

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 15, 2021

SUBJECT: BZA Case 20534 (152 11th Street SE) to permit construction of a two-story accessory building with a dwelling unit in the RF-1 Zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- A dwelling unit within an accessory building, Subtitle U § 301.1 (e) pursuant to Subtitle X § 901 (permitted if garage structure existed prior to 2013; garage existing but to be demolished; new accessory building with parking and dwelling unit proposed);
- Lot Occupancy, Subtitle E § 304.1 (60% maximum permitted; 59 % existing; 67% proposed).

II. LOCATION AND SITE DESCRIPTION

Address	152 11 th St SE
Applicant	Edward and Lauren Kraemer
Legal Description	Square 0989 Lot 0024
Ward, ANC	Ward 6/ANC 6B
Zone	RF-1
Historic District	Capitol Hill HD
Lot Characteristics	The lot is rectangular and flat with minimal grade change from front to rear.
Existing Development	The property is developed with a three-story single-family row dwelling with a detached garage.
Adjacent Properties	Adjacent properties are similar to the subject property, including attached row structures with rear garages and accessory apartment units. Similar properties located across the 30-foot wide alley at the rear.
Surrounding Neighborhood Character	The immediate neighborhood is within the Capitol Hill Historic District, which include a mix of single-family attached row dwellings, flats and some low-density neighborhood-serving commercial uses.

Proposed Development	The applicant intends to construct an additional dwelling unit within an accessory building to be located at the rear of the existing three-story single-family home. This would result in two units on the property, as permitted in this zone. The existing garage would be demolished. The one-bedroom new dwelling unit would be located in the upper floor of a newly constructed two-story garage structure.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone - RF-1	Regulation	Existing	Proposed	Relief
Height E § 303	35 ft. max.	33 ft.	No change	None required
Lot Width E § 201.1	18 ft. min.	18 ft.	18 ft.	None required
Lot Area E § 201.1	1,800 sq.ft. min.	2,115 sq.ft.	2,115 sq.ft.	None required
Lot Occupancy E § 304	60 % max.	59 %	66.7 %	Sp. Ex. required
Rear Yard E§ 306	20 ft. min.	53 ft. 4 in.	28 ft. 4 in.	None required
Parking C § 701	1 space	1 space	1 space	None required
Use U § 301.1 (e)	M-o-R -if garage prior to 2013	Garage structure	Existing to be demolished and replaced with new structure	Sp. Ex. required
E § 5003 Accessory Building Area	450 sq.ft. max.	244 sq.ft.	450 sq.ft.	None required
E §5002 Accessory Building Height	22 ft. max.	21 ft. 4 in.	20 ft.	None required

IV. OFFICE OF PLANNING ANALYSIS

Subtitle U § 301.1 (e) provides that “*an accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception.*”

The applicant proposes to demolish the existing accessory structure constructed prior to 2013. Therefore, relief is requested from this provision in order to build a new accessory structure including a second dwelling unit for the property. Additional relief is requested from Subtitle E § 304.1 from the lot occupancy limitations for a row dwelling in the RF-1 zone.

a. Special Exception Relief from Subtitle U § 301.1 (e) pursuant to X § 901.1

- (a) *Will grant of the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.*

The regulations permit a second dwelling unit on a property in the RF zone, either within the principal building or within an accessory building. This proposal satisfies all yard and bulk requirements, including provision of a 28 feet rear yard, with an accessory structure no greater than 450 square feet in area and less than the permitted 22 feet in height. This satisfies the requirements for an accessory building in the rear yard of the single-family dwelling and is therefore in harmony with the Regulations as desired.

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

The use of neighboring properties should not be unduly adversely affected as there are similar existing and abutting rear structures within the Square. Abutting neighbors have submitted letters in support at Exhibits 28 and 29. Light to neighbors' properties should not be adversely impacted.

While shadows would increase over the neighbor's property to the north at 150 11th Street, they would fall primarily on the roof of their accessory building and a small portion of the rear yard for short morning periods. The party wall between the proposed structure and the neighbor's garage to the north would be 7 feet taller than the neighbor's garage. It would also project 3 feet further than the neighbor's garage into the rear yard.

The proposed garage will extend 5 feet beyond the rear garage wall at 154 11th Street. The impact to the light and air to this property should be minimal since it is south of the proposed accessory building.

b. 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:

Changes are not proposed to the principal structure.

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 under Subtitle E § 5003 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 proposed lot occupancy for the principal building and new accessory structure combined would be in excess of 60% (66.7%) but less than the maximum permitted under this section by special exception.

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;*

As discussed, under X§901.1 (b) above, the light and air available to neighboring properties should not be adversely impacted since the accessory building would be similar in massing to adjacent structures. Although it would be slightly taller and project up to 5 feet further than its neighbors' garage, the resulting shadows should be minimal, primarily on the roof and into the rear yards for short periods during the day.

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

Privacy of use and enjoyment of neighboring property should not be compromised unduly, as there are many similar structures along the rear of 11th Street homes. At the lower-level, visibility into abutting neighbors' properties is screened by opaque wooden privacy fences. As viewed from rear windows at the proposed second story level, visibility into neighbors' rear yards would be similar to the views from rear bedrooms from the principal structure into the surrounding rear yards, as currently exists. The adjacent neighbors have submitted letters in support at Exhibits 28 and 29.

(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 building would not be visible from the street. Along the alley, it would be similar in bulk and massing and character to existing structures along both sides of the 30-foot wide alley and at the rear of homes fronting 11th Street within the square.

(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 the requirements at Exhibits 5 and 6 of the record.

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 anticipate the need for special treatment, including redesign or screening for protection of neighboring properties.

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 use is permitted under the RF-1 Regulations, and the proposal is within the range of the yard and bulk requirements as prescribed.

V. HISTORIC PRESERVATION

At the writing of this report, HPRB application 21-551 had not been heard by the Board.

VI. OTHER DISTRICT AGENCIES

At the writing of this report, other District agencies' reports were not included in the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

ANC 6B's report had not been submitted to the record at the writing of this report.

VIII. COMMUNITY COMMENTS TO DATE

The abutting neighbors at #150 and #154 have submitted letters in support at Exhibits 28 and 29, and, as of the date of this report, there are two other letters of support at Exhibits 30 and 32.

LOCATION and ZONING MAP

