

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: April 29, 2022
SUBJECT: BZA Case 20713 - to construct a two-story rear addition and a garage second floor addition at 135 Kentucky Ave., S.E.

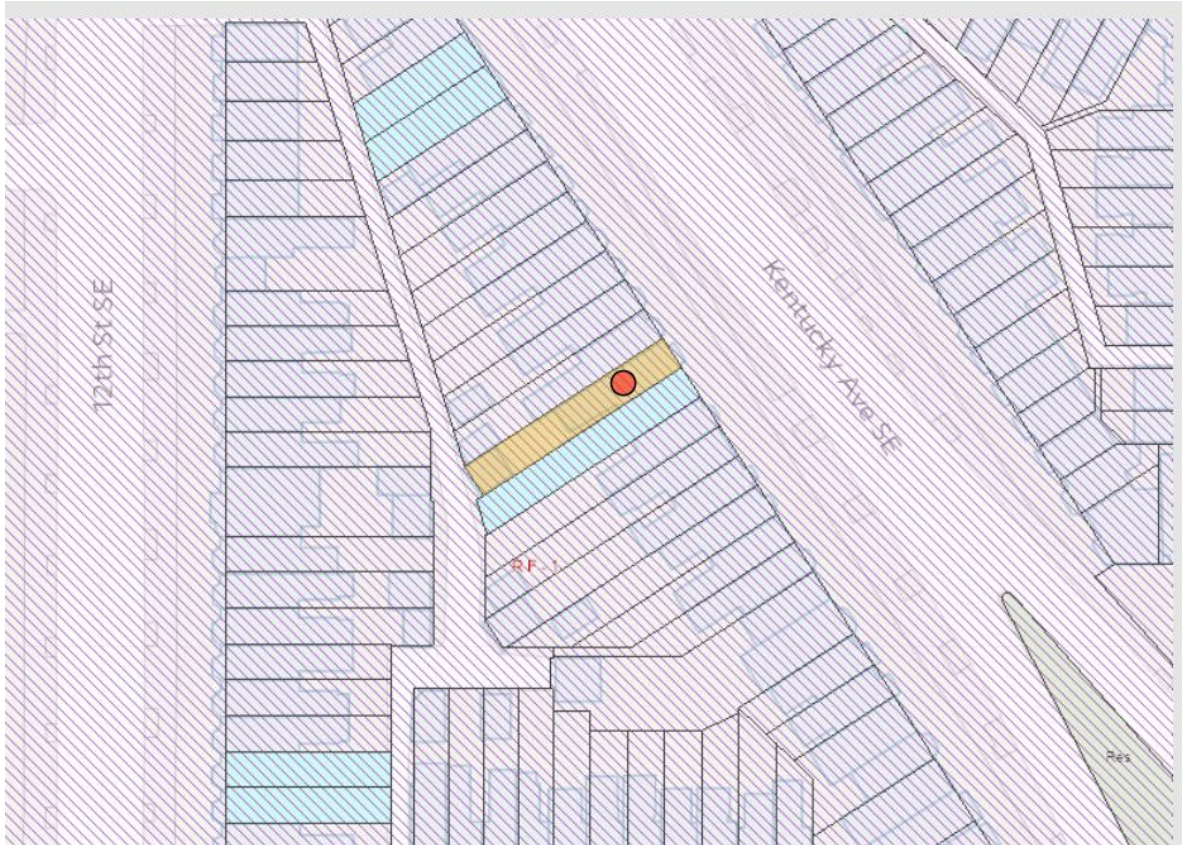
I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Special Exception pursuant to Subtitle E § 5201 and Subtitle X Chapter 9:

- Subtitle E § 304.1 - Lot Occupancy (60% maximum allowed, 57.2% existing; 68.4% proposed)

II. LOCATION AND SITE DESCRIPTION:

Address:	135 Kentucky Ave., S.E.
Applicant	Jeffery and Jill Miller
Legal Description:	Square 1014 Lot 0026
Ward / ANC:	Ward 6 / ANC 6B
Zone:	RF-1, which permits low to moderate density one family dwellings or flats
Lot Characteristics:	1,728 sq.ft. rectangular lot with public alley of varying width at the rear (west) of the property
Existing Development:	Row dwelling
Adjacent Properties:	Row dwellings
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character and the predominant building type are row dwellings
Proposed Development:	The Applicant proposes to demolish an existing deck and to construct a two-story addition at the rear of the house. The Applicant also proposes to build a second story above the existing garage.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35 feet	25 ft.	No change	None required
Lot Width E § 201	18 feet min.	16 ft.	No change	Existing non-conformity
Lot Area E § 201	1800 sq.ft. min.	1,728 sq.ft.	No change	Existing non-conformity
Lot Occupancy E § 304	60% max.; 70% by sp.ex.	57.2%	68.36%	Relief requested
Rear Yard E § 306	20 feet min.	37.17 ft.	No change	None required

IV. OP ANALYSIS

A. Subtitle E Section 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy;

- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The Applicant has requested relief from the lot occupancy allowed under Subtitle E § 304.1.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a building with only one (1) principal dwelling unit; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The proposal is for an addition to a building and an enlarged accessory structure. There is currently and will remain only one principal dwelling unit on the lot.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition 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 light and air to neighboring properties should not be unduly affected by the proposed additions. There is a 3.8 foot open court on the south side between the subject property and the adjacent property that would remain, to allow for light and air between the properties, where the proposed addition would extend six feet beyond the rear wall of the adjoining house. The property to the north has an existing addition that extends 7 ft. 10 in. beyond the proposed addition on the subject property. The second story addition on the garage also should not have an undue impact on the light and air of other alley structures or neighboring principal dwellings.

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

The neighboring properties' privacy of use and enjoyment should not be compromised by the proposed additions to the house and the garage. There is an open court on the south side between the subject property and the adjoining house to the south. Along this court, on the rear addition south elevation wall there would be one additional window on the first floor and no windows on the second floor. There would be no windows on the addition's shared party wall with the house to the north. There would be a new rear deck off the first floor and two windows on the second floor rear elevation that would look out into the subject property's rear yard. The second floor of the garage would have two windows facing the public alley and there would be a second story door facing the subject property's rear yard with steps to grade.

- (c) The addition or accessory structure, together with the original 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 subject street frontage;*

The rear addition to the house and second story addition to the garage would not be visible from the

street. As viewed from the alley, the proposed design of the rear addition and the second story on the garage would not be inconsistent with the pattern of the row houses and garages. The adjacent house to the north has a rear addition and there is a two-story accessory building directly across the alley. The project architect has been in contact with the Historic Preservation Office and the project will be reviewed by the Historic Preservation Review Board.

(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; and

The Applicant provided the necessary photos and plans with the submission.

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed lot occupancy would be 68.4%, which is below the maximum of 70% permitted by special exception.

5201.4 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 protection of the abutting neighboring property.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed addition is within the maximum height and number of stories permitted as a matter-of-right in this zone.

B. General Special Exception Standards – Subtitle X § 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 project with the requested zoning relief would be in harmony with the purpose and intent of the RF-1 zone. The zoning regulations allow for lot occupancy relief by special exception in the RF-1

zone and this project has demonstrated that it meets the applicable review criteria. The project would not result in a use or building form inconsistent with the intent of the zone.

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

As detailed above in Section IV-A, the proposed additions should not have an undue adverse effect on the use of neighboring property.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No other comments from other District agencies had been filed at the time of this report.

VI. ANC COMMENTS

At Exhibit 19 is a report from ANC 6B in support of the application.

VII. COMMUNITY COMMENTS

At Exhibit 16A, a neighboring property owner filed a memo noting concerns about future construction.