

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 21, 2019  
**SUBJECT:** BZA Case 20052 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow for the enlargement of an existing single household row building.

**I. RECOMMENDATION**

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

- Rear Yard, E § 306.1 (20 feet minimum required, 16.58 feet to 26.33 feet existing; 16.58 feet proposed);
- Lot Occupancy, E § 304.1 (60 percent maximum required, 63 percent existing; 68.4 percent proposed); and
- Nonconforming Structures, C § 202.2 (proposed rear addition to an existing, nonconforming single household row building).

**II. LOCATION AND SITE DESCRIPTION**

Address:	708 4 <sup>th</sup> Street, SE
Applicant:	Louise Hernon
Legal Description:	Square 832, Lot 32
Ward / ANC:	6/6B
Zone:	RF-3
Historic District:	Capitol Hill
Lot Characteristics:	Interior rectangular lot measuring 12 ft. by 52.50 ft. The lot is bounded by residential row buildings to the north and south, 4 <sup>th</sup> Street, SE to the west, and a residential row building to the east.
Existing Development:	Two-story single household row building.
Adjacent Properties:	Two-story residential row buildings.
Surrounding Neighborhood Character:	Two-story residential row buildings.

Proposed Development:	The applicant proposes to construct a new two-story rear addition to an existing single household row building. The proposed addition would fill in an existing dog leg and would be approximately 35 square feet in area. The proposed rear addition would align with the existing furthest rear wall at the subject property and would not extend past the furthest rear walls on either adjoining property.
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**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RF-3 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief:</b>
Height E § 303	35 ft. max.	28 ft.	28 ft.	None required
Lot Width E § 201	18 ft. min.	12 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	630 sq. ft.	No change	None required
Lot Occupancy E § 304	60% max.	63%	68.4 %	<b>Special exception relief: 5.4%</b>
Front Setback E § 305	Must be in range of existing front setbacks	Within range of existing front setbacks	No change	None required
Rear Yard E § 306	20 ft. min.	Varies – 16.58 to 26.33 ft.	16.58 ft.	<b>Special exception relief: 9.75 ft.</b>
Side Yard E § 207.1	No side yards required for row buildings	n/a	n/a	None required

**IV. ANALYSIS**

**Subtitle E Chapter 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 requests relief from the lot occupancy and rear yard development standards,

and relief from the limitation on additions to nonconforming structures.

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 applicant proposes to construct a two-story rear addition to a 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 proposed two-story rear addition should not unduly affect light and air available to neighboring properties, as the proposal would fill-in an existing dog leg and would construct a rear wall that would align with the rear walls of the adjoining properties to the north and south. The property adjacent to the addition does not have a corresponding dog leg. The proposed addition would not alter or obstruct windows at either adjoining property.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised as the proposed addition would align with the rear walls of the adjoining properties to the north and south. Properties to the east would not be unduly compromised as there would be adequate separation provided by the existence of rear yards and privacy fences.

*(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 addition would not be visible from the street. Further, there is no public alley that abuts this property. The applicant states that the addition would be constructed with high quality materials that would match the character of neighboring properties.

*(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 submitted a survey, architectural plans, and photographs to illustrate the proposed addition and surroundings.

*(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 68.4 percent.

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 of the proposed addition is recommended.

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

The proposed addition is to a building with a permitted use in the RF-3 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 addition would not introduce nonconforming number of stories or height at the subject property.

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

No comments from other district agencies were received at the time this report was filed to the record.

## **VI. COMMUNITY COMMENTS TO DATE**

No comments from ANC or other members of the public were filed to the record at the time this report was filed to the record.

Attachment: Location Map



OPID0029855