

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 JL Joel Lawson, Associate Director Development Review
DATE: October 11, 2019
SUBJECT: BZA Case 20133 - To allow a rear addition to an existing rowhouse at 130 Rhode Island Avenue, NE

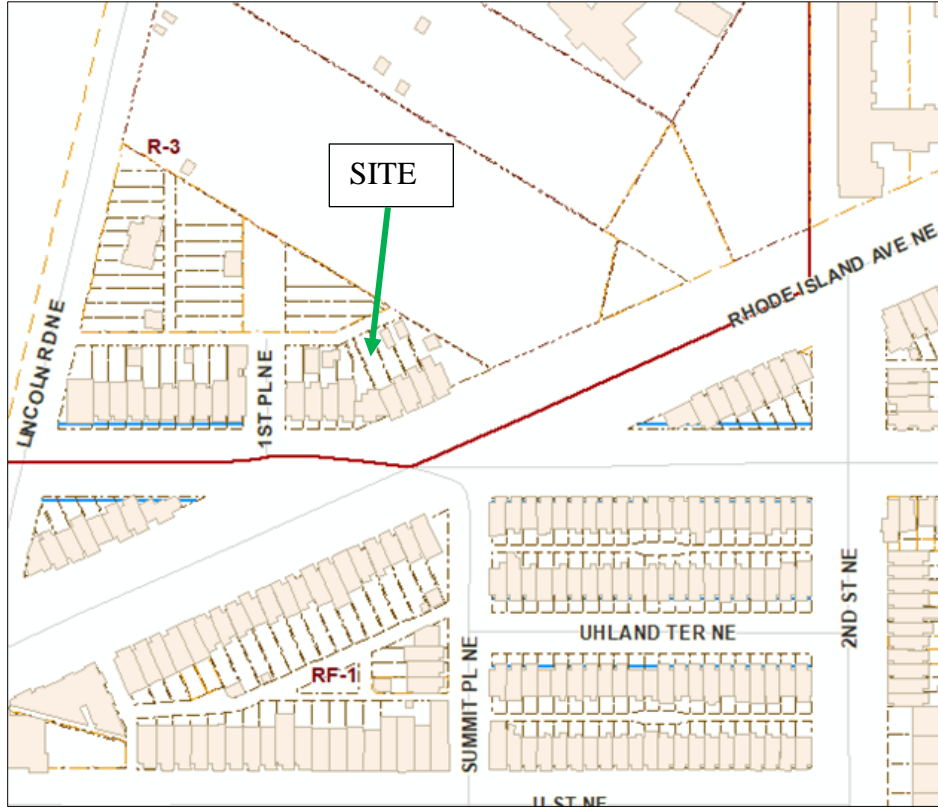
I. OFFICE OF PLANNING RECOMMENDATION

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

- D § 306.4 Rear Wall Extension, (rear wall shall not extend further than 10 feet beyond the furthest rear wall of any adjoining residential building; existing rear wall extends 3.25 feet beyond the furthest rear wall of the property to the west; proposed rear wall would be extended an additional 10 feet for a total of 13.25 feet past the furthest rear wall).

II. LOCATION AND SITE DESCRIPTION

Address:	130 Rhode Island Avenue, NE
Applicant:	Cassandra Spratt
Legal Description:	Square 3835E, Lot 0019
Ward / ANC:	5/5E
Zone:	R-3
Lot Characteristics:	Rectangular, flat, 2,000 square feet lot (20 feet in width and 100 ft in length). The lot abuts a 15 feet wide alley.
Existing Development:	Attached two-story, single-family rowhouse.
Adjacent Properties:	To the east, west and south are row dwellings, while to the north is the St. Mary's cemetery.
Surrounding Neighborhood Character:	The surrounding neighborhood character is predominantly two and three-story row dwellings, cemeteries and a few apartment buildings further east along Rhode Island Avenue.
Proposed Development:	The applicant proposes to construct a two-story rear addition which would extend the building's footprint 10 feet past the furthest rear wall of the adjoining property to the east and 13.25 feet beyond the rear wall of the property to the west.



Site Location



Existing Rear of Houses



Proposed Rear of House

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing¹	Proposed¹	Relief
Height D § 303	40 ft./3 stories max.	36 ft./2 stories	36 ft./2 stories	None required
Lot Width D § 302	20 ft. min.	20 ft.	20 ft.	None required
Lot Area D § 302	2,000 sq. ft. min.	2,000 sq. ft. min.	2,000 sq. ft. min.	None required
Lot Occupancy D § 304	60% max.	30 %	41.6%	None required
Rear Yard D § 306	20 ft. min.	68 ft.	58 ft.	None required
Rear Extension, D § 306.4	Addition may not extend more than 10 ft. past furthest rear wall of adjacent building	Rear wall extends: 0 ft. to the east 3.25 ft. to the west	Rear wall extends: 10 ft. to the east 13.25 ft. to the west	SE for the west side
Front Setback D § 305	Existing range of block face	Within range	Within range	None required
Pervious Surface	20%	59%	56.3%	None required
Parking C § 701	1 space min.	1 space	2 spaces	None required

¹ Information provided by applicant.

IV. OP ANALYSIS

Subtitle D 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.*

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 rear addition to a residential rowhouse.

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;

All the properties within the block have deep rear yards, and most seem to be in shadow at all times of the day and throughout the year (see applicants shadow studies at Exhibit 31, pages 8-12). Unlike the adjacent buildings, the subject house does not have a rear porch. Shadows from the proposed addition should not unduly affect the adjacent porches that are already often in shadow. The addition would extend the shadows on the rear yard of the adjacent properties somewhat, but not to an extent where the adjacent properties would be unduly affected. The adjacent property owner is in support of the proposed addition (Exhibit 29, page 3).

The subject building's rear wall is in line with that of the adjacent house to the east at 132 Rhode Island Avenue, NE. The proposed addition would extend 10 feet past the rear wall of the building and is allowed as a mater-of-right. That property owner is also in support of the proposed addition at Exhibit 29, page 1).

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

Privacy and enjoyment of neighboring properties should not be unduly compromised as the rear addition would not have any windows along either side property line. The views from the rear openings would be into the subject and the adjacent rear yards, which would be similar to what exists today. Thus, the level of privacy of use and enjoyment of neighboring properties that currently exists should not be significantly reduced by the proposed addition.

(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 two-story proposed addition would be located to the rear of the subject property and would not be visible from the Rhode Island Avenue. Many of the rowhouses that abut the rear alley have similar rear wall setbacks with some having rear additions of approximately 10 feet similar to that proposed by the applicant (Exhibit 31, page 3). As such, the proposal should not visually intrude upon the character, scale, and pattern of the rowhouses as seen from the street or 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 applicant submitted photographs, a survey, architectural sections and elevations 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 applicant states that the total lot occupancy with the proposed addition is 41.6%.

- 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 would be for residential use which is a permitted use in the R-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 building would remain at a height of 36 feet and two stories which would be conforming to the 40 feet/3 stories allowed in the R-3 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

At the time of this report, no agency reports were submitted to the file.

VI. COMMUNITY COMMENTS TO DATE

The property is within ANC-5E. The ANC is scheduled to review the application on October 15, 2019 subsequent to the time this report was filed. Letters of support from neighbors are at Exhibit 29 and Exhibits 32 to 35.