

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: May 12, 2022

SUBJECT: BZA Case 20723 – to construct a second story rear addition at 109 11th St., 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 § 205.4 - Rear Addition (10 ft. extension beyond adjoining buildings allowed; 19 foot extension beyond adjoining house to the south proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	109 11 th Street, N.E.
Legal Description:	Square 0968 Lot 0822
Ward / ANC:	Ward 6 / ANC 6B
Zone:	RF-1, low to moderate density zone allowing one family dwellings and flats by right.
Historic District	Capitol Hill Historic District
Lot Characteristics:	1,825 square foot rectangular lot
Existing Development:	The lot is improved with a two-story row dwelling.
Adjacent Properties:	There are row and semi-detached dwellings to the north and south on the block and across the street to the east.
Surrounding Neighborhood Character:	The surrounding neighborhood is primarily low density residential.
Proposed Development:	The Applicant proposes to construct a 330 square foot addition on the second story above the existing first story.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Area E § 201.1	1,800 sq.ft. min.	1,825 sq.ft.	No change	None required
Lot Width E § 201.1	18 feet min.	23.5 ft.	No change	None required
Height E § 303.1	35 ft. max.	19 ft. 10 in.	21 ft. 6 in.	None required
Lot occupancy E § 304.1	60% max. 70% by Special Exception	74% first floor 18% second floor	74% first floor 40% second floor	None required
Rear yard E § 306.1	20 ft. min.	28 ft.	No change	None required
Rear addition E § 205.4	Rear wall shall not extend more than 10 feet beyond rear wall of adjoining building	N/A	19 feet beyond house to the south*	Relief requested

* The application is self-certified, and the Applicant stated that they do not need to request relief from the house to the north

IV. ANALYSIS

A. Subtitle E § 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 has requested relief from the lot occupancy allowed under Subtitle E § 304.1 and from the rear yard requirements for rear additions of Subtitle E §§ 306.1 and 205.4.

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

- (a) **An addition to a residential building;***
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The proposal is for an addition to a residential building.

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 available to neighbors should not be unduly affected by the proposed second story rear addition above the existing first floor. The Applicant provided shadow studies in Exhibit 27 that show that there should not be undue impacts to the light and air available to the adjoining houses to the north and south as a result of this proposed rear addition. The open rear yard of the subject property would continue to provide light and air to neighboring properties.

Two adjoining property owners have filed letters of support in Exhibits 29 and 30.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. There would be no windows on the sides of the proposed second floor addition. There is a small balcony proposed off the rear of the second floor addition, which would face the rear yard of the subject property.

- (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 addition would not be visible from 11th Street SE due to its location at the rear of the house as demonstrated in the Street View section in Exhibit 5, and the addition would not substantially intrude upon the pattern of the houses along 11th Street SE. There is no alley behind the house. The project has been reviewed and approved by the Historic Preservation Office.

- (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 adequate photos and plans to represent the relationship of the addition to adjacent buildings and public ways.

- (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 on the second story where the addition is proposed would be 40%.

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.

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

The property would continue the current, permitted residential 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 relief from these development standards 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 noted above in Section IV-A, the proposed addition should not have an undue adverse effect on the use of neighboring property. Two adjoining property owners have filed letters of support into the record in Exhibits 29 and 30.

B. COMMENTS OF OTHER DISTRICT AGENCIES

The project has been reviewed and approved by the Historic Preservation Office. No other agencies had filed a report into the record at the time of this report.

C. ANC COMMENTS

The ANC had not filed a report or recommendation at the time of this report.

D. COMMUNITY COMMENTS

Two adjoining neighbors filed letters of support in Exhibits 29 and 30. Capitol Hill Restoration Society submitted comments in support at Exhibit 31.