

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 12, 2018

SUBJECT: BZA # 19667 – 1108 5th St., NE – Special Exception under Subtitle E § 5201, from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at 1108 5th Street N.E. (Square 805, Lot 88)

I. RECOMMENDATION

The Office of Planning (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, to enable the construction of an addition that will extend more than ten feet beyond the farthest rear wall of the principal residential buildings to the north and south of the applicant’s property:

- 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 16’3” ft. beyond the rear wall of the adjacent residences to the north and south; i.e., a maximum of 6 feet 3 inches more than what is permitted by-right).

II. LOCATION AND SITE DESCRIPTION

Address	1108 5th Street N.E.	Legal Description	Square 805, Lot 88
Zoning	RF-1 (Predominantly one or two-unit attached row houses on small lots)		
Ward, ANC	6, 6A	Historic District	none
Lot Character and Existing Development	1,950 SF, 19.5-foot wide rectangular interior lot on west side of 5 th Street, NE. It is improved with a two-story. There is a rear alley and parking space.		
Adjacent Properties	Similar two-story rowhouses are to the north and south.		
Neighborhood Character	The 1100 block of 5 th Street, NE is predominately one-and-two-family rowhouses, with occasional small apartment buildings of three and four stories. Several houses in the 1100 block have rear additions more than 10 feet deeper than adjacent houses including some which are equal to or greater than the applicant’s proposed addition.		

III. PROJECT DESCRIPTION IN BRIEF

The existing structure is a two-story rowhouse with a two-story enclosed rear porch. The applicant’s house is flanked by similar row-houses, with similar two-story enclosed porches with rear walls flush with the applicant’s existing enclosed porch.

The applicant proposes to

- demolish the 5’9” deep rear porch addition;
- construct a 22-foot deep two-story rear addition; and
- add a third-story addition that would be set-back 10’10” from the existing third-floor false-front and extend 26’11” back to a plane aligned with the rear wall of the existing porch and with the rear walls of the two adjacent houses.

The back of the two-story addition would contain open decks, flanked by storage or washrooms on either side of the recessed decks. Atop the second floor of the addition would be a roof deck, which would be accessed from the back of the new third story. The Office of the Zoning Administrator has confirmed that the third-floor roof deck meets all setback requirements (Exhibit 41).

Although the new first two stories would be 22-feet deep, the net new depth would extend only 16’3” past rear walls on the adjacent houses; i.e., 6’3” beyond what is permitted by-right. The new third floor would not extend past the rear walls of adjacent houses

IV. ZONING REQUIREMENTS AND ANALYSIS

Table 1. Zoning Data, based on information provided by applicant

Item	Regulation	Existing	Required / Permitted	Proposed	Relief
Lot Area & Width	E-201.1	1,950 sf 19.5 ft.	1800 sf min. 18 ft. min.	Same Same	Existing non-conformity
Lot Occ.	E-304.1	38%	60 % max attached.	54%	Conforming ¹
Front Setback	E-305.1	in line with row	In line with row	Same	Conforming
Height	E-303.1	33 ft. 3 stories	35 ft., 3 stories max.	Same	Conforming
Parking	701.5	1	1/principal du with alley	1	Conforming
Rear Yard	E-306.1	62 ft.	20 ft.	46 ft.	Conforming
Rear Additions	E-205.4	0	10 ft.	16’3”	Special Exception Requested

¹ The applicant’s self-certification form is in error. No lot occupancy relief is required or requested.

Item	Regulation	Existing	Required / Permitted	Proposed	Relief
Side Yard	1207.4	n/a	Not required. If provided, 5 ft.	None provided	Conforming
Pervious Surface	E-204.1	Information not provided	10%	Information not provided	tbd

The applicant has requested relief from the dimensional limitations of Subtitle E, § 205.4 to build an addition that, on the first and second floors, extends more than 10 feet past the rear wall of adjacent properties. This distance is measured from the rear wall of enclosed, conditioned space on the adjacent properties at 1106 and 1110 5th Street, NE, to the rear wall of the proposed enclosed, conditioned space on the proposed addition, and does not include exterior decks or balconies. Subtitle E § 205.5 enables the Board to grant the requested relief as a special exception.

205.4 *Notwithstanding §§ 205.1 through 205.3, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjoining property.*

205.5 *A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.*

Relief is needed for the proposed addition. The criteria for determining whether relief is appropriate are included in Subtitle D, §§ 5201.2 – 5201.6, which are listed below, with emphasis in bold added by OP:

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 “10-foot rule” is a subset of the regulations governing rear yards.

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 site has an existing single-family residential building that would be expanded physically, but, the applicant states, there would be no increase in the number of units.

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 applicant's property is oriented east-west, with the proposed rear addition extending from the west side of the building. While there may be some impact on the light available to portions of 1110 5th Street, NE's back yard during the winter and to 1106 5th Street, NE's back yard during portions of the summer, the owners of both properties have filed letters in support of the project (Exhibits 11, 12, and 35). The impact of the construction extending beyond 10 feet from the walls of the adjacent houses on the first two floors should not have an undue effect on the light or air available to the neighboring properties.

*(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 16 feet of the neighboring properties' rear yards. Because the recessed decks on the 1st and 2nd floors would be screened by enclosed construction on each side of the decks, there would be no significant increase in views of the adjacent houses or yards from those decks. The roof deck terrace atop the second floor would have solid parapet side-walls and the only increase in views into nearby yards would be from a standing position on this deck. The letters of support (Exhibits 11, 12, 34,35,36) from the two north-adjacent houses and the two south-adjacent houses indicates that the third- floor deck should not unduly compromise the privacy, use and enjoyment of 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;*

With the approximately 11-foot set-back from the front (Exhibit 40) and the screening that would be provided by the existing false-dormer roof atop the 2nd floor, the addition should not substantially intrude on the character, scale or patterns of houses along the street-front. While the addition would be visible from the rear alley, the design would be in keeping with several other additions to the houses in this block and should not pose a substantial visual intrusion.

*(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 has provided graphical representations (Exhibits 4, 5, 8, 38-40) that, in combination

with other orthophotography and street-view photographs are sufficient to demonstrate compliance with the criteria in paragraph (c) and portions of the criteria in paragraphs (a) and (b).

(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%).

With the proposed addition, the lot occupancy would be 54%.

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.

OP does not recommend that the Board include any conditions with an Order of Approval.

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

The existing and proposed single family residential use is a conforming 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 proposed height and number of stories of the building would be conforming.

V. DISTRICT AGENCY COMMENTS

There were no District agency comments on file at the time OP completed its report.

VI. COMMUNITY COMMENTS

The applicant has told OP that both the Capitol Hill Restoration Society's (CHRS) Zoning Committee and ANC 6C have voted to recommend approval the project. However, neither CHRS nor the ANC had filed a statement with the Office of Zoning at the time OP completed its report.

The owners of north-adjacent 1112 5th Street, NE support the special exception request (Exhibits 11 and 35), as do the east-adjacent owners at 1106 5th Street, NE (Exhibit 12) The owners of 1104 5th Street and 1108 5th Street have also filed letters in support (Exhibits 34 and 36).

There was no opposition to the application on file at the time OP completed this report.

VII. LOCATION AND ZONING MAP

A location and zoning map follows. Case Exhibit 37 also shows the proposed addition in relation to the rear building walls of nearby properties on the west side of the 1100 block of 5th Street, NE.

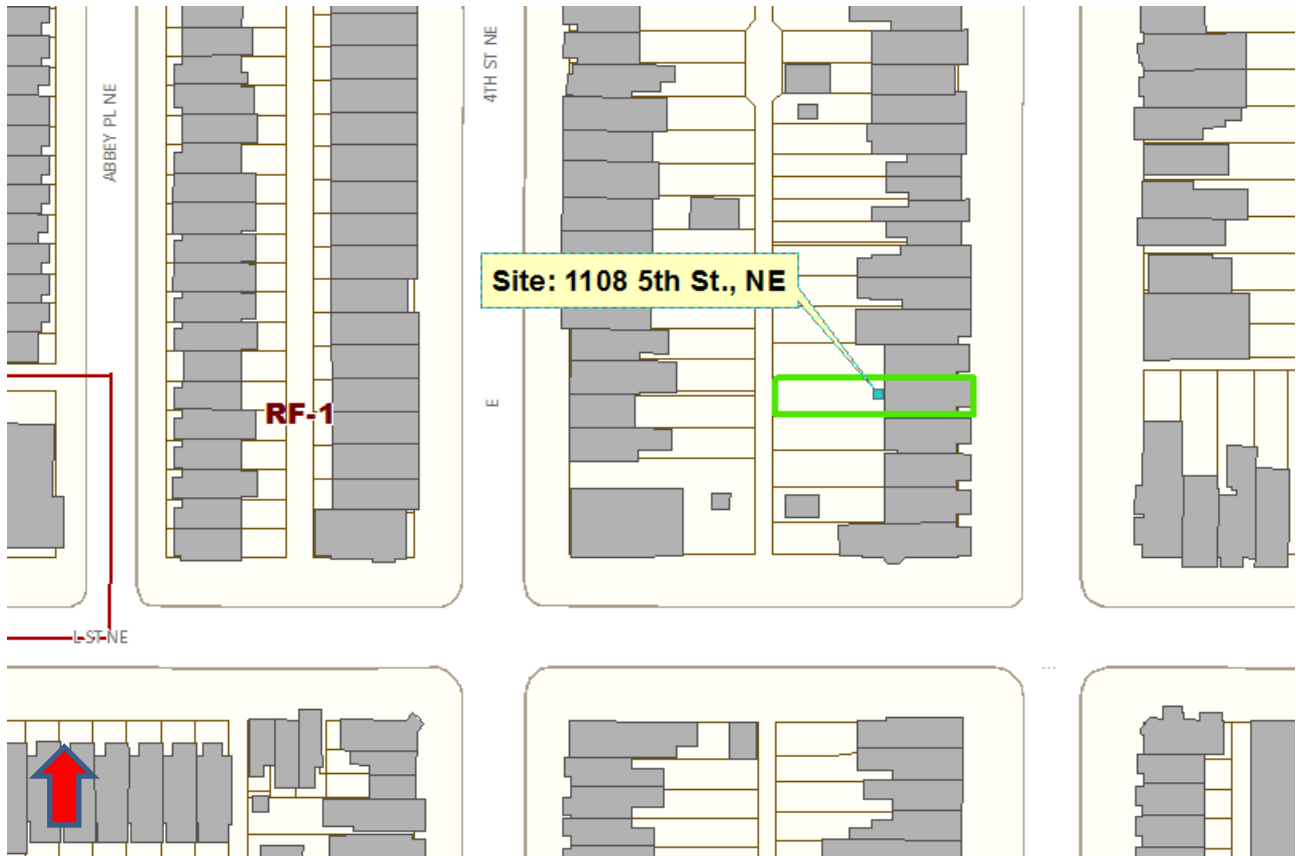


Figure 1. Location and Zoning Map