

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 9, 2019
SUBJECT: BZA Case 20089 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow a two-story rear addition to an existing attached dwelling in the RF-1 zone.

I. RECOMMENDATION

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

- E § 304.1, Lot Occupancy 60% maximum; 59.7% existing; 64.2% proposed); and
- E § 306.1, Rear Yard (20 ft. required; 21.14 ft. existing; 16 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1263 Owen Place, N.E.
Applicant:	Mark Freeman for GPD, LLC
Legal Description:	Square 4060, Lot 198
Ward / ANC:	Ward 5, AND 5D
Zone:	The RF-1 zone is intended to provide for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted by right.
Lot Characteristics:	The lot has 1,298 square feet of area and 16.75 feet of frontage along Owen Place. The rear of the lot, also 16.75 feet in width, abuts a 15-foot wide public alley.
Existing Development:	The lot is currently developed with a single household dwelling.
Adjacent Properties:	To the east, west, and south, are existing row dwellings consisting of one or two units. To the north, across Owen Place, are existing row dwellings consisting of one or two units, and apartment houses.
Surrounding Neighborhood Character:	The surrounding neighborhood character is predominantly moderate density residential, consisting of row dwellings and apartment houses.

Proposed Development:	The applicant proposes to construct a 13.7-foot by 3.17-foot two-story rear addition to an existing attached dwelling. The rear addition would accommodate three covered decks and a spiral staircase. Building permits have been issued for construction not related to this request, including interior construction converting the single household dwelling to a flat, and the addition of a third story and a roof deck.
-----------------------	---

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 201	18 ft. min.	16.75 ft.	No change	Existing nonconforming
Lot Area E § 201	1,800 sq. ft. min.	1,298 sq.ft.	No change	Existing nonconforming
Height E § 303	35 ft. max.	34.52 ft.	No change	None required
Lot Occupancy E § 304	60% max.	59.7%	64.2%	Required
Front Yard E § 305	17.35 ft. min.	17.35 ft.	No change	None required
Rear Yard E § 306	20 ft. min.	21.14 ft.	16 ft.	Required
Side Yard E § 307	None required, but 5 ft. min. if provided	0 ft.	No change	None required
Parking C § 701	1 space	1 space	No change	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 proposed development requires special exception relief from lot occupancy and rear yard, consistent with this section.

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 site is currently developed with a residential building, consistent with this section.

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;*

Light and air available to neighboring properties should not be unduly affected. The applicant proposes to add a two-story addition to the rear of an existing row dwelling. The addition would provide 13.7-foot by 3.27-foot balconies and a spiral staircase, which would be open on all sides. The balconies and stair would be constructed of steel bar railings and have a perforated grating floor, allowing light and air to pass through. The applicant has provided a shadow study at Exhibit 16 illustrating that the proposed addition should have little impact on light and air to adjacent properties.

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

The proposed balconies would be small, having approximately 45 square feet of area, and would not be favorable to prolonged use by large groups of people. The balconies would be separated from the east property line by at least two-feet, contributing to a sense of privacy. While the spiral stair would abut the property line, it is not intended to be a gathering space for people and would function as an additional point of egress/ingress for the flat. As a result, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 be located behind a row dwelling with no side yards and would not be visible from Owen Place. While the addition would be visible from the public alley, it would not be out of character with the existing context, which includes a variety of awnings, decks, and stairs. As a result, the addition should not visually intrude upon the character, scale, and pattern of houses along the public rights-of-way.

- (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 has provided graphical representations, including plans, photographs, elevations, and

sections sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 3 and 14).

(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 applicant has requested lot occupancy relief to allow a lot occupancy of 64.2%, which is less than what is allowed by this section.

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.

The Office of Planning does not recommend special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features of the proposal for the protection of adjacent and nearby properties.

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

The property is currently developed as a row dwelling, which is permitted 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 proposed development would not increase the number of stories or height of the existing row dwelling.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS TO DATE

As of the date of this writing, comments from the ANC had not been filed to the record. Two letters of support have been submitted to the record at Exhibits 8 and 9.

Attachment: Location Map

Location Map

