



1832 15th Street, NW

BZA APPLICATION NO. 20144

DAVID BARTH AND LISA KAYS

JANUARY 15, 2019

Board of Zoning Adjustment
District of Columbia
CASE NO.20144
EXHIBIT NO.93

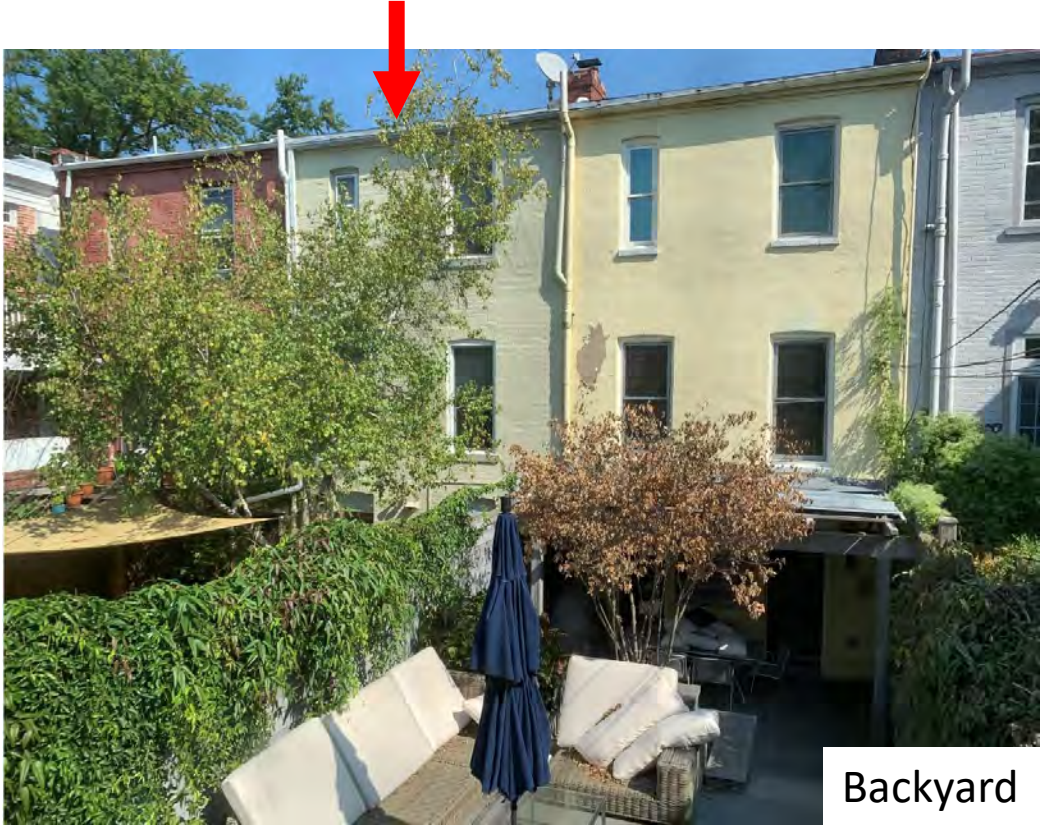
Overview

- Property is currently improved with a three-story, single-family row dwelling
- The Applicant is proposing to construct a three-story addition at the rear of the Building and a second story addition on top of the existing Accessory Building
- Accordingly, the Applicant is requesting special exception approval from the lot occupancy requirements of E-404.1, the rear yard requirements of E-205.4, the centerline setback requirements of E-5004.1, and the prohibition against extending a nonconforming aspect of a structure of C § 202.2

Homeowner Testimony

LISA KAYS

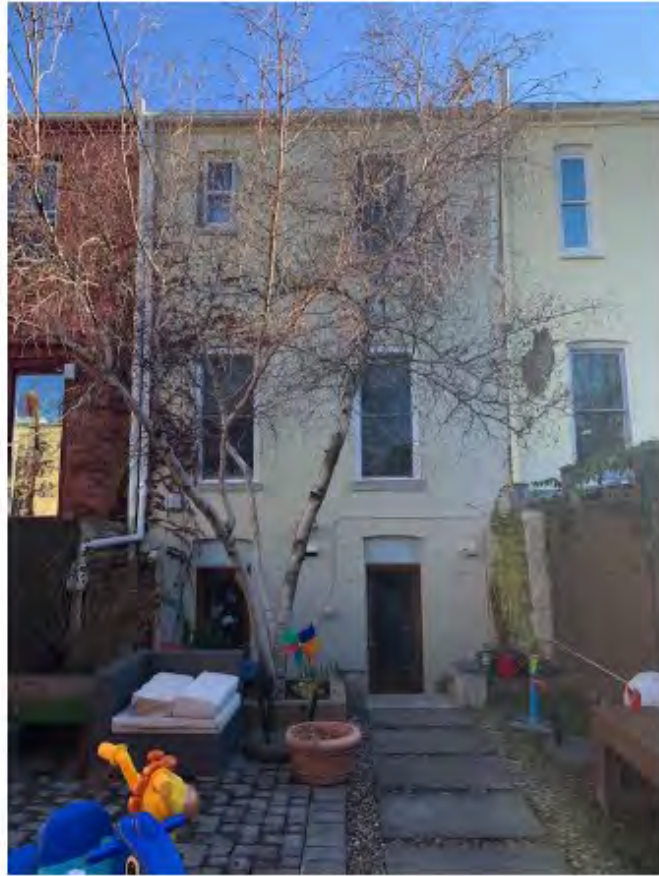
Existing



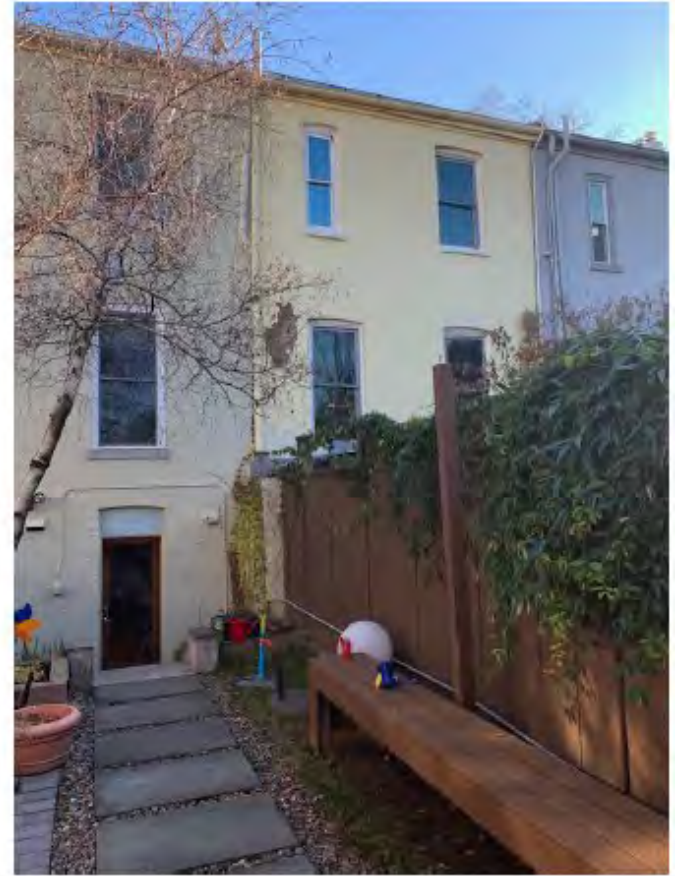
Existing



Rear View #1



Rear View #2



Rear View #3



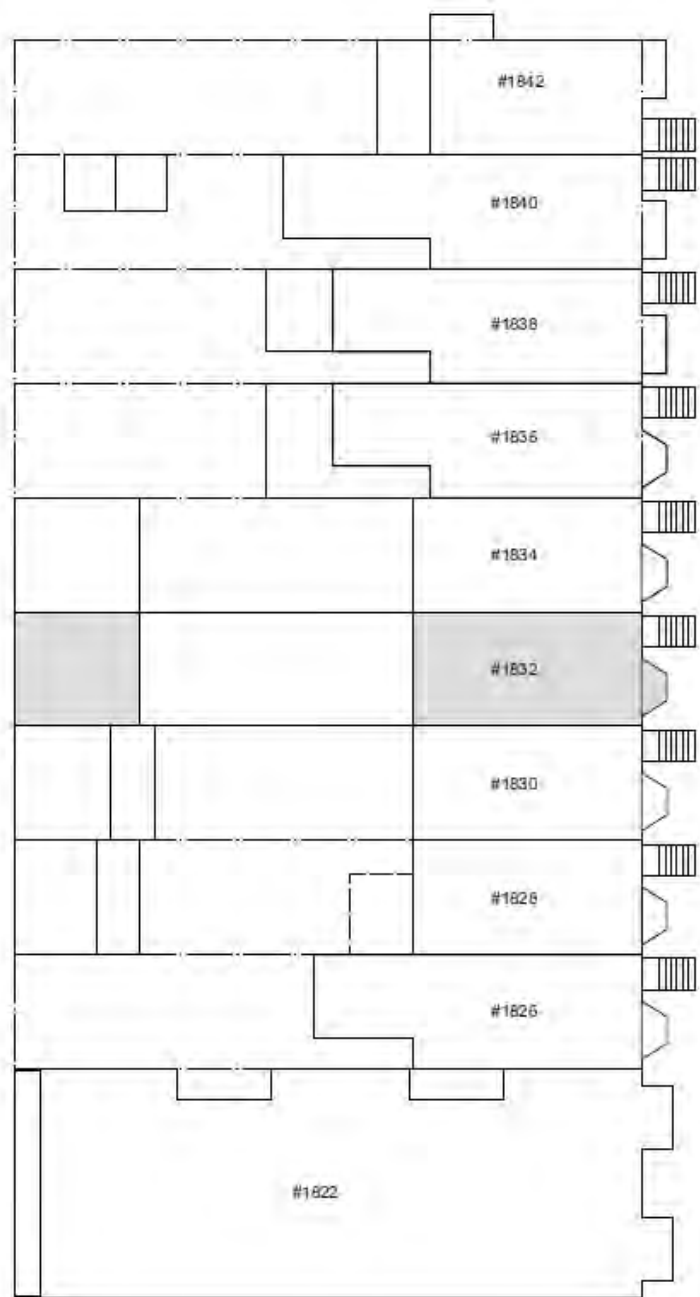
Garage View #1



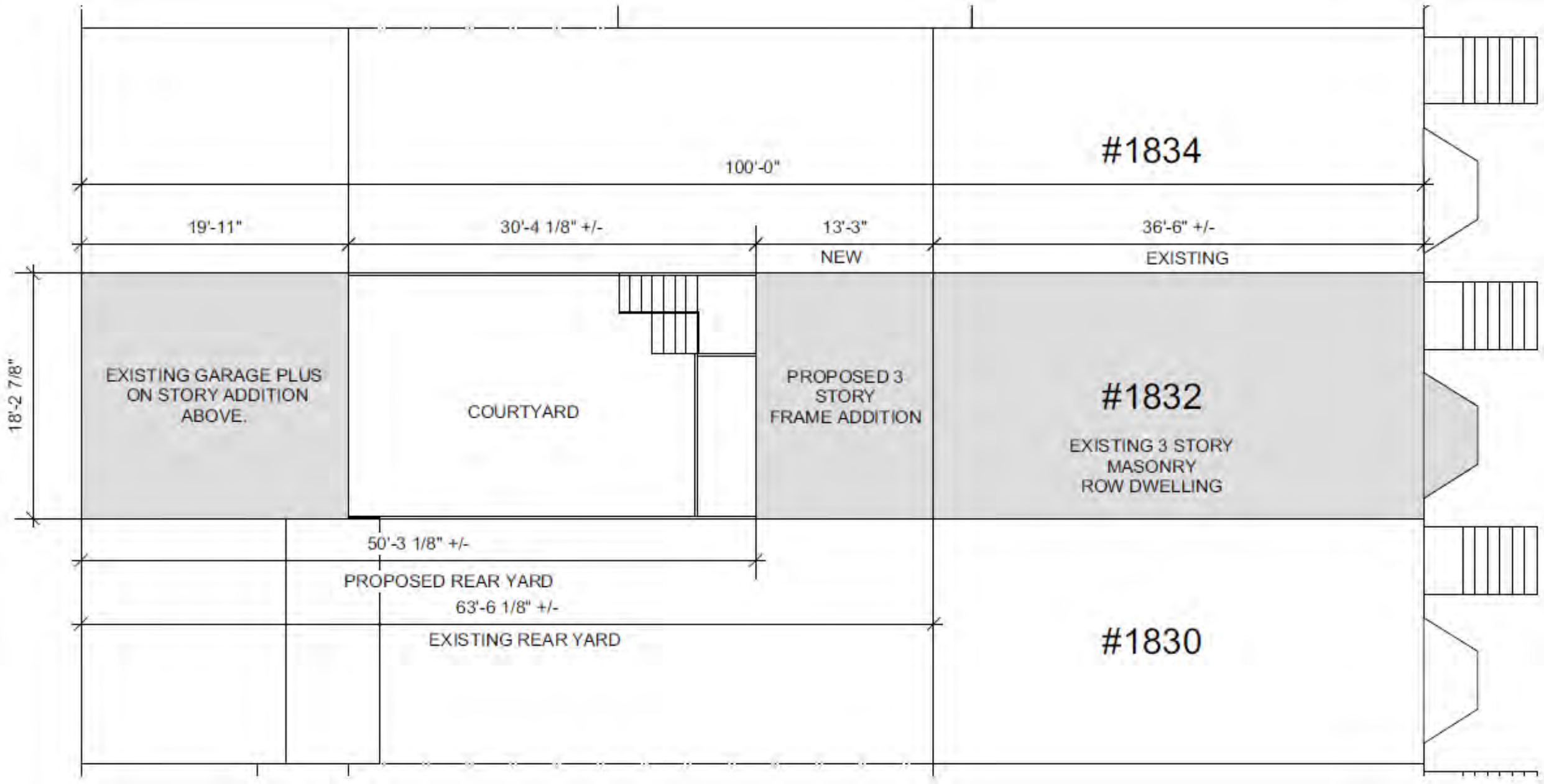
Alley View #2

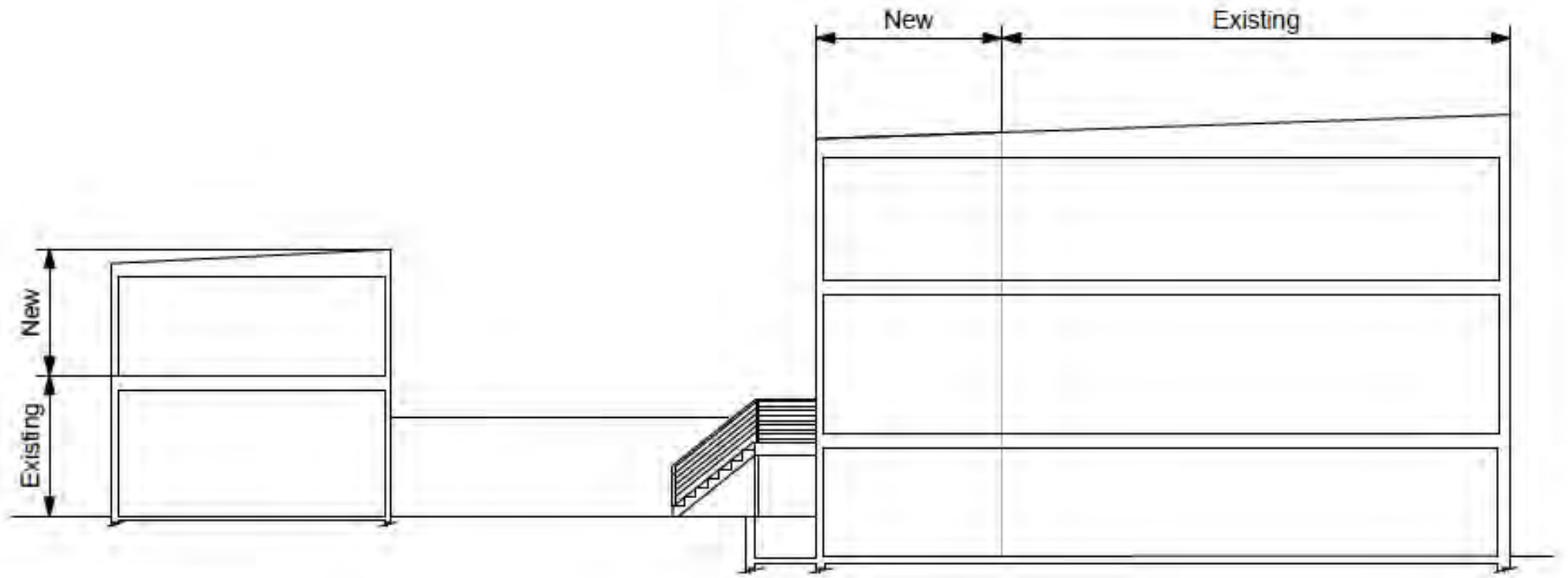


Alley View #1

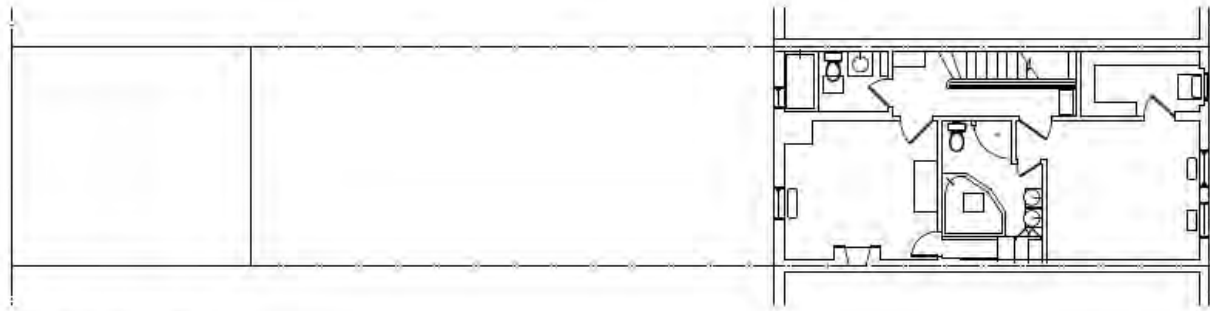


Context Aerial Photo

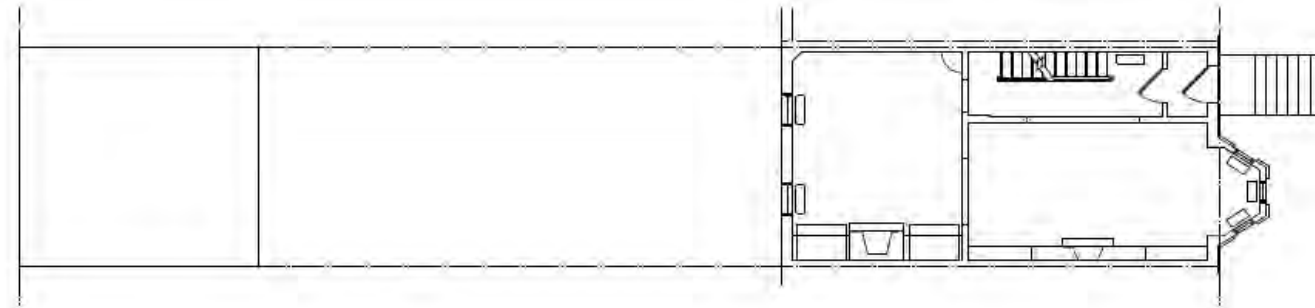




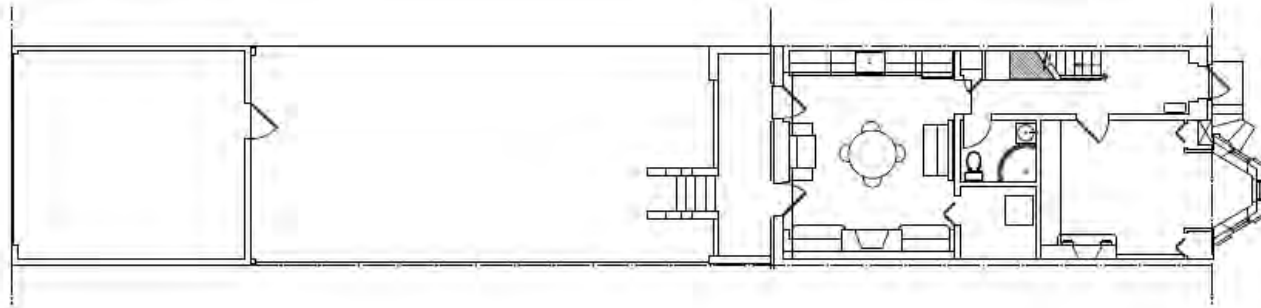
○ Proposed Building / Site Section
scale: 3/32" = 1'-0"



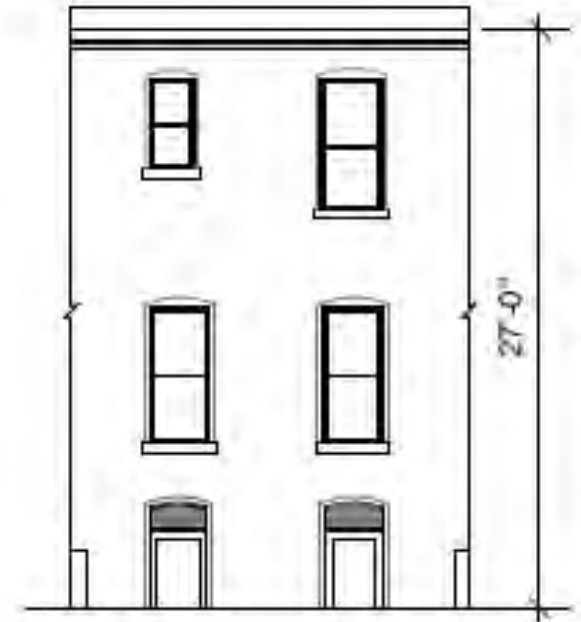
Existing Second Floor Plan
scale: 3/32" = 1'-0"



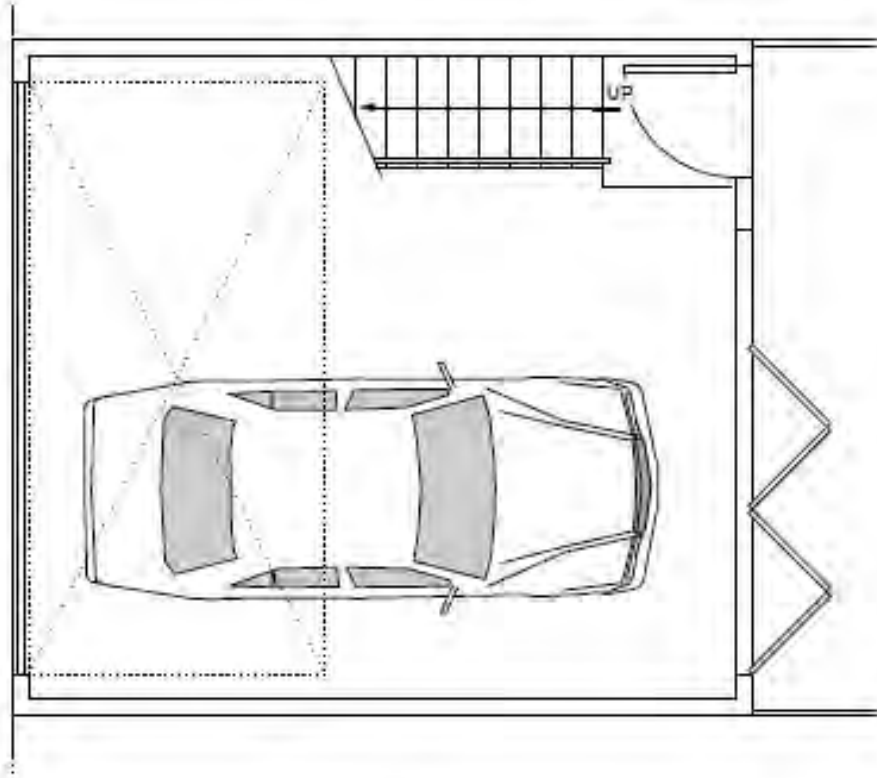
Existing First Floor Plan
scale: 3/32" = 1'-0"



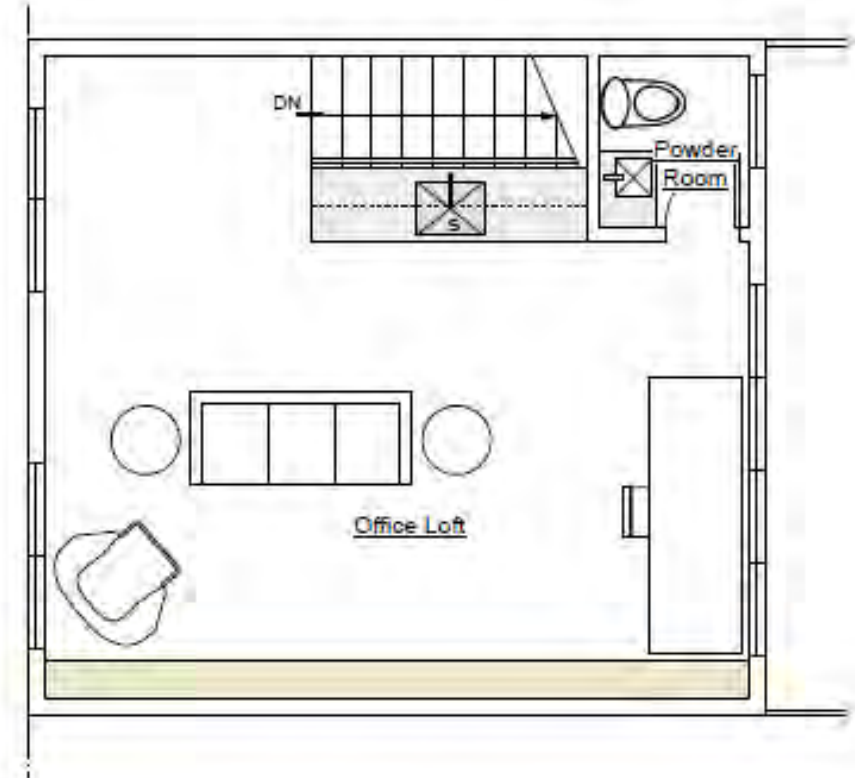
Existing Basement Floor Plan
scale: 3/32" = 1'-0"



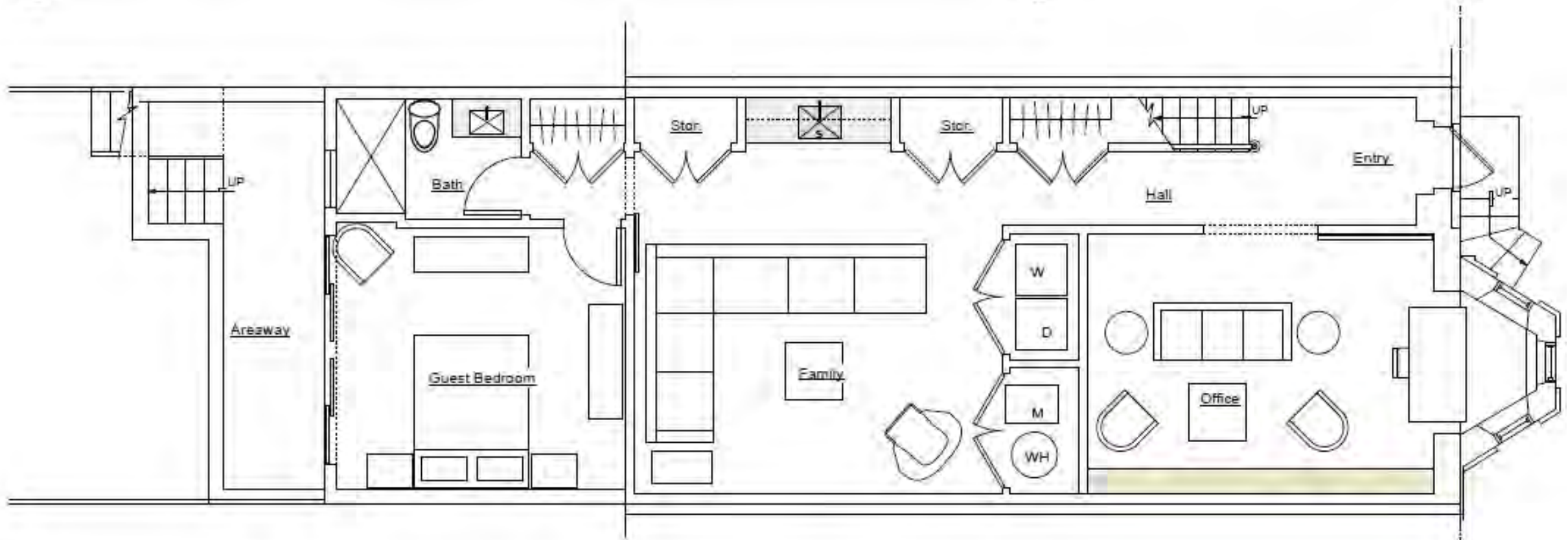
Existing Rear Elevation
scale: 3/32" = 1'-0"



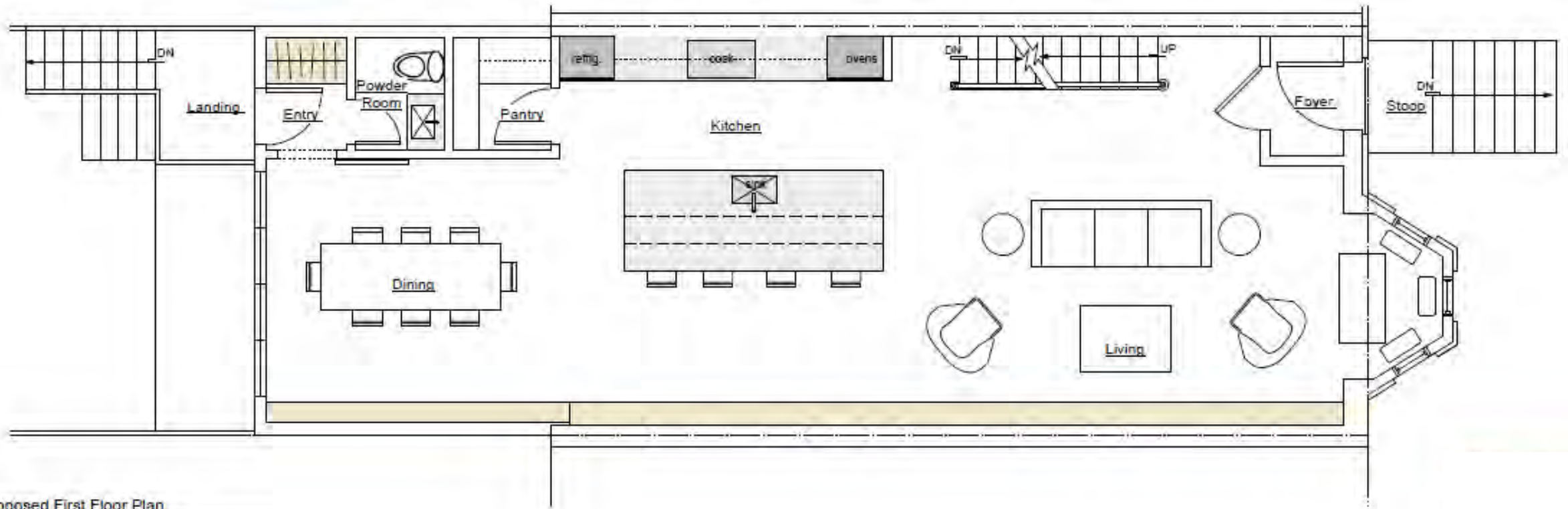
0.1 Proposed Garage Floor Plan (lower)
scale: 1/4" = 1'-0"



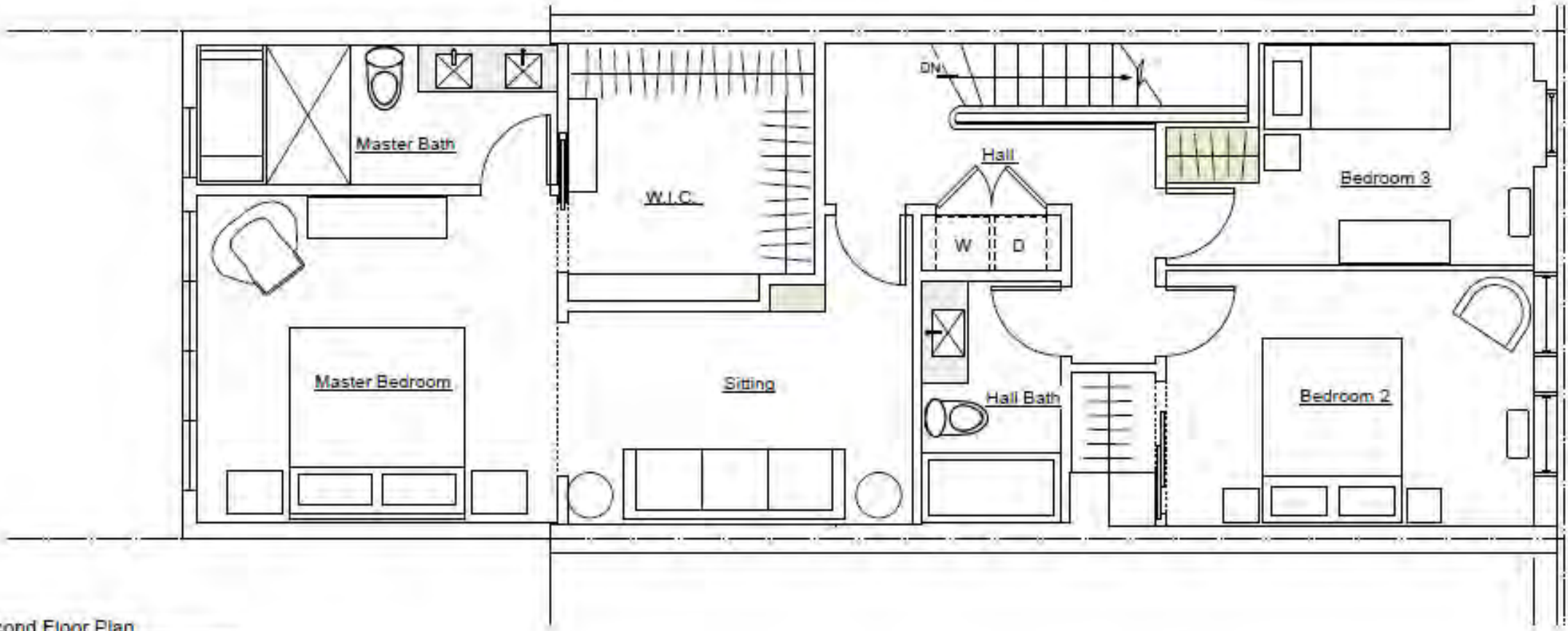
1.1 Proposed Garage Floor Plan (upper)
scale: 1/4" = 1'-0"



0.0 Proposed Basement Floor Plan
 scale: 1/4" = 1'-0"

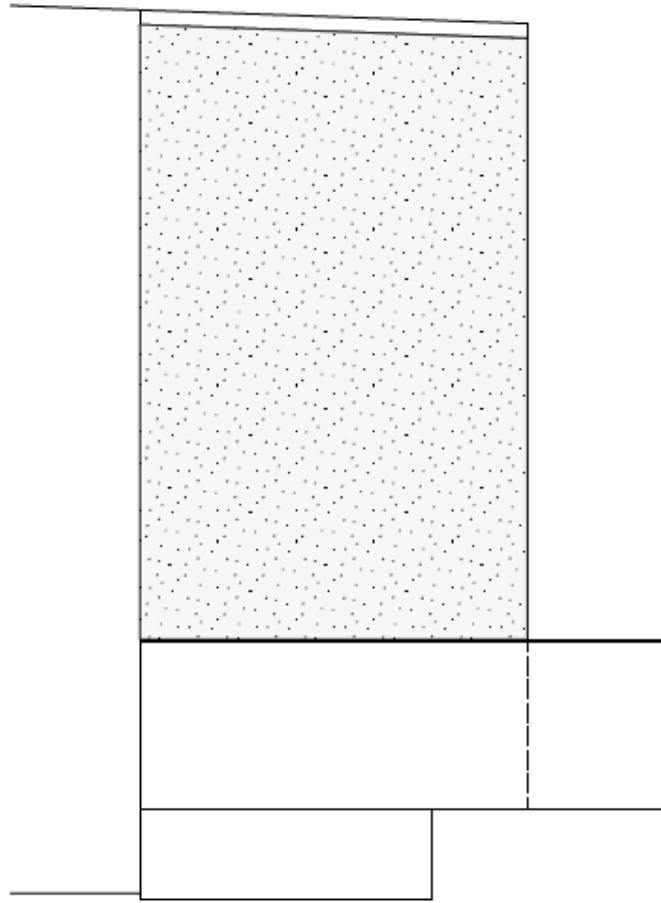


1.0 Proposed First Floor Plan
 scale: 1/4" = 1'-0"

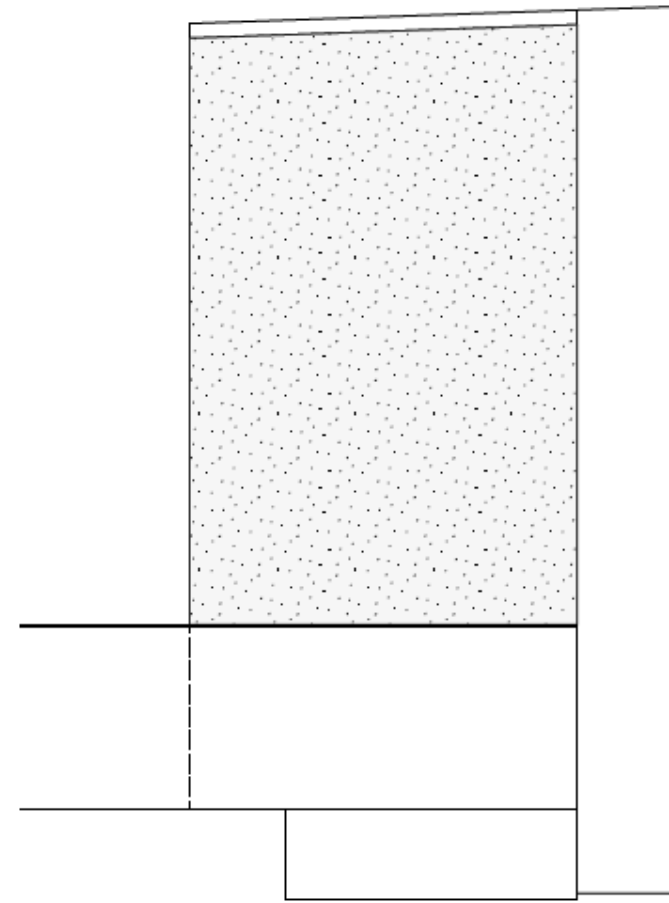


2.0 Proposed Second Floor Plan
scale: 1/4" = 1'-0"



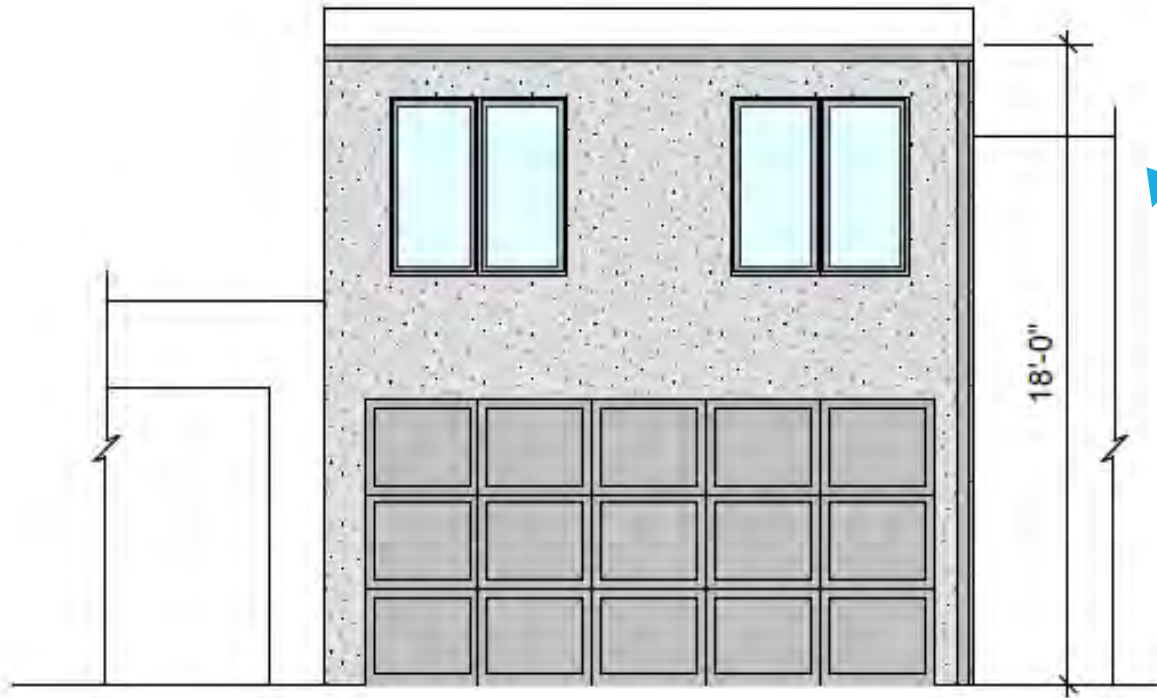


Proposed Side Elevation from 1834



Proposed Side Elevation from 1830

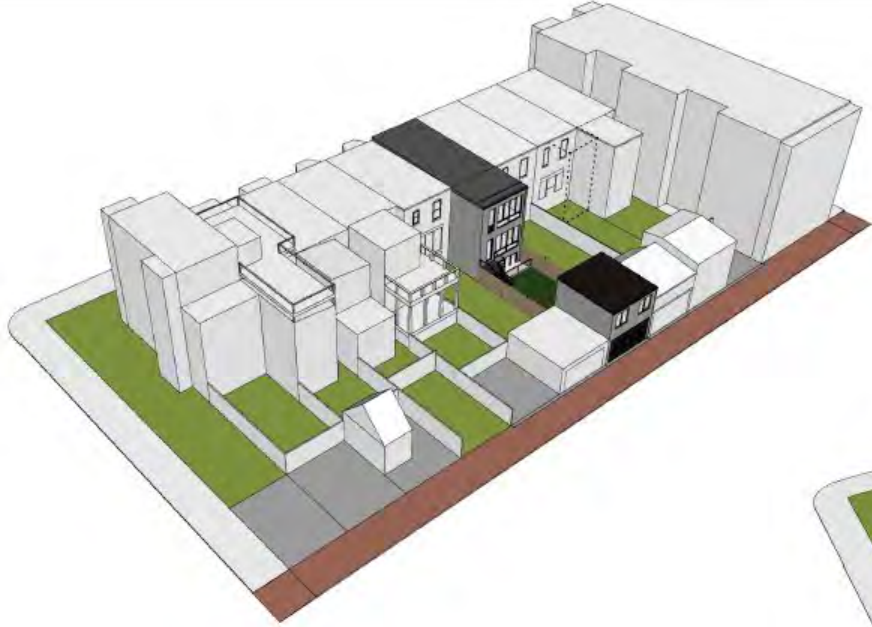
1830 15th Street, NW Garage



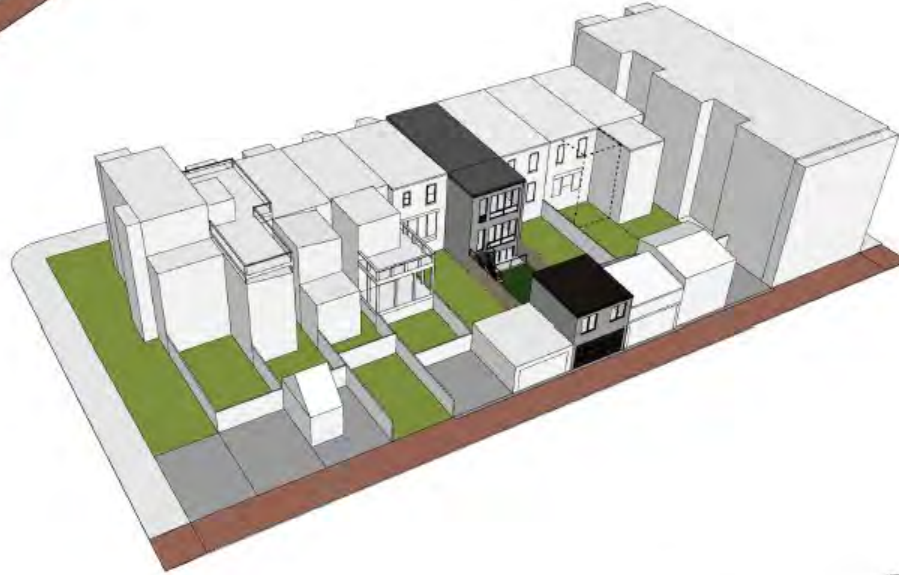
Proposed Carriage House Alley Elevation



Proposed Carriage House Courtyard Elevation



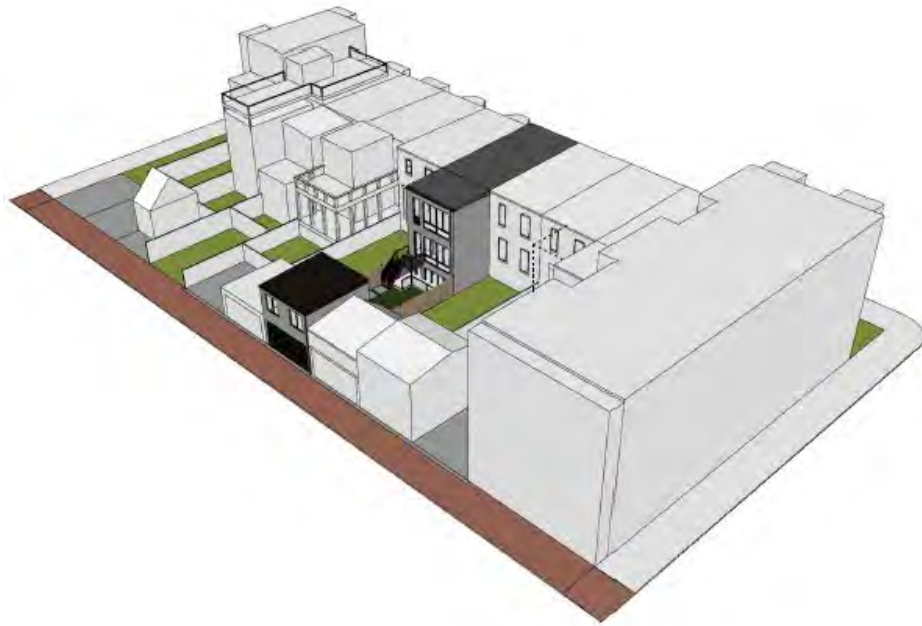
#1



#2



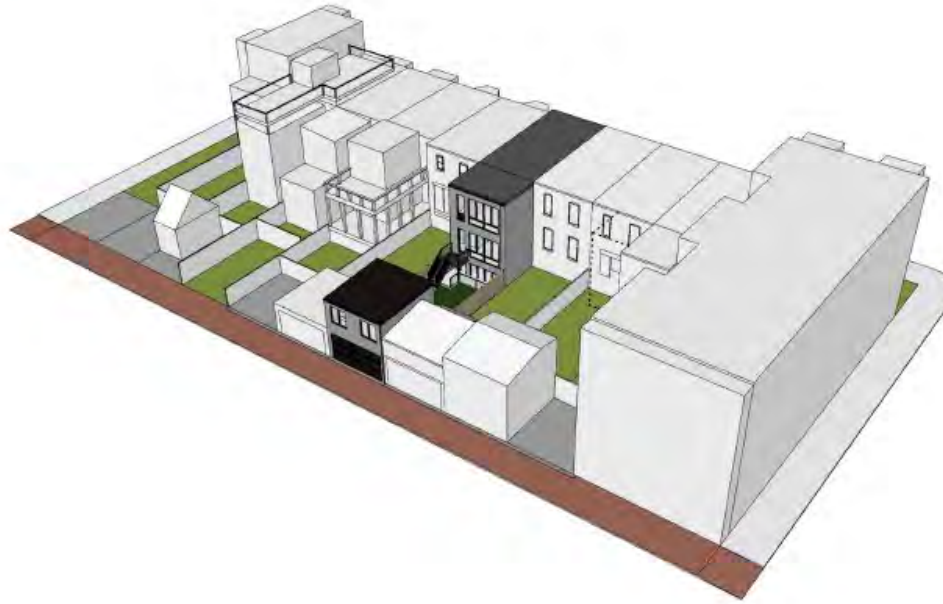
#3



#6



#4



#5



Proposed Rear View



Proposed Garage View from Courtyard



Proposed Garage View from Alley



Proposed Rear View from 1830 15th Street, NW



Proposed Rear View from 1834 15th Street, NW

Shadow Study

Existing



Proposed



Matter of Right



— ADDITIONAL SHADE

Existing



Proposed



— ADDITIONAL SHADE

Matter of Right



— ADDITIONAL SHADE FROM PROPOSED

Existing



Proposed



Matter of Right



— ADDITIONAL SHADE

— ADDITIONAL SHADE FROM PROPOSED

Existing



Proposed



— ADDITIONAL SHADE

Matter of Right



— ADDITIONAL SHADE FROM PROPOSED

Existing



Proposed



Matter of Right



— ADDITIONAL SHADE

— ADDITIONAL SHADE FROM PROPOSED

Existing

Proposed

Matter of Right



— ADDITIONAL SHADE

— ADDITIONAL SHADE FROM PROPOSED

Existing

Proposed

Matter of Right



— ADDITIONAL SHADE

Existing



Proposed



Matter of Right



— ADDITIONAL SHADE

— ADDITIONAL SHADE FROM PROPOSED

Existing

Proposed

Matter of Right



— ADDITIONAL SHADE

Lot Occupancy (E § 404.1)

- Existing lot occupancy is currently 56.5%
- The Project would increase the lot occupancy to 69.75%
- If the Applicant were to raze the Accessory Building, or remove the roof and leave the existing walls, the total lot occupancy including the proposed rear addition would be approximately 50%
- The BZA may approve by special exception lot occupancy up to 70%

Alley Center Line Setback (E § 5004.1)

- An accessory structure abutting an alley must be set back at least 12 ft. from the center line of the alley
- The existing Accessory Building is non-conforming as it is setback 5 ft. from the center line of the alley
- The Accessory Addition will be on the same footprint as the existing Accessory Building, so it will also be setback 5 ft. from the center line of the alley
- Accordingly, the Applicant must ask for special exception relief from E § 5004.1

Expanding an Existing Non-Conforming Aspect of the Structure (C § 202.2)

- Due to the second story addition to the Accessory Building, the Applicant is increasing an existing non-conforming aspect of the structure, the center alley-line setback

Rear Yard (E § 205.4)

- Applicant is proposing a rear addition to the principal Building that would extend the Building 13.25 ft.
- As the Building is currently in line with the neighboring properties, the Addition will also extend 13.25 ft. past the rear walls of the neighboring buildings to the north and south
- This request is for an additional 3.25 ft. as 10 ft. is permitted as a matter-of-right
- Including the addition to the principal Building, the rear yard will measure 30.3 ft. (20 ft. is required)

General Special Exception Requirements of 11-X DCMR § 901.2

1. *Addition will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps*
 - The Regulations specifically allow for up to 70% lot occupancy
 - Not including the Accessory Building, the lot occupancy of the principal building and the proposed rear addition would be approximately 50%
 - The BZA has in several cases viewed additions of this approximate size as relatively minimal, in at least one case referring to an addition of this size as *de minimis*

General Special Exception Requirements of 11-X DCMR § 901.2

2. *Project will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps*
- The proposed Project does not affect the use of the neighboring properties

Requirements of 11-E DCMR § 5201

- a) *The light and air available to neighboring properties shall not be unduly affected*
- The Addition has been located at the rear of the Building in order to minimize potential impacts on light and air
 - The Addition is 3.25 ft. more than what is permitted as matter-of-right

Intention of the 10 ft. Rule

In BZA Case No. 19576, Zoning Commissioner May stated, “Again, the intention of the Zoning Regulations was more about the really large additions that we were starting to see in the rear of homes. And so putting some sort of control on that, **allowing people, 10 feet matter of right and then some**, and then a path forward if they want to go beyond that.

And the question is, you know, when you go a little bit beyond that, does that cause an undue impact? And so the question in this particular case is 3 more feet on the second floor, on the top floor, is that really an undue impact compared with 10 feet? **Well, the 10 feet, I think, is probably the hardest thing to get used to, so going to 13, I don't see that that's unduly impactful.**”

Regarding a 13 ft. rear addition

BZA Public Hearing Transcript, November 13, 2017

Intention of the 10 ft. Rule

In BZA Case No. 19576, Board Member White stated, "**The intent was not to prevent all development, but it was kind of, you know, the intent was to prevent these massive developments from happening in the rear yard, as opposed to preventing people from doing, I guess, satisfactory development in order to accommodate their family needs.**"

Regarding a 13 ft. rear addition

BZA Public Hearing Transcript, November 13, 2017

Intention of the 10 ft. Rule

In BZA Case No. 19560, Zoning Commissioner May stated, "I think that it is important to understand that the intention of the zoning regulations when it comes to this limitation on building additions in the rear yard was intended to **not to clamp down completely on the prospect of doing additions like these that are proposed but to avoid some of the circumstances that we were seeing on a regular basis where there was a very deep yard and people, as a matter of right, were building 30-foot additions on the back.** It was much less about, you know, the 11, 12, 13-foot addition than it was about the 30-foot ones."

Regarding a 12 and 14 ft. rear addition

BZA Public Hearing Transcript, November 15, 2017

Intention of the 10 ft. Rule

In BZA Case No. 20077, Zoning Commission Chair Hood stated, “Well, you know these cases I've seen many of them and, I always hate after the fact zoning. But anyway, we are where we are. I can throw a whole lot of other things into it about the 10-foot rule, the special exception. I could put all that in there, but I think the whether it's three feet, two and a half or whatever, whatever that number is, to me I think it's de minimis.”

*Regarding a 12.15 ft. rear addition at 25 ft. in height
BZA Public Hearing Transcript, September 25, 2019*

Requirements of 11-E DCMR § 5201

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

- Any new windows on the Accessory Addition are limited to the east and west facades and will face the principal Building and the alley, respectively
- The rear yard will also be enclosed by a 6 ft. wooden fence
- The Applicant is not proposing to increase the overall height of the principal Building
- The abutting properties and the existing Building already have accessory buildings along the alley which will help further shield the proposed rear Addition from the alley

Requirements of 11-E DCMR § 5201

- 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; and*
- There are accessory buildings directly abutting the Subject Property's Accessory Building to the north and south
- The Applicant is proposing a rear Addition which is only 3.25 ft. more than what is permitted as matter-of-right
- The Addition will not be visible from 15th Street
- The Subject Property is located in the Greater U Street Historic District and is subject to review by HPRB

Washington, District of Columbia
Google
Street View

1832 15th Street Garage
Subject Property

1830 15th Street Garage



Photos of the Existing Alley



Washington, District of Columbia
Google
Street View

1830 15th Street Garage

T Street

1834 15th Street Garage

1832 15th Street Garage
Subject Property



Google

Photos of the Existing Alley



1832 15th Street Garage
Subject Property

1830 15th Street Garage



Public Alley behind the
Subject Property



Dupont Circle
Washington, DC
38.915178, -77.035145





Photos of the Existing Alley



Photos of the Existing Alley



1822 15th Street, NW

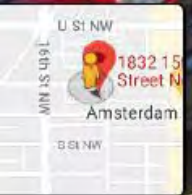
1830 15th Street Garage

Photos of the Existing Alley

1511 T St NW
Washington, District of Columbia
Google
Street View

1830 15th Street Garage

T Street
Entrance to Public Alley behind the
Subject Property



Office of Planning is recommending approval

- “Therefore, although the new rear windows of the row house would continue to allow for views across the rear yards of the adjacent properties, the extent of the views into those yards from the subject property would be reduced by 13.25 feet, the depth of the addition, potentially increasing the privacy of those neighbors.”

Office of Planning is recommending approval

- “These structures, in combination with existing deciduous trees in the rear yards of some of the other properties, would obscure the visibility of proposed addition from T Street. The second-floor addition to the accessory garage would be similar to one under construction at 1828 15th Street. Therefore, the proposal would not be out of character, scale or pattern of houses along either the street or alley frontage.”