application was forwarded to the Architect of the Capitol by the Board.

1202.4 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

No additional treatment is recommended by OP, as no adverse impacts have been previously identified under Section 223's review.

VI. COMMUNITY COMMENTS

The project is expected to be reviewed by the full ANC 6 on November 10, 2009. The Capitol Hill Preservation Review Board would review the project for comments on November 11, 2009.

OP has not received comments from other neighbors, but understands that abutting neighbors have expressed some opposition to the addition.

VII. COMMENTS OF HISTORIC PRESERVATION and OTHER DISTRICT AGENCIES

The Historic Preservation Review Board granted concept approval for the request on March 26, 2009. A copy of the Historic Preservation Office staff report has been attached for reference.

No other comments have been received to date from other District agencies.

JS/kt