

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** February 23, 2018

**SUBJECT:** BZA #19702 – 656 Independence Ave., SE – Request for special exception relief under Subtitle E § 5201 and C §202.2 to construct a two-story rear addition.

**I. RECOMMENDATION**

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

- E.§ 204.4 Rear Extension (10 ft., max. required, 20 ft. existing, 20 ft. proposed);
- E.§ 304.1 Lot Occupancy (60% maximum required, 63.37% existing, 68.96% proposed);
- C § 202.2 Addition to a nonconforming structure,

The Applicant submitted two self-certification forms. The second, Exhibit 32, includes all the relief needed for the proposal.

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Jennifer Fowler on behalf of Kate and Matthew Gallery
Address	656 Independence Ave., SE
Legal Description	Square 870, Lot 62
Ward / ANC	Ward 6; ANC 6B
Zone	RF-1
Historic District or Resource	Capitol Hill
Lot Characteristics	Rectangular lot 14.25' X 96.33' lot on Independence Ave, SE. A 28' public alley narrows down to a 4' private alley at the rear of the lot.
Existing Development	Rowhouse
Adjacent Properties	Rowhouses
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly single-family rowhouses.
Proposed Development	Proposal would allow for a two-story rear addition to a rowhouse, by filling in an existing 3' 10" wide and 20' deep court.

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-1 Zone	Regulation	Existing <sup>1</sup>	Proposed	Relief
Lot Width E § 201	18' min.	14.25 ft.	14.25 ft.	Existing Non-Conforming
Lot Area E § 201	1,800 sq.ft. min.	1,373 sq..ft.	1,373 sq.ft.	Conforming
Open Court E § 203	N/A	3.83 ft.	0 ft.	Conforming
Rear Yard-Extension E § 205	10' max	20 ft.	20 ft.	<b>Special Exception Requested</b>
Height E § 303	35' max.	23.79 ft.	23.79 ft.	Conforming
Lot Occupancy E § 304	60% max. (70% max per SE)	63.37%	68.96%	<b>Special Exception Requested</b>
Rear Yard E § 306	20 ft.	28.9 ft.	20 ft.	Conforming

### IV. ANALYSIS

#### Subtitle D Chapter 5201, special exception relief for lot occupancy and rear yard addition

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 proposal would require relief from the lot occupancy and nonconforming structure requirements. It would also require relief from the 10 ft.-maximum rear extension requirement because the rear addition would extend 20 ft. past the rear of the house to the west, 654 Independence Avenue.

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 an addition to a residential building.

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<sup>1</sup> “Existing” and “Proposed” information provided by the applicant

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 proposed addition would not unduly affect the light and air of either neighboring property. It would enclose the existing open court, “dog leg”, along the eastern property line, and to the same depth as the adjacent neighbor to the east, 656 Independence Ave. SE’s rear wall (which does not have a similar “dog leg” court). As the addition is on the eastern side, it should not negatively impact the adjacent neighbor to the west, 654 Independence Ave. SE. The western portion of the house is already 20’ beyond this neighbor’s rear.

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

The addition should not have an undue impact on the use and enjoyment of the neighboring properties. It would fill in the existing open court, “dog leg”, making the eastern portion of the house the same length as the western side of the house. The addition would also bring the rear in line with the eastern adjacent neighbor’s rear wall. Therefore, the neighbor to the east’s use and enjoyment should not be unduly compromised. As the addition is to the east side of the house, the neighbor to the west should not be unduly impacted. Both neighbors submitted letters in support of the proposal.

The private alley to the rear is 4’ wide so the rear yards of the neighbors to the north are in close proximity to the site. These neighbors should not be unduly impacted because their fences and garages as well as the site’s rear garage provide a visual barrier between them and the first story of the addition. Any potential impact of the addition’s windows on the second story and the new glass French door should not be undue because the existing tree and shed in the rear yard should significantly reduce visibility from the windows and doors.

*(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 second story of the proposed addition would be visible from the alley but it should not be visually intrusive. The first story of the addition would not be visible from the alley because there is an existing shed at the rear property line.

The addition would be in scale with the rest of the houses along the alley. It would bring the eastern rear wall out to the same length as the western rear wall of the house, which would make this house similar to the other houses on the block, including the adjacent neighbors’ house to the east. The addition’s design and building materials would be similar to the house’s existing design and building materials.

*(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 application includes plans, elevations and photographs to represent the proposed addition.

*(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 would be 68.96%, for which special exception relief has been requested.

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 is recommended for this proposal.

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

The proposal includes a relief request to allow the expansion of the existing nonconforming lot occupancy and the expansion of the existing nonconforming rear extension on the site.

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 addition would not impact the height of the rowhouse.

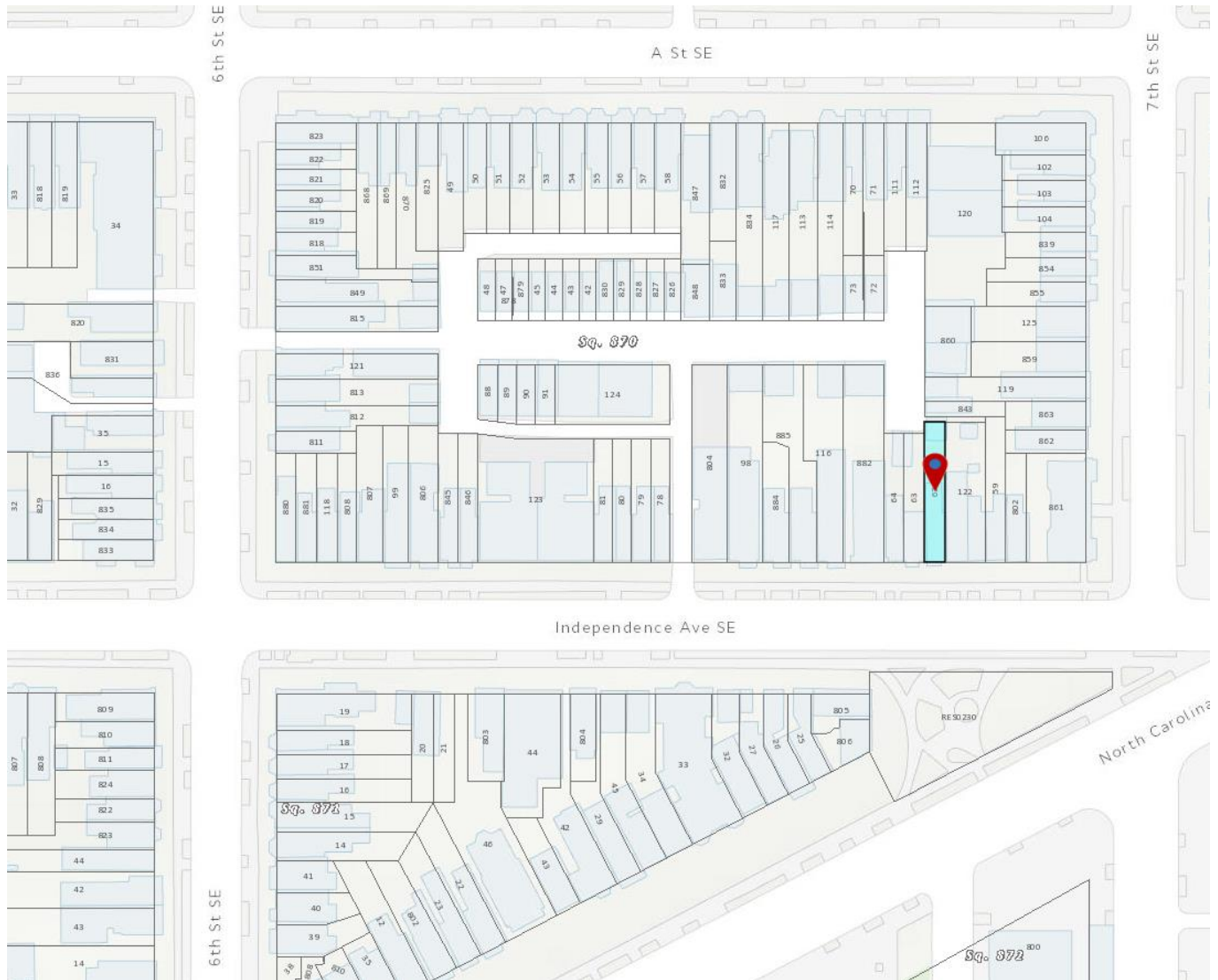
## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

OP's Historic Preservation division does not oppose the proposal. The DDOT report, Exhibit 35, notes no objection. As of the writing of this report, no District Agencies provided comments.

## **VI. COMMUNITY COMMENTS**

Both adjacent neighbors submitted letters in support of the proposal (Exhibits 26 & 27). As of the writing of this report, no report has been submitted from ANC 6B.

### VII. LOCATION MAP



656 Independence Ave, SE Location Map