

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: October 16, 2020
SUBJECT: BZA Case 20300: Request for special exception relief pursuant to Subtitle E § 5201.1 to increase the lot occupancy to 70 percent to permit an accessory structure.

I. RECOMMENDATION

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

- E § 304, Lot Occupancy (60 percent permitted; 40 percent existing; 70 percent proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1309 Potomac Avenue, S.E.
Applicant	Bradley B. Mueller
Legal Description	Square 1046, Lot 854
Ward, ANC	Ward 6, ANC 6B07
Zone	RF-1
Lot Characteristics	Unusually shaped lot with rear access to a public alley
Existing Development	Two-story row house
Adjacent Properties	North, East and West: two-story row houses South: three-story apartment houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Two-story 396 square foot accessory building with one garage parking space on the first floor and a playroom/storage room on the second.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	24.5 feet	24.5 feet	None Required
Lot Width E § 201	18-foot min.	13 feet	13 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,326 sq. ft.	1,326 sq. Ft.	None Required

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Occupancy E § 304	60% max.	40%	70%	REQUIRED
Rear Yard E § 306	20 ft. min.	57 feet	25 feet	None Required
Parking C § 701	1 space	1 space	1 space	None Required
Accessory Building Distance from Alley Centerline E § 5000	12-foot min.	N/A	12 feet	None Required
Accessory Building Height E § 5002	20 feet and 2-story max.	N/A	19 feet, 11 inches and 2-stories	None Required
Accessory Building Lot Occupancy E § 5003	Greater of 30% of rear yard or 450 sq. ft. max.	N/A	369 square feet	None Required

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 Not applicable to this application.

5201.2 *For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) **Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;**
- (b) *Yards, including alley centerline setback;*
- (c) *Courts; and*
- (d) *Pervious surface.*

The applicant requests a lot occupancy of 70 percent for the combination of the new and existing structures on the lot.

5201.3 Not applicable to this application.

5201.4 *An applicant for special exception under this section shall demonstrate that the proposed addition, new building, 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;*

Located at the rear of a generally north/south property between two parking pads, shadows from the proposed structure would primarily fall on those parking pads. In combination with the 25-foot deep rear yard that would be provided, in excess of the minimum requirement of 20 feet, light and air should not be unduly affected.

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

The proposed accessory structure would be located at the rear of the of lot, between the parking pads of the two adjacent lots to the east and west with no windows or other openings along the sides of the building. Therefore, privacy and enjoyment of the neighboring properties should not be unduly compromised.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The proposed accessory structure would be visible from the public alley. However, as the accessory buildings along this building are one and two stories in height and faced with a variety of materials in a variety of colors, the proposed accessory structure should not visually intrude upon the character or scale of the alley frontage.

- (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.*

The applicant submitted plans, photographs and elevation drawings sufficient to represent the relationship of the accessory structure to adjacent buildings and views from public ways.

- 5201.5 *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.*

OP makes no recommendations for special treatment.

- 5201.6 *This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The subject application would not permit the introduction or expansion of a nonconforming use; or a lot occupancy, height or number of stories beyond what is permitted by special exception.

