

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 29, 2021  
**SUBJECT:** BZA Case 20581, **EXPEDITED** request for special exception relief pursuant to Subtitle E § 5201.1 to permit a new vegetated roof on an existing detached accessory garage with a new exterior spiral stair access to the roof.

**I. RECOMMENDATION**

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

- E § 201.1, Lot Occupancy (60 percent permitted, 69.05 existing; 70 percent proposed).

The applicant also requested special exception relief from the following:

1. E § 201.1, Minimum Lot Width and Minimum Lot Area Requirements

OP does believe this relief is necessary from lot width or lot area requirements because the subject property is a record lot developed prior to the adoption of the 1958 Zoning Regulations.

2. E § 205, Rear Yard
3. E § 306.1, Rear Yard

OP does not believe relief is necessary from these sections, which relate to the required rear yard for the dwelling on the lot, and not to accessory structures. The subject application is for the modification of an accessory structure only. Therefore, rear yard measurement would not be affected and the site appears to provide more than the required rear yard. (see Exhibit No. 8, Sheet No. 2)

**II. LOCATION AND SITE DESCRIPTION**

Address	1241 Independence Avenue, S.E.
Applicant	Jennifer Dalzell
Legal Description	Square 1015, Lot 147
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Two-story one-family row house with a one-story detached accessory garage

Adjacent Properties	Row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	New vegetated roof for existing accessory garage

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RF-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height E § 303	35-foot max.	30 feet	30 feet	None Required
Lot Width E § 201	18-foot min.	17 feet	17 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,700 sq. ft.	1,700 sq. ft.	None Required
Lot Occupancy E § 304	60% max.	69.05%	70%	<b>REQUIRED</b>
Rear Yard E § 306	20-foot. min.	25± feet	25± feet	None Required
Accessory Bldg. Ht. E § 5002	22 feet and 2-story max.	11.38 feet and 1-story	13.88 feet and 1-story	None Required
Accessory Bldg. Area	450 sq. ft. max.	277 sq. ft.	292 sq. ft.	None Required
Parking C § 701	1 space, if provided	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 applicant proposes to increase the lot occupancy to 70 percent, the maximum permitted by special exception.

*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 proposal to add an exterior spiral metal staircase would include no walls or enclosed spaces, be one story in height and occupy only 15 square feet of lot area. Due to the relatively small size and openness of the stair, it should have no affect on light and air available to surrounding properties.

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

The addition of an external metal spiral staircase on the north side of the existing garage should have minimal impact on the use and enjoyment of neighboring properties. It would be on the west side of the lot, and partially obstructed from the adjoining lot to the west by the accessory garage building on that property. Further, a fence separates those two rear yards.

The roof of the garage would be designed to function as planting beds and not as a roof deck, minimizing the use of the roof for other activities. Therefore, privacy of use and enjoyment should not be unduly compromised.

*(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 garage roof would raise the height of the structure by approximately 0.5 feet to accommodate raised planting beds and pedestrian access to those beds. In addition, the raised portion of the roof would be set back from the edge of the south wall of the accessory building so as to provide for the minimum required 7.5 feet from the centerline of the alley. The new external spiral staircase would be located on the interior side of the accessory garage building, which would be primarily obstructed from view by the applicant's garage and the garage on the adjoining lot to the east. Therefore, the proposed addition should not substantially intrude upon the character, scale and pattern of houses along the 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 photographs and elevation drawings sufficient to represent the represent the proposal from adjacent buildings and 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 makes no recommendations 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, a lot occupancy beyond what is authorized in this section, or an increase in building height or number of stories by special exception.

No comments were received from the Historic Preservation Office.

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

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

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 6B, at its regularly scheduled meeting of October 12, 2021, voted to support the application. (Exhibit 33)

#### **VII. COMMUNITY COMMENTS TO DATE**

Three community letters in support of the application were submitted to record as of the date of the filing of this report, including the adjacent the property owners to the east and west. (exhibits 30, 31 and 32)

Attachment: Location Map

