

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: May 5, 2015

SUBJECT: BZA Case 18997 - request for special exception relief under § 223 to allow the construction of a two-story rear addition with accessory apartment connected to the dwelling by a covered walkway at 148 11th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to § 223:

- § 403.2 Lot Occupancy (54.8% existing; 70% max. permitted by special exception; 70% proposed); and
- § 404.1 Rear Yard (53 feet existing; 20 feet required; 0 feet proposed).

The property also includes an existing nonconforming open court (6 feet required; 4.5 feet existing).

II. LOCATION AND SITE DESCRIPTION:

Address:	148 11 th Street SE (the “Subject Property”)
Applicant	Chris Lobb and Paola Barbara (the “Applicant”)
Legal Description:	Square 989, Lot 26
Ward:	6
Lot Characteristics:	The rectangular lot is 117.5 feet deep and 18 feet wide along the 11th Street SE frontage. A 30 foot public alley is located to the rear.
Zoning:	R-4
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Adjacent properties include rowhouse dwellings.
Surrounding Neighborhood Character:	The area is predominantly comprised of rowhouse dwellings.

III. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to build a two-story addition at the rear of the Subject Property with a second floor apartment, connected to the existing house by a covered walkway. The covered walkway would provide a meaningful connection between the house and accessory structure,

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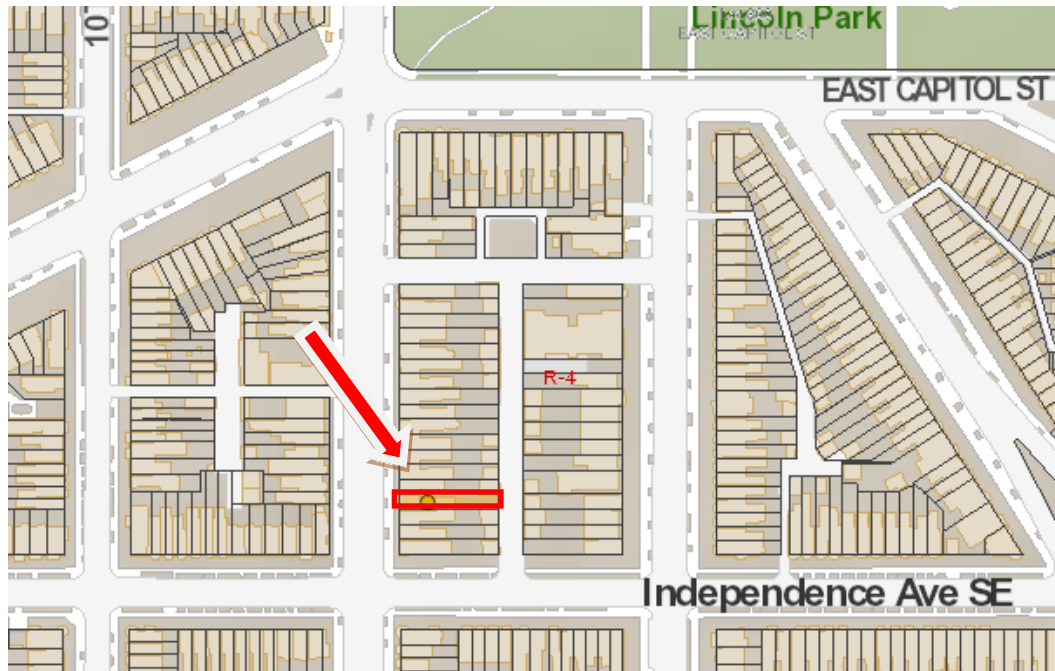
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CASE NO. 18997

EXHIBIT NO. 81

making the proposed addition a legal dwelling unit. The existing rear porch would be removed. The addition would include a single garage parking space.

In response to neighbor requests, the Applicant submitted to the ANC a proposal with a revised building height of 20 feet, a double window facing the rear yard shifted to the south (away from the neighboring property at 146 11th Street SE), and the sill height raised for the smaller window. As of this writing, this revised proposal has not been submitted to the record.



1
C4 VIEW OF REAR

2
C4 VIEW OF REAR FROM ALLEY



V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	30 ft. (existing rowhouse)	20 ft. (addition)	None required
Lot Width (ft.) § 401	18 ft. min.	18 ft.	18 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	2,115 sq.ft.	2,115 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	70% max. by special exception	54.8%.	70%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	53 ft.	0 ft.	Relief required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	6 ft. min.	4.5 ft.	4.5 ft.	Existing Nonconforming

VI. 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.

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy, and § 404, Rear Yard.

223.2 The 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 light and air available to neighboring properties should not be unduly affected. 146 11th Street SE currently includes a five foot wide court, which provides some separation with the Subject Property. The Applicant submitted a shadow study, dated April 9, 2015 (Exhibit 26), which indicates that while there would be some impact from shadows on the neighboring property at

¹ Information provided by Applicant.

146 11th Street SE, the impact should primarily be limited to the rear yard and a portion of the house's rear wall during the winter months. Further, the removal of the Applicant's rear covered patio should allow for more light to some portions of 146 11th Street SE during that time of year.

The neighboring property at 150 11th Street SE is located to the south of the Subject Property and its light and air should not be impacted by the proposed addition. The impact would also be mitigated due to that property's existing garage.

The properties to the east are located across a 30 foot public alley and their light and air should not be unduly affected by the proposed structure.

The Applicant's proposal, dated April 9, 2015 (Exhibit 25), includes a reduction in the height of the structure from 22 feet to 20 feet. The height reduction should result in a structure more in scale with neighboring accessory structures and allow for more light and air to neighboring properties.

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

The proposed structure would have no windows or other openings on the sides and would be constructed between and adjacent to two other accessory garages. Nevertheless, the proposed structure's windows would allow views into the neighboring rear yards. Further, the rear façade of the neighboring property to the north, 146 11th Street SE, was built in a modern vernacular and is largely comprised of glass. The proposed addition would allow a view of that property's rear façade.

The Office of Planning met with the neighbor residing at 146 11th Street SE and understands that the neighbor has some privacy concerns. There are two ways in which the Applicant has partially mitigated the privacy concerns of the neighbor residing at 146 11th Street SE.² First, the Applicant proposes moving the double window to the south (away from 146 11th Street SE). Second, the Applicant proposes raising the high window sill on the other two windows. The Office of Planning supports these modifications, which should reduce the impact to the neighbor's privacy. The Office of Planning would support a further modification to the double window by reducing its size or other alterations, which could have some additional impact in reducing views 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*

² As of this writing, these proposed changes have not been submitted into the record.

visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

The accessory structure would be visible from the public alley. Although the proposed structure would be one of the only two-story carriage houses on the alley, several other accessory structures on the alley are nearly as tall as the proposed structure (for example, the adjacent structure at 146 11th Street SE is 16 feet 6 inches in height). In addition, the proposed building's character would resemble a typical Capitol Hill carriage house. Therefore, the design and massing of the building would not substantially intrude upon the character and scale 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.*

The Applicant submitted plans, elevations and photographs sufficient to represent the relationship of the proposed structure.

- 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 comply with the maximum seventy percent lot occupancy permitted in the R-4 by special exception.

- 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.*

The Office of Planning would support additional modifications to the proposed windows, including the use of a single instead of double window on the structure's yard-facing façade.

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

The subject application would not result in the introduction or expansion of a nonconforming use.

VII. COMMUNITY COMMENTS

The neighbor residing at 146 11th Street SE submitted a letter to the record stating that the proposal would negatively impact her light and air and privacy.

The neighbor residing at 150 11th Street SE submitted a letter into the record in support of the proposed project.

At its regularly scheduled meeting on April 20, 2015, Advisory Neighborhood Commission (ANC) 6B voted 6-2-2 in support of the proposed project.