

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** October 1, 2021

**SUBJECT:** BZA Case 20521: Request for special exception relief for a deck addition and compact parking spaces to a new apartment building at 2240 Ontario Road NW.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle F § 5201, C § 712.11 and X § 901.2:

- Lot Occupancy F §304.1 (60% max permitted, 60% existing; 65% proposed).
- Parking Space Dimension C § 712.3(f) (9 ft. x 19 ft. required: 2 @ 16 ft. x 8 ft. proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address	2205 Ontario Road NW
Applicants	Ontario LLC
Legal Description	Square 2562 Lot 85
Ward, ANC	Ward 1 / ANC 1C
Zone	RA-2: predominantly developed with small apartment buildings and row dwellings.
Historic Districts	None
Lot Characteristics	The 2,408 sq.ft. interior lot slopes down from north to south and has a slightly higher elevation at the front than at the rear. The property line is irregularly shaped at the rear due to the 10-foot wide alley's hammer-head shape.
Existing Development	Two-story row dwelling.
Adjacent Properties	Adjacent properties include a single-family, attached row dwelling to the south and a 3-unit apartment building attached to the north. A 10 foot wide alley abuts the property to the west.
Surrounding Neighborhood Character	The property is located to the rear of the Marie Reed Learning Center and the neighborhood is a mix of row dwellings, apartment buildings and long-standing neighborhood serving institutions.

Proposed Development	The applicant proposes to construct a three-story with cellar and penthouse addition to the existing structure, resulting in an 8-unit apartment building. The building with the deck addition would increase the lot occupancy to 65%. Relief is also requested to provide two rear compact sized spaces due to the alley's impact on the lot's shape at the rear property line.
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-2 Zone	Regulation	Existing	Proposed	Relief
FAR F § 302.1	1.8 max.	1.4	1.8	None required
Height F § 303	50 ft.	25 ft.	44.4 ft.	None required
Lot Width F § 302	N/A	16 ft.	16 ft.	None required
Lot Area	N/A	2,048 sq.ft.	2,048 sq.ft.	None required
<b>Lot Occupancy F § 304.1</b>	<b>60% max.</b>	<b>45%</b>	<b>65%</b>	<b>Sp. Ex. required</b>
Rear Yard F § 305.1	15 ft. min.	41.8 ft.	24.7 ft.	None required
Side Yard F § 306.1	None required	0 ft.	0 ft.	None required
<b>Parking space dimension C § 701, § 712.3</b>	2 spaces min. 9 ft. x19 ft. min. if public alley < 15ft wide	1 full size space	<b>2 compact spaces</b> (public alley 10 ft.)	<b>Sp. Ex. required</b>

### IV. OP ANALYSIS

#### Subtitle F § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

##### A. Lot Occupancy

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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) Green Area Ratio.

The property is a non-alley interior lot for which a new residential principal building is proposed to exceed the maximum matter-of-right lot occupancy.

5201.2 For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley 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) *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) *Green Area Ratio.*

An accessory structure is not proposed.

5201.3 N/A

*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 applicant provided a light study for this project, including updated plans at Exhibit 33B, pages 19 through 26. The solar studies show that shadows resulting from the new matter-of-right structure would primarily fall on the rear yard of the adjacent property to the north during the spring, and summer. The open structure decks would create minimal additional shadows into the rear yard of that property. The rear yard would continue to exceed the required 20 feet. As such, light and air to neighbors' properties should not be unduly compromised.

The neighbors at #2242 Units 1 and 3, both submitted letters of support (Exhibits 26-28) for the proposal, having been shown the plans by the applicant.

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

As shown, the addition to the structure would extend approximately 20+ feet beyond the rear of abutting residences, which brings the decks closer to direct alley views than directly into neighbor's rear yards. Across the alley is an institutional building. The privacy and use of enjoyment of neighboring properties should not be unduly compromised given the structure's development on the lot in relation to the neighbor's homes.

- (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 new structure with the deck additions is similar to that of other properties as viewed along the alley. The applicant provided photo descriptions in the record in support, including at Exhibit 5.

- (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.*

Exhibit 33B provided the plans and elevations required for review of the application.

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 additional screening or other 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 proposed as an 8-unit apartment building is a permitted use in this zone.

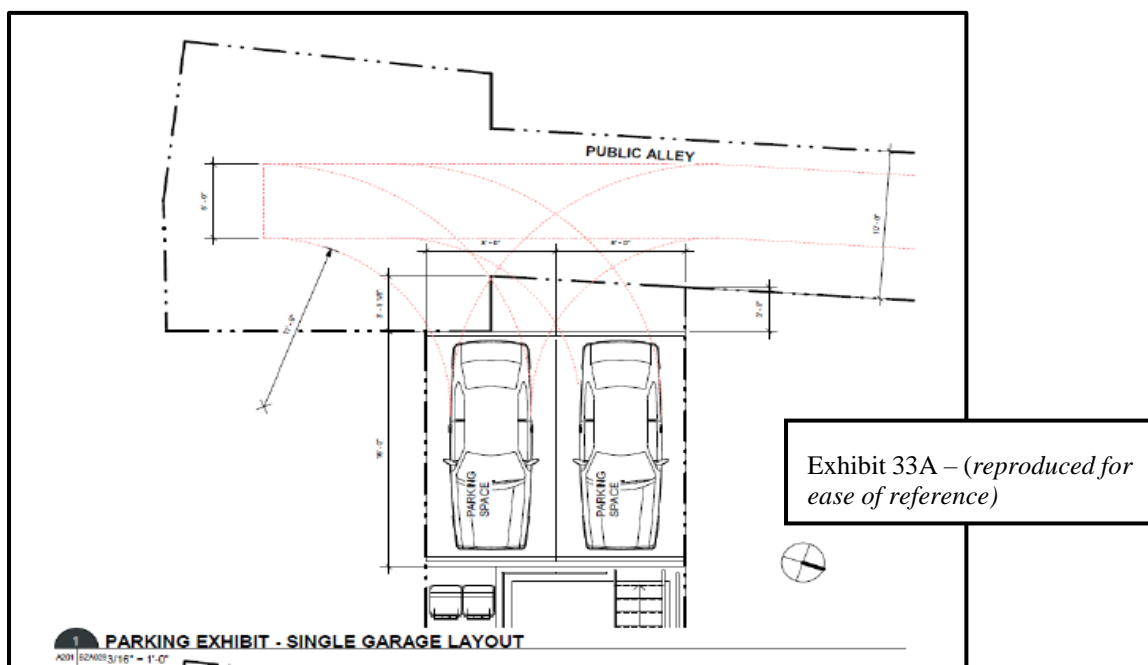
## **B. Parking Space Dimensions**

### **C § 712.11 Parking Space Dimensional Requirement**

The Board of Zoning Adjustment may grant relief from the requirements of Subtitle C §§ 712.3, 712.5, and 712.6 as a special exception under Subtitle X, Chapter 9 and subject to the following:

- (a) *The Office of Zoning shall refer any request under this subsection to the Office of Planning and the District Department of Transportation for review and comment;*
- (b) *For a request for relief from the ratio requirement of Subtitle C § 712.3 the applicant shall demonstrate to the Board's satisfaction a reasonable difficulty in providing the number of full-sized parking spaces;*

The applicant provided a revised statement in support of this request at Exhibit 33A. The request is justified due to the irregular hammer shape of the alley abutting the applicant's property, which creates a practical difficulty in providing the required dimensions for parking at the rear, and the desired security for the property with the provision of a secured roll-up gate. The exhibit also demonstrates vehicle circulation patterns with adequate vehicle access to both spaces using the single roll-up door set back eight (8) feet from the alley centerline.



- (c) *A request for relief from the dimensional requirements for drive aisles of Subtitle C §§ 712.5 and 712.6 shall be accompanied by vehicle movement and turning diagrams demonstrating to the Board's satisfaction that vehicles of average dimensions would be able to safely and efficiently access the parking spaces affected by such relief;*

This is not applicable in this instance.

- (d) *No parking space, whether required or not required, shall have dimensions less than the compact-sized dimensions specified in Subtitle C § 712.6;*

The proposed parking spaces would satisfy the compact space requirements of the regulations as show on the revised plat of Exhibit 33C.

- (e) *The Board shall grant relief only to the degree that the applicant demonstrates that physical constraints prevent it from reasonably complying with the requirements; and*

The applicant has demonstrated that the conditions of the lot that justify parking space size relief are applicable to both proposed parking spaces.

- (f) *The Board may grant full or partial relief.*

OP supports granting full relief for this request.

#### **X § 901.2 Special Exception Review Standards**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The request for compact spaces is due to the unusual nature of the alley's shape which affects the lot's shape at the rear. The regulations provide for compact spaces through special exception and in this instance, relief could be granted to address the regulation's intent to provide on-site parking for residential development.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Granting the relief would not adversely impact neighboring properties as the provision of parking at the rear is anticipated, particularly where alley access is available. The spaces would be provided at the 90-degree ingress and egress required by the regulations and compact spaces are anticipated by the Regulations. Provision of this relief would allow future residents to have rear vehicle access, without hindering neighbors' use of the alley.

#### **V. OTHER DISTRICT AGENCIES**

At the writing of this report other District agencies reports had not been added to the record.

## VI. ADVISORY NEIGHBORHOOD COMMISSION

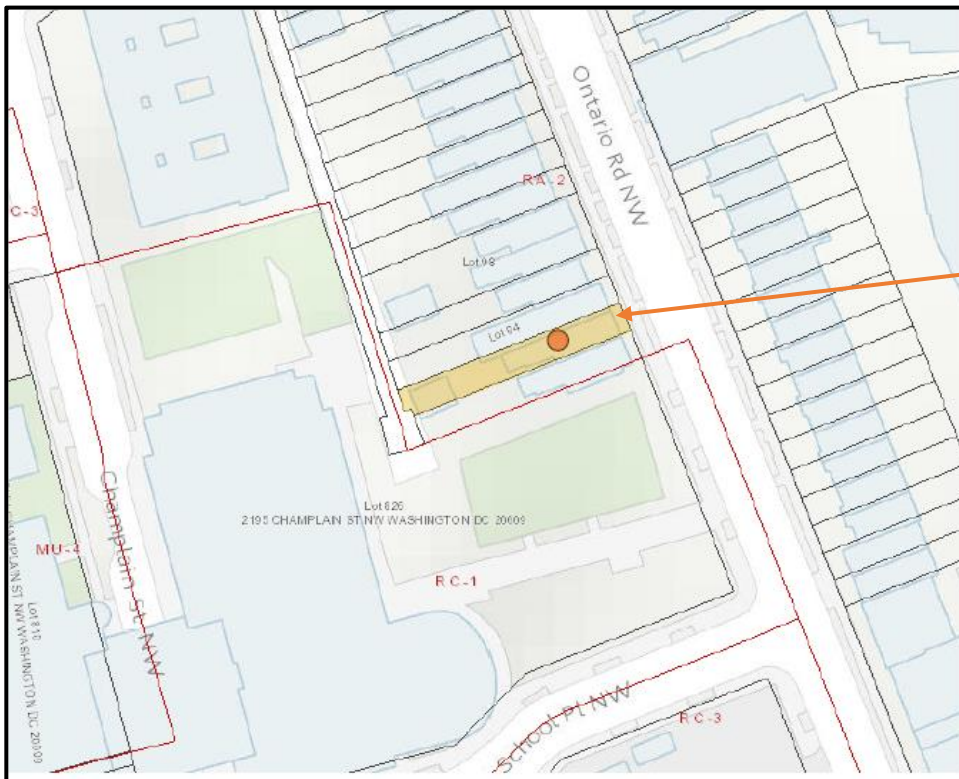
The ANC 1C met at its regularly scheduled meeting on 7/7/2021 and voted in support of the application (Exhibit 30).

## VII. COMMUNITY COMMENTS TO DATE

There are three letters in support of this application including the immediate neighbor at #2238 Ontario Road (Exhibit 26); and neighbors at # 2242 Unit 3 (Exhibit 27) and Unit 1 (Exhibit 28).

Attachment: Location Map

### Location Map:



Existing

