

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: January 15, 2021

SUBJECT: BZA #20363 – 514 Archibald Walk, SW – Request for relief to expand an existing alley building and establish a dwelling

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested special exceptions:

- E § 5100.1(d), pursuant to E § 5201.3 – Side Yard (5’ required adjacent to street-facing lots; 0’ existing on ground floor; 0’ proposed for new second floor); *Special Exception*
- E § 5100.1(e), pursuant to E § 5201.3 – Alley Centerline Setback (7.5’ required; 7.5’ on west existing; 5’ proposed on west); *Special Exception*
- U § 601.1(f), permit an alley dwelling not meeting all matter of right criteria (Dwelling permitted on alley 24’ wide or 15’ wide if within 300’ of a street; Access provided on 15’ alley, but 499’ to street; Special exception required). *Special Exception*

II. LOCATION AND SITE DESCRIPTION

Applicant	Peter and Karen Byrne, owners
Address	514 Archibald Walk, SE
Legal Description	Square 877, Lot 845
Ward / ANC	6B
Zone	RF-1 (Moderate density rowhouses and flats)
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics and Existing Development	Rectangular alley lot; 28’ alley to the east, 10’ alley to the west; Existing one-story garage and office to remain.
Adjacent Properties and Neighborhood Character	Alley dwelling to the south; street-facing dwelling to the north; alley dwelling across 10’-wide alley to the west; street-facing dwellings across the 28’ alley to the east. Surrounding neighborhood is mostly rowhouses; The alley has alley dwellings and a few commercial warehouse-type uses.
Proposal	Expand existing building by adding a second floor; Retain parking space and establish a single family residential use.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Item	Regulation	Existing	Proposed	Relief
Lot Width C § 306	18 ft.	18.575 ft.	No change	Conforming
Lot Depth	n/a	38 ft.	No change	Conforming
Lot Area C § 306	1,800 sq.ft.	706 sq.ft.	No change	Existing- Nonconforming
Height E § 5100.1(a)	20 ft., 2 stories	11 ft.9” 1 story	20 ft. 2 stories	Conforming
Lot Occupancy E § 5100.1(b)	No max. for lots < 1,800 sq.ft.	86%	92%	Conforming
Rear Yard E § 5100.1(c)	5 ft. from non-alley lots	n/a	n/a	Conforming
Side Yard E § 5100.1(d)	5 ft. from non-alley lots	0 ft. from lot to north	0 ft. on second floor	Requested – Spec. Ex.
Alley CL Setback E § 5100.1(e)	7.5 ft.	7.5 ft. on west	5 ft. on west	Requested – Spec. Ex.
Perv. Surface E § 5100.1(f)	10%	0%	0%	Existing Nonconforming
Parking	1 space	1 space	No change	Conforming
Alley access for res. use U §§ 600 & 601	24 ft. alley OR 15 ft. alley within 300 ft. of street	15 ft. alley, but 499 ft. to street	No change	Requested – Spec. Ex.

IV. ANALYSIS

Special Exception Relief – Subtitle E §§ 5100.1(d) (Side Yard) and 5100.1(e) (Alley Centerline Setback), pursuant to E § 5201.3

The existing building has no side yard on the first floor adjacent to the street-facing lot, and the design proposes to extend that wall directly up for the new second floor, which would require relief. The design also proposes to construct the western wall of the second floor at the property line, a distance of five feet from the alley centerline where 7.5 feet are required. The applicant has requested special exception relief from these requirements.

5201.3 For a new or enlarged principal building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Yards, including alley centerline setback; and*

The applicant proposes an enlarged building on an alley lot and requests relief from side yard and alley centerline setback. While the property is today a tax lot, the applicant will be establishing a record lot as a matter of right.

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

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

The proposed relief to side yard would result in slightly more shadow on the property to the north compared to a conforming design, but the change in impact should be minimal and not undue. Relief to alley centerline setback should not impact light to adjacent properties, as any additional shadow should fall on the alley. The amount of air available to adjacent properties should not be impacted.

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

Relief to side yard should not result in an undue impact to privacy of neighbors to the north. The design does propose two windows on the north wall, both in the kitchen of the proposed dwelling. One window would be at a clerestory height so would not provide views from the new dwelling. The other window would be at counter height behind the sink and under the cabinets. Because of the viewing angle and the lower height of the window, there should be minimal impacts on privacy.

Relief to alley centerline setback should not substantially change views from the second floor relative to a matter of right project. Views directly west, which would be mostly down the alley, would be unchanged. Views northwest toward the back yards of E Street homes would also be similar to the matter of right condition, the relief being for only 2.5'. Any change in the degree of privacy should not be undue.

(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 building should match the scale and pattern of the historic alley dwellings. The HPRB reviewed the building for compatibility with the adjacent buildings and the historic district and found that the architecture is appropriate for a modern structure in the historic district. The project received conceptual approval and final approval was delegated to staff.

- (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 application includes plans, elevations, a plat, renderings, and photos.

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 recommends no special treatments. The Historic Preservation Office is working with the applicant on the final details of the architectural design.

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 proposal is for a conforming use, a single family dwelling, and the building would comply with height and lot occupancy regulations.

5201.7 *Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:*

- (a) *District Department of Transportation (DDOT);*
- (b) *Department of Public Works (DPW);*
- (c) *Metropolitan Police Department (MPD);*
- (d) *Fire and Emergency Medical Services Department (FEMS);*
- (e) *DC Water (WASA); and*
- (f) *If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).*

The record indicates that the application was referred to the relevant agencies. Furthermore, the applicant reached out to the agencies and provided comments from several agencies into the record. The agencies that provided comments – DC Water, MPD and FEMS – have no objections to the project, though FEMS required that the building include sprinklers, a requirement the applicant has agreed to.

Special Exception to Alley Access Requirements – Subtitle U § 601

A residential dwelling not meeting all the matter of right criteria of U § 600 may be permitted by special exception subject to the criteria of U § 601. An analysis of those criteria is below.

U § 601(f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:

- (1) The Alley Lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;*

The subject site is in the RF-1 zone.

- (2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;*

The applicant plans to convert the existing alley tax lot to an alley record lot as a matter of right. The size of the lot is 706 square feet.

- (3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;*

The applicant proposes one dwelling unit.

- (4) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability;*

The subject site connects through improved alleys to public streets. Relevant agencies such as FEMS, MPD and DC Water have stated that they have no objection to the proposed use.

- (5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:
 - (A) Department of Transportation (DDOT);*
 - (B) Department of Public Works (DPW);*
 - (C) Metropolitan Police Department (MPD);*
 - (D) Fire and Emergency Medical Services Department (FEMS);*
 - (E) DC Water (WASA); and*
 - (F) If a historic district or historic landmark is involved, the Historic**

Preservation Office (HPO);

The application was referred to the appropriate agencies, and the applicant has submitted comments received into the record. The HPO and HPRB has reviewed the application.

- (6) *The Board of Zoning Adjustment shall consider relevant agency comments concerning:*
- (A) *Public safety;*
 - (B) *Water and sewer services;*
 - (C) *Waste management;*
 - (D) *Traffic and parking;*
 - (E) *Historic preservation;*

FEMS, MPD and DC Water have provided comments that indicate no objection to the application, with FEMS requiring sprinklers in the building. The applicant attempted to contact DPW, but that agency has not yet provided comments. As of this writing DDOT has not yet provided comments to the record. The project has received conceptual approval from HPRB.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The applicant has reached out to District agencies and provided comments at Exhibits 33A, 33B and 34 from DC Water, MPD and FEMS respectively. Those agencies have no objections to the project, though FEMS required that the building include sprinklers, a requirement the applicant has agreed to.

VI. HISTORIC PRESERVATION

The HPRB granted conceptual approval to the project, and final sign off has been delegated to staff.

VII. ANC COMMENTS

As of this writing the record does not contain a report from the ANC.

VIII. COMMUNITY COMMENTS

At Exhibits 14 through 16 are letters in support of the application, including from both adjacent neighbors.

IX. VICINITY MAPS

