

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: October 12, 2018

SUBJECT: OP Report on BZA #19838 912 5th Street, NE -- Request for a Special Exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 305.1 to construct a new two-story garage with 2nd floor residential occupancy

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception request pursuant to Subtitle E § 5201 and Subtitle X, Chapter 9:

- Subtitle E 304.1 Lot Occupancy (60% max. by-right, 70% by special exception; 44% existing; 70% proposed).

The application is self-certified. A location and zoning map is attached.

II. BACKGROUND

The applicant had originally filed for both a lot occupancy special exception and for an area variance from the requirement for alley width requirement for access for a principal dwelling in an accessory structure. After conversations with OP, the applicant has twice modified its application and architectural plans, eliminating the principal dwelling that had been proposed in the secondary structure and, therefore, eliminating the need for the variance. This OP report analyzes the proposal as of the applicant’s filings dated October 4, 2018 (Exhibits 38-40) for an accessory structure containing a garage and a home office.

III. LOCATION AND SITE DESCRIPTION

Applicant	Andrew Cooper
Address	912 5 th Street, NE
Legal Description	Square 818, Lot 807
Ward / ANC	7, 7C
Zone	RF-1, predominantly row houses on small lots with no more than 2 dwellings per lot.
Historic District/ Resource	N/A

Lot Characteristics and Existing Development	Rectangular, flat 17-foot wide lot with 1,620 square feet of area and a rear alley varying from 15 feet to 10 feet wide. Lot developed with two-story semi-detached house built from lot line to lot line at the southern end of a row.
Adjacent Properties	There is a deeper two-story attached rowhouse to the north; it does not have a garage. The rear yards of row houses at 412 and 414 I Street are to the south of the proposed garage site. The overall lot is further bounded on the south by the rear yard of 417 I Street rowhouse and a two-story apartment building at 910 5 th Street, NE. The apartment building’s side yard separates that structure from the rowhouse on the applicant’s lot. The proposed garage would be separated from the house to the west, by the western property’s rear yard, the alley, and the proposed garage’s set-back from the alley.
Surrounding Neighborhood Character	The property Square is developed primarily with rowhouses and two-story apartment buildings.
Proposed Development	Add a 27-foot wide by 24.57-foot deep two-story, 20-foot high accessory structure to be used as a garage on the first floor and, additional residential space for the principal structure on the second floor. The accessory structure would be set back as required from the alley centerline.

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

The proposed addition requires a special exception under Subtitle E § 5201 to increase its lot occupancy beyond the by-right limit.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width, Area E § 201.1	30 / 18 ft. min. 3000/1800 sf min (semi-detached / attached)	17 ft.	No change	Conforming
Lot Occupancy E § 304.1	60% max. by-right 70% by spec. excep.	44%	70%	E § 5201 special exception
Height, main bldg. E 303.1	35’ by-right, 40’ S.E. 3 story limit	30’ 2 stories+ cellar	same	Conforming
Height, accessory E § 5002	20 ft. 2 stories max.	n/a	20 ft. 2 stories	Conforming
Acc. Bldg. area E § 5003	> 30% of rear yard or 450 sf	n/a	420.75 sf	Acc. Bldg. area E 5003
Acc. Bldg. area E § 5003	> 30% of rear yard or 450 sf	n/a	420.75 sf	Conforming

RF-1 Zone	Regulation	Existing	Proposed	Relief
Accessory bldg. setback E §5004.3	≥12 ft. from alley centerline	n/a	12' for 15' alley >12' for 10' alley	Accessory bldg. setback E5004.3
Rear Yard E § 306.1	20 ft. rear yard min.	52.7 ft.	same	Conforming
Side Yard E § 307.1	5'	0'	same	Grandfathered
Pervious Area E § 204.1	0%	55.9%	30.1%	Conforming
Max. # dwelling units	2	1	1	Conforming
Parking C § 701.5	1 per 2 du	1	No change	None required

V. ANALYSIS UNDER THE RELEVANT SPECIAL EXCEPTION CRITERIA

SUBTITLE E § 5201 ADDITION TO A BUILDING OR ACCESSORY

5201.1 The Board of Zoning Adjustment may grant special exception 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.

- (a) *Lot occupancy;*
- (b) *Yards; and*
- (c) *Green area ratio.*

The applicant seeks a special exception for lot occupancy.

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

- (a) *An addition to an existing residential building; or*
- (b) *A new or enlarged accessory structure that is accessory to such a building.*

The proposed structure would be accessory to an existing residential building.

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

compromised;

The accessory building would be located at the rear of the applicant's property. It would not have any windows on either the north or south walls. The structure would be at least 23 feet west of the principal structure on both the applicant's property and the house to the north. Any shadow on the back yard of the property to the north should not pose an undue impact. It would be separated from the house to the west by the western property's rear yard, the alley, and the proposed garage's set-back from the alley; there should be no significant impact on the property to the west. The side of the proposed structure would be no less than 24 feet to the north of the rowhouses to the south. Given sun angles there should be no substantial impact on the properties to the south. Given the noted distances, and since there would be no decks or balconies on the accessory structure, it is unlikely there would be a significant impact on the privacy of any adjacent property.

(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 proposed accessory structure would not be visible from a public street and should not substantially intrude on the character, scale or pattern of the houses along the subject street frontage. The structure would be one-story taller than the five other garages now facing the alley at the rear, but the additional height should not substantially intrude on the character, scale or pattern of the houses along the 5th Street, NE frontage.

(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, sections 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 lot occupancy would not exceed 70%.

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 recommends no special treatments.

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

The accessory structure would contain a garage and a home office. The property would continue to be used as a single-family dwelling, a permitted use in the 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.*

Neither the proposed height nor the number of stories would be non-conforming.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No other District agency had commented at the time OP completed this report.

VII. COMMUNITY COMMENTS

The file contains a letter of support from a resident of the apartment building immediately south of the applicant’s property (Exhibit 12). The applicant met with the ANC on October 3, 2018, but there was no filing from the ANC at the time OP completed this report.

LOCATION MAP

