

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: January 18, 2019

SUBJECT: BZA #19903 – 410 Franklin Street, NW – Request for special exception relief under Subtitle E § 5201 to permit a rear and third floor addition

I. RECOMMENDATION

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

- E § 304 Lot Occupancy (60% permitted as a matter of right; 70% permitted by special exception; 61% existing; 69.2% proposed);
- E § 306 Rear Yard (20’ required; 13’ existing; 13’ proposed for infill addition).

Although not requested by the applicant, it would appear that special exception relief from C § 202, expansion of an existing non-conforming building, would also be required. OP analysis of the other relief requested would address this relief as well and, if required, OP would recommend approval.

II. LOCATION AND SITE DESCRIPTION

Applicant	Tim Baird, owner
Address	410 Franklin Street, NW
Legal Description	Square 510, Lot 139
Ward / ANC	6, 6E
Zone	RF-1 (Moderate density rowhouses and flats)
Historic District or Resource	None
Lot Characteristics	Rectangular rowhouse lot with a 10’ alley to the west and a 5’ alley to the south.
Existing Development	Two story rowhouse with dogleg on east side at the building’s rear.
Adjacent Properties and Neighborhood Character	Rowhouses to the east and north on Franklin Street; Rowhouse-type alley dwelling to the south; Primarily rowhouses on New Jersey Avenue to the east; KIPP charter school to the west.
Proposal	Construct a rear and third-story addition which would fill in the dogleg but not extend past the existing rear wall; Project would also include a roof deck; The use would become a flat.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests relief for lot occupancy and rear yard in order to construct a rear and upper story addition as proposed.

Item	Regulation	Existing	Proposed	Relief
Lot Width E 201	18'	11'	No change	Existing Nonconforming
Lot Depth	n/a	55'	No change	Conforming
Lot Area E 201	1,800 sf	605 sf	No change	Existing Nonconforming
Pervious Surface E 204	0% required	Not provided	Not provided	Conforming
Height E 303	35'	23'8"	33'6"	Conforming
Lot Occupancy E 304	60% 70% by spec. ex.	61% 369 sf	69.2% 419 sf	Requested
Front Setback E 305	w/i range existing on block	In-line with other homes	No change	Conforming
Rear Yard E 306	20'	13'	13' for infill addition	Requested
Side Yard E 307	None required	None	No change	Conforming
Parking	1 per flat	0	No change	Existing Non-conf.

IV. ANALYSIS

SUBTITLE E § 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 seeks a special exception for lot occupancy and rear yard.

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 subject of the application is an addition 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;*

The light and air available to neighboring properties should not be unduly affected. The rear infill portion of the project would cast no additional shadow on nearby properties. A third floor addition, which would not require relief for height, would create some additional shadow, but the afternoon shadow should fall mostly on the roofs of houses to the east.

As of this writing OP expects the applicant to submit a revised shadow study; The present study at Exhibit 35 contains some errors, but its main point – that the proposal would have an impact almost identical to or even less than a fully matter-of-right project – is apropos.

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

The privacy of adjacent properties should not be unduly compromised. The renovated structure would have several windows on the alley side, which would only face onto the adjacent school property. A few windows would face south, but it appears that the alley dwelling to the south has no windows facing north.

- (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 additions would be visible from Franklin Street and from the alleys. The portion of the project that requires relief, the rear infill addition, would be in keeping with the existing scale of houses on nearby properties. The third floor would have a modern style, in contrast with the historic façade of the first two floors, which would be preserved. While the enlarged structure would be taller than its

neighbors, it would remain within matter-of-right height limits and should not detract from the overall appearance of the streetscape.

(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 existing and proposed conditions.

(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 application proposes a lot occupancy of 69.2%.

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 applicant proposes to use the property as a flat, a permitted 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 height of the house would remain conforming.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

VI. COMMUNITY COMMENTS

The record includes several letters in support of the application, as well as a letter of support from the ANC at Exhibit 37.