

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: July 15, 2021

SUBJECT: BZA Case 20467 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow the construction of a two-story rear addition to an existing row building.

I. RECOMMENDATION

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

- Rear Wall Extension, E § 205.5 (rear wall shall not extend 10 feet beyond the farthest rear wall of any adjoining residential building; proposed rear wall would extend more than 10 feet at various stories¹); and
- Lot Occupancy E § 304.1 (60 percent maximum permitted; 68.7% existing; 62.3% proposed for cellar).

II. LOCATION AND SITE DESCRIPTION

Address:	232 10 th Street, SE
Applicant:	Geoff Anderson and Harriet Tregoning
Legal Description:	Square 969, Lot 83
Ward / ANC:	6/6B
Zone:	RF-1, which permits attached one-family dwellings and flats.
Lot Characteristics:	Rectangular shaped lot measuring 18 feet by 101 feet. The lot is bounded by residential row buildings to the north and south, 10 th Street, SE to the west and a 30-foot public alley to the east.
Existing Development:	Two-story residential row building and detached garage.
Adjacent Properties & Surrounding Neighborhood Character:	The surrounding neighborhood character is predominately residential row buildings.

¹ See zoning chart on page 3 of this report for additional information about the dimensions of the rear wall extension.

Proposed Development:	The applicant proposes to enlarge an existing residential row building with a two-story rear addition. The building is proposed to be legalized as a flat, a permitted use in this zone. A modest unenclosed landing at the first floor with an exterior staircase leading to the rear yard is also proposed. The existing detached garage in the rear yard is proposed to be demolished, which would lower the existing overall lot occupancy of the property.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Height E § 303	35 ft. max. / 3 stories	27 ft./ 2 stories	No change	None required
Lot Width E § 201	18 ft. min.	18 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	1,816 sq. ft.	No change	None required
Lot Occupancy E § 304	60% max.; 70% by sp.ex.	68.7%	Cellar: 62.3%	Special Exception: 2.3%
			1 st & 2 nd Floors: 58.3%	None required
Front Setback E § 305	Setback must be in range of existing front setbacks	Front setback is in range of existing front setbacks	No change	None required
Rear Yard E § 306	20 ft. min.	35 ft. 2 in. ²	38 ft.	None required
Rear Wall Extension E § 205	Addition may not extend more than 10 ft. past farthest rear wall of any adjoining building	Existing rear wall extends 9 ft. beyond 230 10 th Street, SE and aligns with the rear wall at 234 10 th Street, SE	Cellar: Rear wall would extend 14 to 23 feet beyond adjacent buildings rear walls, 4 - 13 ft. more than allowed 1 st & 2 nd Floors: Rear wall would extend 19 ft. beyond adjacent building rear wall at 230 10 th Street, SE, 9 feet more than allowed	Special Exception
Side Yard E § 307	None required, but 5 ft. min. if provided	n/a	No change	None required
Parking C §701.5	1 parking space per dwelling unit	1 parking space	No change	None required

² As measured between the rear wall of the principal building and the accessory garage.

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 applicant has requested relief from the rear yard and lot occupancy development standards, consistent with this section, for an addition to a principal residential building on a non-alley lot.

5201.2 & 5201.3 not relevant 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;*

The applicant at Exhibit 60 submitted a sun study comparing the impact of shadows cast based on the existing built condition and the proposed addition. The study demonstrates that there would be some additional shadows cast on the abutting property to the north (230 10th Street, SE) and the adjacent property separated by a public alley to the north (228 10th Street, SE). However, the additional shadows anticipated to be cast are minimal, would vary depending on season, and would not be for extended periods of the day. Any increase in shadows cast should not be considered excessive or unreasonable for an area that is developed with row buildings. The abutting property to the north (230 10th Street, SE) filed a letter of support to the record (Exhibit 11).

The sun study demonstrates that the properties to the south would generally not be impacted by the addition in terms of light and air. It also demonstrates that the properties to the east, which are separated by a 30-foot public alley would not be unduly impacted by the addition in terms of light and air.

(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 there would be no windows facing the abutting properties to the north (230 10th Street, SE) and to the south (234 10th Street, SE). Windows facing the properties to the east are proposed on the rear wall of the addition, but a 38-foot rear yard and 30-foot public alley would provide sufficient distance between subject property and the properties to the east. The existing rear deck would be removed and replaced with a four-foot deep stair landing, which will also increase privacy for neighboring properties.

(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 addition should not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. The existing building and proposed two-story rear addition would be 27 feet in height and two-stories, which would comply the Zoning Regulations, which anticipates new buildings and additions to a height of 35 feet and with three stories. The proposed height, scale, and design as viewed from the street are in keeping with the intent of the zoning and the prevailing residential character of this block. The proposed two-story addition would be located in the rear of the subject property and would generally not be visible from the 10th Street, SE. Further, the existing front setback is consistent with the front setbacks of either abutting property and would be retained.

The proposed two-story addition would be visible from the public alley but should not substantially visually intrude upon this frontage, because the addition would keep with the prevailing residential character of buildings along the alley. The proposed addition would be separated from the public alley by a 38-foot rear yard, which is 18 feet more than required. The rear addition would also incorporate building materials that are commonly used in other buildings along the block front.

(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 has provided plans, photographs, elevations, and a shadow study to sufficiently represent the relationship of the proposed row building 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 does not recommend any special treatment for the proposal.

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 applicant proposes to construct a flat in the RF-1 zones, which is a permitted use. It would comply with development standards of the zones, including height and number of stories, with the exception of the rear yard addition and lot occupancy, for which relief has been requested and is not beyond what is authorized by this section.

V. OTHER DISTRICT AGENCIES

To date, no comments from other district agencies had been filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

To date, no comments from the ANC had been filed to the record.

VII. COMMUNITY COMMENTS TO DATE

To date, there is one letter of support from the adjoining property owner to the north at 230 10th Street, SE (Exhibit 11) and a request for party status in opposition from the adjoining property owners to the south at 234 10th Street, SE (Exhibit 39). There are other requests for party status in opposition at Exhibits 38 and 40 through 43.

Attachment: Location Map

Figure 1: Location Map

