

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: October 30, 2017

SUBJECT: Supplemental OP Report on BZA #19560 – 1739 Harvard Street, NW – Special Exception from Subtitle D § 205.4, to construct a rear addition to an existing single family residence

I. BACKGROUND AND RECOMMENDATION

In its September 22, 2017 report (Exhibit 39), the Office of Planning (OP) stated it could not make a recommendation on this application because information was lacking on the criteria in Subtitle D, § 5201.3 (a) and (b). OP’s report analyzed all other relevant criteria at that time, stating that the applicant complied with those criteria. Since then the applicant has filed shadow studies (Exhibits 42,43, 65A1, 65A2, 69A1 and 69A2) and made adjustments to the design as recently as October 30, 2017 (Exhibit 70). This has provided information sufficient for OP to assess whether the application meets all the criteria of Subtitle D, § 5201.

Based on OP’s analysis of the revised October 30, 2017 plans and shadow studies compliance with the criteria in Subtitle D, § 5201.3 (a) and (b), and on OP’s September 22, 2017 analysis of other relevant criteria contained, OP recommends the Board **approve** the following request, pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the requirements of Subtitle E, § 205.4:

Subtitle E § 205.4: (Permitted: addition extending up to 10 feet beyond the farthest rear wall of any principal residential building on any adjoining property; Proposed: addition extending a maximum of 14 ft. beyond the rear wall of the east-adjacent residence and 12 feet beyond the rear wall of the west-adjacent residence).

II. ANALYSIS OF CONFORMANCE WITH CRITERIA IN SUBTITLE D, § 5201.3 (A) AND (B)

The final shadow studies compare the following in relation to the farthest rear wall of the adjacent principal residential buildings:

- existing conditions without a rear addition;
- a by-right addition extending 10-feet; and
- the addition proposed in Exhibit 68, which would extend 14 feet on the first level of the addition (which is the second floor of the house, due to grade changes from front to back), 12 feet on the second level/third floor and would contain a two-foot deep horizontal planting shelf between the first and second levels.

The Subtitle's criteria, and OP's analysis, pertain to any additional effects that may be created by the portion of the addition extending beyond what is permitted by right, not to effects that may or may not result from a by-right addition.

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;*

The first level of the addition would extend four-feet beyond by-right limits on the house's second floor, which for the row of similar houses on the north side of the 1700 block of Harvard Street is at ground level due to the upward slope of a hill from the front to the back of these properties. The second level of the addition (3rd floor of house) would extend two-feet beyond the by-right limits on the house's third floor, which is one story above the level of the ground at the rear of the applicant's house and adjacent houses. The proposal is not likely to have an undue effect on air available to neighboring properties.

With respect to potential effect on available light, the addition would be on the north side of the building and the applicant's shadow studies indicate:

- At no time of the year would either a by-right addition or the proposed addition cast any new shadows on the face of the houses to the east or west, or those nearby, because the north-facing rear walls are already in shadow under existing conditions;
- Some shadow is currently cast in back yards during the Spring, Summer and Fall by existing buildings, fences, chimneys and – for some properties – by adjacent one-story additions;
- New shadows cast by the applicant's proposed addition would be limited to the rear yards of adjacent houses;
- During the autumnal and vernal equinoxes, the shadow cast by the proposed addition beyond the shadow cast by a by-right addition would be: minimal during mid-day; be increased somewhat, but not unduly, on 1741 Harvard Street's back yard at 9:00 a.m., and would be minimally increased on 1737 Harvard Street's back yard at 4 p.m.;
- On the longest day of the year, June 21, the shadow cast by the portion of the proposed addition that is deeper than what would be permitted by-right would also be negligible during mid-day. While there would be a greater increase in the shadowing of 1741's back yard at 9 a.m., and a similar increase on 1737's back yard at 4 p.m. the shadows created from the deeper-than-by-right portion of the addition would not be undue, particularly with the October 30, 2017 reduction in the size of the proposed planting shelf.

The applicant did not present a shadow study for winter months because the angle of the sun already puts most of every backyard in the 1700 block of Harvard Street, NW into shadow during those months.

Overall, it does not appear that there would be an undue effect from the beyond by-right portion of the proposed addition.

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

The privacy of nearby properties should not be unduly impacted. There would be no windows on either side of the proposed addition. The extension of the rear wall of the applicant's property would increase the privacy available to the first 12 to 14 feet of the neighboring properties' rear yards. Although the second level/third-floor addition would be set-back from the first level/second-floor addition, there would not be a terrace off the second level/third floor. Because there would be no significant increase in the percentage of fenestration in the rear wall, the privacy available to the remaining portions of the adjacent rear yards should not be unduly compromised.

The shadow studies submitted by the applicant indicate that the beyond-10-foot depth of the proposed addition that would be enabled by a special exception would not be likely to unduly compromise the enjoyment of use of neighboring properties' back yards.

III. ADDITIONAL COMMUNITY OUTREACH AND COMMENTS

ANC 1D had asked the Board to postpone the hearing for this case and to request additional information addressing the special exception's criteria (Exhibits 45 and 46, dated September 27, 2017). On October 24, 2017, the ANC voted to recommend that the Board deny the special exception request.

Since the hearing, one letter of support has been received (Exhibit 68). Several letters of opposition and a petition in opposition had been received prior to the postponement (Exhibits 35,36, 37, 41, 51 and 57), no additional letters of opposition have been received since the hearing was postponed.