

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 14, 2018
SUBJECT: BZA No. 19833 - request for special exception relief from Subtitle D § 306.3 pursuant to Subtitle D § 306.4 and Subtitle D § 5201.3, to allow a rear enlargement to an existing single-family semi-detached residence at 5048 11th Street, NE (Square 3898, Lot 41).

I. RECOMMENDATION

The Office of Planning (OP) **recommends the Board approve the following special exception request** pursuant to Subtitle E § 5201:

- Rear Extension, E § 205.4 (Required - rear addition shall not extend further than 10 feet past the furthest rear wall on adjacent property, Proposed - rear addition would extend a total of 15 feet past the furthest rear wall on adjacent property).

OP has asked the applicant to provide the following additional information by the hearing:

- A plan showing, in one drawing, the lots, property lines, buildings and other improvements such as sheds, retaining walls, decks, porches, etc. on the applicant’s property and the properties to the immediate north and south;
- An elevation of the north side of the proposed addition;
- Clearer elevation drawings showing the stairs and landings at the rear of the proposed addition’s first floor and basement;

II. LOCATION AND SITE DESCRIPTION

Address:	5048 11 th Street, NE
Applicant:	Anthony D. Jackson (Bobby G. Henry, Jr., agent)
Legal Description:	Square 3898, Lot 41
Ward / ANC:	5/5A
Zone:	R-2
Historic District:	N/A
Lot Characteristics:	3038 SF rectangular interior lot measuring 24.7 feet wide by 123 feet deep. The lot is bounded by 11 th Street to the east, a 20-foot improved alley to the west, and adjoining lots to the north and south. The lot slopes steeply down to the south in the side yard and less steeply down in the rear yard to the west.

Existing Development:	Two-story (plus basement) semi-detached single-family residence with a 60.2-foot rear yard. The changing elevations of the lot result in the southern and western faces of the building be approximately 5 feet above-grade. The house has a pitched roof, with its high-point midway from east to west. .
Adjacent Properties:	The entire block face slopes upward from south to north and is developed with semi-detached dwellings like the applicant's. To the north is a semi-detached two-story (plus basement) house sharing a party wall. To the south is a semi-detached two-story dwelling (plus cellar) that is separated from the applicant's house by a 6.4-foot side yard on the applicant's property and a 6.4-foot side yard of an unspecified width on the adjacent property.
Surrounding Neighborhood Character:	The surrounding neighborhood is developed with nearly-identical semi-detached residences.
Proposed Development:	The applicant proposes to construct a rear addition the would extend 15 feet past the rear wall of the semi-detached house to the north, with which it shares a party wall. The addition would appear to be three stories as viewed from the south and west. The addition would have a pitched roof that would be perpendicular to and slightly lower than the roof on the existing building.

III. ZONING REQUIREMENTS and REQUESTED RELIEF

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Height D § 303	40 ft. max.	26 ft.	No change.	None required
Lot Width D § 302	30 ft. min.	16.67 ft.	No change	Grandfathered
Lot Area D § 302	3,000 sq. ft. min.	1,500 sq.ft.	No change	None required
Lot Occupancy D § 304	40% max.	18.3%	27.3%	None required
Front Setback D § 305	Setback must be in range of existing front setbacks	Front setback is in range of existing front setbacks	No change	None required
Rear Yard D § 306	20 ft. min.	60.2 ft. ???	45.2 ft.	None required
Side Yard D § 307.1	8 ft. min.	6.4 ft.	No change	Grandfathered
Extension into a Side Yard of < 8 ft. D § 307.5	Addition may not decrease width of yard, which may be ≥5 ft.	6.4 ft. yard	No change	None required
Parking C § 701	1 parking space per dwelling unit	1 parking space	No change	None required

¹ Information provided by the Applicant.

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Rear Extension D § 306.4	Addition may not extend more than 10 ft. past furthest rear wall of adjacent building	Flush with the buildings to the north and to the south	15 ft. past the buildings to the north and to the south	Special exception relief requested: 5 ft.
Pervious Surface	30% min.	Not provided. Est. ~70%	Not provided Est.60%	None required

IV. ANALYSIS

Subtitle D Chapter 5201.3 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

The applicant is requesting a special exception from a rear yard requirement, as is permitted by Subtitle D, § 5201.1, subject to the criteria below.

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

The five feet of additional depth for which the applicant is requesting relief should not unduly affect the light and air available to the neighboring properties

- The proposed rear addition would extend 15 feet past the rear wall of 5050 11st Street, N.E., the property to the north with which the existing building shares a party wall. There would be no windows on the north side of the addition, nor would there be a terrace or balcony that could potentially impact privacy. While there may be a decrease in the direct light available to the rear façade and to portions of the rear yard and deck of the house to the north, the bulk of this impact would be due to the by-right 10-feet of the addition, and OP has been advised that the owner of the north-adjacent property is in support².
- The proposed addition would be approximately 6’5” away from the property line adjacent to the back yard of 5046 11th Street, to the south. Windows are proposed on all floors of the southern side of the addition. Most of those windows would be within the 10 feet of by-right depth for the addition, and the impact of windows in the remaining five feet of the addition would be no greater than any impact from the windows in the by-right portion of the addition.
- The rear wall of the house to the west is approximately 125 feet away from the rear wall of the applicant’s proposed addition. Neither that house, nor the rear yard of that property is likely to be affected.

With the proposed addition, the applicant’s property would provide 25 feet more than the required 20-foot rear yard setback and would be within the maximum height limit of 40 feet.

² At the time OP completed its report, the ANC has sent OP a copy of this letter and was planning to attach this letter to the report the ANC intended to file with the Board.

- (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 applicant's property and most buildings in the neighborhood appear to have been developed at approximately the same time as two-story brick semi-detached houses with pitched roofs having a center ridge perpendicular to the length of the houses. The proposed rear addition would extend flush with the existing side walls, be faced with the same type of brick and have similar double-hung windows. The addition would be less tall than the main building. While the proposed addition would be larger than other existing additions on the block, it should not substantially visually intrude up on the alley and would be visible only from the street only from an extreme angle from the south.

- (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 applicant submitted a survey, architectural plans, and photographs to illustrate the proposed addition and surroundings. In instances where the illustrations have not been clear the text or conversations OP has had with the applicant have provided sufficient information.

- (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 applicant states that the total lot occupancy with the proposed addition is 27.3 percent.

- 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.*

No special treatment of the proposed addition is recommended.

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

The proposed addition and residential use are permitted in the R-2 zone.

- 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 number of stories and height created by the addition would be conforming.

V. COMMENTS OF OTHER DISTRICT AGENCIES

There were no comments from other District agencies as of September 6, 2018

VI. COMMUNITY COMMENTS TO DATE

Exhibits 11 and 29 describes the applicant's outreach efforts to ANC 5A and nearby neighbors. As of September 6, 2018, the case file contained no comments from adjacent neighbors, or other members of the public.

However, while ANC 5A had not placed an exhibit in the record as of the time OP completed this

report, the chair of the ANC and the single member district commissioner informed OP that the ANC had voted unanimously on August 22, 2018 to support the application. The ANC planned to file a report with the Office of Zoning.

The ANC also sent OP letters of support for the application that it had received from two neighbors, including the neighbor at 5050 11th Street, NE, immediately to the north of the applicant's property. The ANC was planning to include these letters with the ANC's filing.

Attachment: Location Map

