

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Development Review Specialist
Joel Lawson, Associate Director, Development Review
DATE: April 14, 2022
SUBJECT: Expedited BZA Case 20700: To permit a two-story addition with deck at the rear of an existing two-family row house at 1415 Potomac Avenue, S.E.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201 and Subtitle X § 901:

- E § 304.1, Lot Occupancy (60 percent maximum permitted; 61.3 percent existing; 70 percent proposed).

The application also requests the following relief which does not appear to be required:

- E § 201.1, Lot Dimensions (1,800 square feet required for new record lots; 1,461 square foot record lot existing; 1,461 square feet proposed for existing record lot);
- E § 205.4, Rear Wall Extension (10-foot maximum permitted; 10 feet proposed); and
- E § 306.1, Rear Yard (min. 20 feet required, >20 feet existing; >20 feet proposed).

Although the existing lot is not in conformance with the current minimum lot area requirements for a new record lot within the RF-1 zone, the subject property is an existing record lot for which the applicant proposes no changes. Therefore, no relief is necessary to lot dimensions.

Pursuant to Exhibit 27, submitted to the record on April 5, 2022, the applicant revised the original plans to so that the proposed rear building addition would extend no more than 10 feet beyond the rear walls of the adjoining row houses to the east and west. As such, the proposal would be in conformance with E § 205.4, and no relief is required.

The revised plat included in Exhibit 27 depicts a rear yard in excess of 20 feet for the proposed addition, including an existing exterior stair that leads from the rear yard, beginning less than 20 feet from the rear lot line to the man floor of the dwelling. However, pursuant to B § 312.4, building area does not include “*uncovered stairs, ... that serve the main floor.*” Therefore, the proposal appears to be in conformance with the minimum required rear yard and no relief is required.

On April 8, 2022 the applicant informed OP by telephone that they would rescind those areas of relief. However, as of the date of the filing of this report to the record, those requests had not been submitted to the record.

II. LOCATION AND SITE DESCRIPTION

Address	1415 Potomac Avenue, S.E.
Applicant	Dr. Alice Bellis
Legal Description	Square 1065NE, Lot 21
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Lot Characteristics	Unusually shaped lot with rear alley access
Existing Development	Two-story plus basement row house
Adjacent Properties	North, East and West: Two-story row houses South: Two-story commercial and residential attached structures
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Rear building addition, including a first floor deck, and room additions and a gazebo on the second floor.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	27.2 feet	27.2 feet	None Required
Lot Width E § 201	18-foot min.	20 feet	20 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,461 sq.ft.	1,461 sq. ft.	None Required
Lot Occupancy E § 304	60% max.	61.3%	70%	REQUIRED
Rear Yard E § 306	20-foot min.	>20 feet	>20 feet	None Required
Parking C § 701	1 space, if provided	1 space	1 space	None Required

IV. ANALYSIS**A. 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 subject application is to increase the lot occupancy for a principal building on a non-alley lot building to 70 percent.

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 proposed addition would extend no more than ten feet beyond the rear walls of either of the two adjoining row houses. Due to the angle of Potomac Avenue, the direction of afternoon shadows would generally extend toward the existing structures to the northeast, and not into the rear yards. The proposed building addition would also not be fully enclosed, with an open pergola on the second floor on the southwest side of the building addition, and a covered deck on the first floor with no walls facing the adjoining property to the northeast, minimizing the impacts on light and air flow.

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

No windows would face into the rear yard of the adjoining properties, although the sides of the pergola and deck would have openings into those yards. However, as this would be no different than the construction of decks commonly found to the rear of row houses, use and enjoyment of the neighboring properties 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 proposed addition would not be visible from the street, but would be visible from the public alley at the rear of the structure. It would consist of a two-story residential addition to an existing two-story residential row structure that is adjacent to other two-story residential row structures. Therefore, it should not visually impair 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 plans, photographs and elevation drawings sufficient to represent the relationship of the relationship of the proposed addition to adjacent buildings and views 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 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, lot occupancy beyond that permitted by this section, or an increase in building height or number of stories by special exception.

B. Subtitle X Section 901 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 increase in lot occupancy is within the range of lot occupancy permitted pursuant to Sec. 5201 for the RF-1 zone and therefore in the harmony with the Zoning Regulations and maps.

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

As the rear addition would not extend more than ten feet beyond the rear walls of the adjoining row houses on either side, the use should not adversely affect the use of neighboring properties.

(c) *Subject in specific cases to the special conditions specified in this title.*

As noted under Section A above, the subject application is in conformance with the special conditions to increase lot occupancy to 70 percent.

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 submitted a letter to the record in support of the application. (Exhibit 31)

VII. COMMUNITY COMMENTS

The Capitol Hill Restoration Society submitted a letter to the record in support of the application. (Exhibit 29).

Location Map

