

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** January 23, 2017  
**SUBJECT:** BZA Case 19421 - request for special exception relief under Subtitle E § 5201 to permit an addition to a residential building in the RF-1 zone at 18 T St .NE

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- E § 304.1, lot occupancy (60% maximum permitted, 69.61% proposed);

Although not requested, OP believes that relief from C § 202.2 to allow an addition to a non-conforming structure, may also be required.

**II. LOCATION AND SITE DESCRIPTION**

Address:	18 T St. NE
Applicant:	Rose M. Walter on behalf of Edward and Donna Naybor
Legal Description:	Square 3509, Lot 0043
Ward / ANC:	5 / 5E
Zone:	RF-1 – detached, attached, semi-detached, single-family dwellings and flats.
Lot Characteristics:	Rectangular lot measuring approximately 18.3 feet in width and 60.5 feet in depth. The lot fronts on T St. NE to the south, a 15-foot wide improved public alley to the north, and residential flat buildings to east and west.
Existing Development:	The property is improved with an existing three-story flat.
Adjacent Properties:	The adjacent properties on T St NE are multi-unit row houses to the east and west of the subject site.
Surrounding Neighborhood Character:	The surrounding neighborhood is predominantly residential in character.

Proposed Development:	The Applicant is proposing to renovate their flat. The renovation includes replacing the deck roof with a trellis, removing the outside staircase between the second and third floor decks, subsuming the staircase between the first and second floor decks, removing two feet from all three decks, re-establishing a cellar in the front of the property by recreating the original berm, and adding a walkway to the cellar.
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**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) E § 303	35 ft. max.	38.3 ft.	34.2 ft.	None required
Lot Width (ft.) E § 201	18 ft. min.	18.34 ft.	18.34	None required
Lot Area (sq.ft.) E § 201	1,800 sq. ft. min.	1,751 sq. ft.	1,751 sq. ft.	None Required
Lot Occupancy E § 304	60% max.; 70% by sp.ex.	72.37%	69.61%	<b>Relief Requested</b>
Rear Yard (ft.) E § 306	20 ft. min.	27.22 ft.	29 ft.	None required

**IV. OP ANALYSIS:**

**Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The Applicant is requesting relief from the lot occupancy provision.

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<sup>1</sup> Information provided by applicant.

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The proposal is for the replacement of existing rear decks.

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 proposal would reduce lot occupancy and height on the site by removing the roof from the top deck and replacing it with a trellis; removing two feet from each of the three rear decks; and by moving the external spiral stair to be within the footprint of the deck and removing the staircase connection between the second and third floor decks. This reduction in development should allow for more light and air to circulate through the site to neighboring properties.

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

The reduced development on the site should result in minimal if any impact on 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;*

The proposal would reduce the development on the site. Most of the alterations are in the rear of the property so they would not visually intrude upon the character, scale, and pattern of the houses along T St. NE.

The smaller decks, trellis, removed portion of exterior staircase, and subsumed exterior staircase would be visible to the Todd Place NE neighbors on the other side of the public alley at the rear of the site, whose rear yards and decks face the site's rear yard and decks. The proposal maintains much of the same appearance of the existing design so the rear neighbors should not be unduly impacted by the changes in appearance. The rear neighbor at 17 Todd Place NE, who is directly behind the site, submitted a letter in support of the proposal.

Furthermore, the proposal includes changes that do not relate to the requested relief but will improve the site's compatibility with the neighborhood. The proposal would reinstall a berm in front of the site, which is consistent with the adjacent neighboring properties east and west of the site. Reinstalling the berm and other landscaping improvements to the front of the property would help maintain the site's character with the neighborhood. And, parking for the site would be relocated on-site behind the

house so on-street parking would no longer be needed. The adjacent neighbor to the east of the site, 20 T St. NE, submitted a letter in support of the proposal.

- (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 elevations, floor plans and photographs that illustrate the proposed addition and its surroundings.

- (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 proposed lot occupancy will be 69.61 percent, which is less than the existing 72.37 percent lot occupancy, and less than the 70% permitted by special exception.

*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 or conditions are 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 renovations will not permit the introduction or expansion of a nonconforming use. The property is and would continue to be used as a two-unit flat dwelling, which is permitted as a nonconforming use in the RF-1 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 proposal would not result in a nonconforming height or number of stories. The proposed renovations will reduce the building's defined height from 38.3 feet to 34.2 feet; 35 feet is permitted by right.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other District agencies had not been received at the time this report was filed.

## **VI. COMMUNITY COMMENTS**

The Applicant submitted numerous letters of support from surrounding neighbors, which included letters of support from the adjacent neighbors to the rear and east of the site. The Applicant also submitted a letter of support from the Eckington Civic Association (Exhibit 33).

