

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: February 26, 2021
SUBJECT: BZA Case 20403: Request for special exception relief pursuant to Subtitle E § 5201.1 to permit a rear building addition

I. RECOMMENDATION

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

- E § 205.4, Rear Wall Extension (10 feet permitted, 10 feet, 8 inches (northeast side) and 11 feet, 3 inches (southwest side) proposed); and
- E § 304.1, Lot Occupancy (60 percent permitted; 53 percent existing; 69.6 percent proposed).

II. LOCATION AND SITE DESCRIPTION

| | |
|------------------------------------|---|
| Address | 1381 Potomac Avenue, S.E. |
| Applicants | Barton Wisheart and Laura Hruby |
| Legal Description | Square 1046, Lot 128 |
| Ward, ANC | Ward 6, ANC 6B07 |
| Zone | RF-1 |
| Lot Characteristics | Mid-block rectangular lot with rear alley access |
| Existing Development | One family two-story row house |
| Adjacent Properties | North and South: Two-story row houses East: Across alley, two and three-story row houses West: Across Potomac Avenue, 5-story mixed-use residential and commercial building |
| Surrounding Neighborhood Character | Moderate to medium density residential with locally serving retail and a public charter school |
| Proposed Development | Two-story plus cellar rear building addition to existing row house, converting the structure from a one-family to a two-family row building. |

III. ZONING REQUIREMENTS and RELIEF REQUESTED

| RF-1 Zone | Regulation | Existing | Proposed | Relief |
|-----------------------|--|-----------------|--|-----------------|
| Height E § 303 | 35-foot max. | 27 feet | 27 feet | None Required |
| Lot Width E § 201 | 18-foot min. | 17.23 feet | 17.23 feet | None Required |
| Lot Area E § 201 | 1,800 sq. ft. min. | 1,356.86 sq.ft. | 1,356.86 sq.ft. | None Required |
| Rear Wall E § 205.4 | 10-foot max. past adjoining rear walls | None | Northeast: 10 feet, 8 inches Southwest: 11 feet, 3 inches | REQUIRED |
| Lot Occupancy E § 304 | 60% max. | 53% | 69.6% | REQUIRED |
| Rear Yard E § 306 | 20-foot min. | 35.66 feet | 22.5 feet | None Required |
| Parking C § 701 | 1 space | 1 space | 1 space | None Required |

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *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 applicants request relief from lot occupancy and from the amount a rear wall may extend beyond the existing rear walls of the adjoining structures.

5201.2 & 5201.3 Not applicable.

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;*

The proposed building addition would extend 15 inches further than permitted by right from the rear wall of the dwelling to the southwest and 8 inches further than permitted beyond the rear wall of the dwelling to the northeast. A “Sun Study” submitted by the

applicant (Exhibit 31) compares the difference between a matter-of-right rear addition extending no further than 10 feet beyond the rear walls of the adjoining structures and the proposal, and the difference is minor. Therefore, the neighboring properties should not be unduly affected.

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

The proposed rear building addition would not include windows or doors on the sides. Instead, the windows and doors would face into the applicant's rear yard, reducing visibility into the two adjacent rear yards as the new rear wall would be further from the existing neighboring rear walls, improving the privacy of those neighbors.

Although the new building addition would bring the rear wall slightly closer to the rear yards of the lots across the alley, the combination of the provision of the minimum required rear yard on the subject property and the existing alley would allow for sufficient separation from those lots fronting on 14th Street.

- (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 two-story addition would be designed to complement and be similar to, the rear walls of other structures along the same alley, including double-hung windows, some with transoms, and siding, similar to many of the other rear walls along the same 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.*

The applicant submitted plans, photographs and elevation drawings sufficient to represent the proposed building addition to adjacent buildings and views from the public alley.

- 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 recommendation 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 result in the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, or an increase in height or number of stories as a special exception.

V. OTHER DISTRICT AGENCIES

No comments from other District agencies had been submitted to the record as of the date of the filing of this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 32 is an ANC report indicating support for the requested relief.

VII. COMMUNITY COMMENTS TO DATE

Four letters were submitted to the record in support of the application. (Exhibits 11, 12, 13 and 28)

Attachment: Location Map

