

STAFF REPORT

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 18, 2019

SUBJECT: BZA #20079 – 5413 9th ST NW– Special Exception to construct a house that extends more than 10 ft. beyond its neighbor’s rear wall

I. RECOMMENDATION

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

- E.§205.5 Rear Yard Extension (10 ft permitted; 11 ft proposed)

II. LOCATION AND SITE DESCRIPTION

| | |
|------------------------------------|---|
| Applicant | R. Michael Cross Design Group on behalf of Kennedy 9 LLC |
| Address | 5413 9 th ST NW |
| Legal Description | Square 2994, Lot 0026 |
| Ward / ANC | Ward 4; ANC 4D |
| Zone | RF-1 |
| Historic District or Resource | N/A |
| Lot Characteristics | 100 ft x 20ft rectangular shaped lot |
| Existing Development | Rowhouse |
| Adjacent Properties | Rowhouse flat |
| Surrounding Neighborhood Character | Single-family and multifamily residential neighborhood |
| Proposed Development | The applicant intends to subdivide the property into two conforming lots for two two-family flats. The adjacent property to the north is also being developed by a different owner. The Applicant’s house would extend 11ft. beyond the house to the north. |

III. LOCATION MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

| RF-1 Zone | Regulation | Existing ¹ | Proposed | Relief |
|-----------------------------|--------------------|-----------------------|---------------|------------------------------------|
| Lot Area E§ 201 | 1,800 sq. ft. min. | 2,000 sq. ft. | 2,000 sq. ft. | Conforming |
| Lot Width E§ 201 | 18 ft. | 20 ft. | 20 ft. | Conforming |
| Court E§ 303 | Not Applicable | Vacant lot | 7ft. 9in | Conforming |
| Height E§ 303 | 35 ft. max. | Vacant lot | 35 ft. | Conforming |
| Lot Occupancy E§ 304 | 60% max. | Vacant lot | 59% | Conforming |
| Rear Yard Extension E § 205 | 10 ft max. | Vacant lot | 11 ft. | Special Exception Requested |
| Rear Yard E § 306 | 20 ft. min. | Vacant lot | 37 ft. | Conforming |
| Vehicle Parking C § 701 | 1 | Vacant lot | 2 | Conforming |

V. ANALYSIS

Special Exception relief for rear extension pursuant to Subtitle E Chapter 5201.3 thru 5201.6:

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:

¹ “Existing” and “Proposed” information provided by the applicant.

(a) The light and air available to neighboring properties shall not be unduly affected;

The neighboring properties' light and air should not be unduly affected by the proposed house. The proposed house includes a 7ft 9in open court which should reduce any impact on the airflow for the neighbor to the north. The Applicant's shadow study, which is included in its Architectural Plans and Elevations, shows that the house's impact on the sunlight to the neighbor to the north would be marginal (Exhibit 31).

The neighboring property to the south would be the Applicant's future subdivided lot, which will be developed with an almost identical house. As both houses would be the same size and scale, the subject house should not unduly impact the light and air of the house to the south.

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

The proposed rowhouse should not compromise the neighboring properties' privacy. A window facing the rear yard of the neighbor to the north is proposed, but the window would be set back 7ft. 9in from the property line so it should not have a significant impact on the neighbor's privacy.

The neighbor to the north submitted a letter in support of the project (Exhibit 29). The Applicant owns the future lot to the south and is planning to develop it similarly as the subject property, so it should not be impacted.

(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 rowhouse should not substantially visually intrude on the character, scale, and pattern of the residential buildings along 9th ST NW and the public alley to the rear. Although there is a consistent housing type in this neighborhood, this block of 9th ST. NW is varied in character as it contains apartment buildings, a parking lot, and houses; some of which are under construction.

The proposed rowhouse should not intrude on the character of the alley. It has a standard residential flat design in the rear. The rowhouse would also have more than the minimum required rear yard, so it would be adequately setback from the alley.

(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, shadow studies, elevations and photographs.

(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 rowhouse would have a conforming 59% lot occupancy.

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 recommended.

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

The proposal would not expand a nonconforming use.

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 would be in conformance with the zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted a report stating no objection to the proposal (Exhibit 27). As of the writing of this report, no other District Agency comments have been submitted on this case.

VII. COMMUNITY COMMENTS

The adjacent neighbor to the north submitted a letter in support, (Exhibit 29).
As of the writing of this report, no report has been submitted by ANC 4D.