

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 1, 2018

SUBJECT: BZA Case 19759 - Special Exception review to construct rear and third floor additions to a semi-detached flat at 1307 S Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

Christopher Cassimus, applicant, requested special exception relief from the rear yard requirements of Subtitle E § 205.4 pursuant to Subtitle E § 205.5 and Subtitle E §§ 5201.3 to 5201.6, and from the roof addition requirements of Subtitle E § 206.1 pursuant to Subtitle E § 206.2 and Subtitle E §§ 5203.3 to construct a rear and third floor addition to the unit at the rear of the property at 1307 S Street NW in the RF-1 zone.

The Office of Planning (OP) recommends **approval** of the following special exception relief for the rear yard addition pursuant to Subtitle E § 205.5 and E § 5201:

- E § 205.4 (10 ft. addition beyond the farthest rear wall permitted; 35 feet beyond the rear wall of 1309 S Street and 8.5 feet beyond the rear wall of 1305 S Street existing; 41.5 feet beyond the rear wall of 1309 S Street and to 13 feet beyond the rear wall of 1305 S Street proposed);

Upon review of the application, the request for relief from Subtitle E § 206.1 does not appear to be necessary as the proposed third floor addition would meet all the requirements of that section and therefore the special exception does not appear to be required. OP understands from the applicant that they intend to amend the application accordingly.

II. LOCATION AND SITE DESCRIPTION:

Address:	1307 S Street. NW
Applicant:	Christopher Cassimus represented by Michael P. Rouse, AIA
Legal Description:	Square 0238, Lot 803
Ward / ANC:	1/ANC 1B
Zone:	RF-1
Historic District	Greater Street Historic District
Lot Characteristics:	The lot is flat with an area of 2,400 square feet (24 ft. x 100 ft.).
Existing Development:	The property is developed with a two-story, brick, semi-detached flat.

Adjacent Properties:	The building to the east is a two-story, semi-detached building while the building to the west is a three story, brick, row dwelling. To the south and north are three -story row dwellings in the RF-1 zone.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised of a mix of 2- and 3-story row dwellings, 3-story apartments, a school building, and a DC warehouse in the RF-1 zone.
Proposed Development	The applicant proposes to construct a two-story rear addition and a third floor above the not at the rear of the building.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Height, § E 303.1	35 ft. max., 3 stories	23 ft.	29.5 ft.	None required
Lot Width, E § 201.1	18 ft. min.	24 ft.	24 ft.	None required
Lot Are, E § 201.1	1,800 sf	2,400 sf	2,400 sf	None required
Lot Occupancy, E § 304.1	60 % max.	53.42 %.	57.92 %	None required
Rear Yard, E § 306.1	20 ft. min.	26.2 ft.	21.7 ft.	None required
Side Yard, E § 307.3	None, but if provided a min. of 5 ft.	5 ft. to 5.3 ft.	5 ft. to 5.3 ft.	None required
Rear Yard/Wall, E §§ 205.4, 205.5 <i>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 adjoining principal residential building on an adjoining property if approved as a special exception</i>	10 ft. max	36.5 ft. beyond 1309 S Street rear wall. 8.5 ft. beyond 1305 S Street rear wall.	41 ft. beyond 1309 S Street rear wall. 13 ft. beyond 1305 S Street rear wall.	Relief required

IV. OP ANALYSIS

The applicant requests special exception review pursuant to Subtitle E § 205.5 and Subtitle E §§ 5201.3 to 5201.6 for not meeting the standard for yards with respect to rear additions, whereby an addition of 10-feet is permitted as a matter-of-right, Subtitle E § 205.4. In this case, the subject property’s rear wall currently extends 36.5 feet beyond the rear wall of 1309 S Street and 8.5 feet beyond the rear wall of 1305 S Street. The 4.5-foot addition would result in the rear wall being 41 feet beyond the rear wall of 1309 S Street and to 13 feet beyond the rear wall of 1305 S Street.

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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;*

¹ Information provided by applicant.

The additional 4.5 feet added to the rear and the third-floor addition would not significantly change the light and air to the neighboring property on both sides. The applicant has submitted solar studies (Exhibit 36) which demonstrate that the change in shadows from the current situation would be none to a slight during the mornings of the winter and summer solstice. The mid-day and evening shadows would be about the same. The third-floor addition may have a small impact on air to the adjacent buildings but would not prevent air circulation or result in an undue impact.

The property owner at 1305 S Street submitted a letter in support of the addition, at Exhibit 34 of the record. The property owner at 1307 S Street signed a petition stating support for the project. (Exhibit 10)

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

The privacy of use and enjoyment of the rear yard of 1309 S Street should not be unduly compromised, as no windows are proposed on the western elevation of the addition to impact privacy. The new windows would face 1305 S Street and provide light and air to the subject building on all floors. A majority of the third-floor addition would face the wall of 1305 S Street which has no windows, with the remainder facing the rear yard. The building would also be setback 5.34 feet from the property line which would further mitigate views into the adjacent rear yard.

(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; and

The proposed rear addition would not be visible from the street. A small portion of the third-floor addition may be seen along the side yard but it would be set back 32 feet from the front of the building. There is no adjacent alley. The proposed addition was reviewed by the Historic Preservation Review Board (HPRB) and the project as proposed received approval as being consistent with the character of additions anticipated for the historic district.

(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 provided plans, photos, elevations and sections drawings of the proposed addition, with rear, side and front views of the building.

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 suggest any other special treatment for the proposed addition.

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

The building would continue to be used as residences.

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 be within the permitted height and number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) stated in their report at Exhibit 37 that the proposal would have no adverse impacts on the transportation network.

VI. COMMUNITY COMMENTS

The property is within ANC 1B. ANC review of the proposal is scheduled for the regularly scheduled meeting on June 7, 2018.

The applicant received a letter in support from the most affected neighbor at 1305 S Street, NW (Exhibit 34). The applicant also submitted signatures in support of the application including the neighborhood at 1309 S Street, NW. (Exhibit 10)