

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Development Review Specialist
JS for J
 Joel Lawson, Associate Director Development Review

DATE: June 3, 2022

SUBJECT: BZA Case 20737 - request for special exception relief to allow the construction of a two-story rear addition to an existing, attached, two-story with basement, principal dwelling in the RA-2 zone.

I. RECOMMENDATION

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

- F § 304.1, Lot Occupancy (60% maximum, 70.7% existing; 69.9% proposed);
- F § 305.1, Rear Yard (15 ft. min. required; 15 ft. existing; 10.75 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1736 Swann Street, N.W.
Applicant:	Cozen O'Connor for Dr. Charles Samenow
Legal Description:	Square 152, Lot 56
Ward / ANC:	Ward 2, ANC 2B
Zone:	The RA-2 zone provides for areas developed with predominantly moderate-density residential.
Historic Districts	Dupont Circle Historic District
Lot Characteristics:	The rectangular lot has 1,488 square feet of area and 17-feet of frontage along Swann Street. The rear of the lot is also 17-feet in width and abuts a public alley ranging from ten to 20-feet in width.
Existing Development:	The property is currently developed with a two-story row building consisting of one dwelling unit.
Adjacent Properties:	To the north, across Swann Street, are row buildings. To the east and west are additional row buildings. To the south, is an apartment house and row buildings.
Surrounding Neighborhood Character:	The immediate area around the subject property is primarily residential, consisting of two- to three- story row buildings and apartment houses. 18 th Street is located to the west and consists of restaurants, bars, and neighborhood-serving retail.

Proposed Development:	The Applicant proposes to demolish an existing rear deck and construct a two-story rear addition to the principal building, which requires lot occupancy relief. A roof deck is proposed on top of the existing detached building providing a garage and would include a spiral staircase. The spiral staircase requires relief for reducing the rear yard.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RA-2 Zone	Regulation	Existing	Proposed	Relief:
Lot Width	--	17 ft.	No change	None required
Lot Area	--	1,488 sq.ft.	No change	None required
Height F § 303	50 ft. max.	30 ft.	No change	None required
Lot Occupancy F § 304	60% max.	70.7%	69.6%	S.E. required
Rear Yard F § 305	15 ft. min.	15 ft.	10.75 ft.	S.E. required
Side Yard F § 306	None required	0 ft.	No change	None required
Green Area Ratio F § 307	0.4	Not provided	Not provided	None requested

IV. ANALYSIS

Subtitle F 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 remove an existing rear deck and construct a two-story rear addition to a principal residential building on a non-alley lot. Relief has been requested from lot occupancy, consistent with this section.

5201.2 For a new or enlarged accessory structure to a residential building 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 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) *Green Area Ratio.*

The Applicant proposes to add a spiral staircase to an existing accessory structure on a non-alley lot, which reduces the required rear yard. Relief has been requested from rear yard, consistent with this section.

5201.3 does not apply 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 Applicant proposes to remove an existing deck at the rear of the dwelling and to construct a two-story addition that would extend a maximum of 7.25-feet beyond the rear wall of the building. The lot is oriented north-south, with the rear addition occurring at the south end of the building. While a shadow study has not been provided, it is expected that the proposed addition would have very little shadowing impact on neighboring properties due to its size, height, and orientation.

The Applicant also proposes to construct a roof deck on top of the existing detached garage, which would include a spiral staircase for access. The spiral staircase requires rear yard relief, as it would reduce a portion of the rear yard from the required 15-feet to 10.75-feet. The eastern side of the rear yard would be 17.5-feet, exceeding the minimum requirement. The staircase should not unduly affect light and air to neighboring properties, as it would have a small footprint and would be unenclosed and open to the sky.

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

The proposed addition would be fully enclosed and would not have windows on the east or west building elevations that would impact the attached row buildings on either side. The rear of the addition would include two doors with guardrails as well as window. It should not have a greater impact on the privacy of use and enjoyment of neighboring properties than a matter-of-right project due to the provision of a rear yard. Although the proposed staircase for the accessory structure would be in a portion of the rear yard, it would not function as gathering space or otherwise increase visibility into neighboring properties beyond a matter-of-right condition.

- (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 and staircase would not be visible from Swann Street, as it would be located behind a row building having no side yards. The rear of the lot features a detached garage that would screen a portion of the addition and the entire staircase from view from the public alley. As such, the second story of the addition may be visible from the alley, but would not substantially visually intrude upon its character, scale, and pattern of houses due to the variety of design styles present 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 has provided site plans, photographs, and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibit 21).

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 recommend special treatment for this proposal.

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 proposed addition would allow for the expansion of a residence in the RA-2 zone, which is a permitted use. Lot occupancy would not exceed 70%, which is authorized by this section, and would comply with height and number of stories.

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 proposed addition would allow for the expansion of a single-family dwelling in the RA-2 zone, which is a permitted use. The intent of the lot occupancy provision is to provide a primary control of the total volume of buildings on a lot and ensure sufficient open space on the lot. In this case, the open spiral staircase would be a minor encroachment in an otherwise sufficient rear yard. Therefore, the proposal would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

As provided in the analysis above, the proposed addition should not adversely affect the use of neighboring property.

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

Analysis of the special conditions associated with the relief has been provided above.

V. OTHER DISTRICT AGENCIES

At the date of filing, comments from other District Agencies had not been provided to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 2B submitted a report in support of the project to the record (Exhibit 20).

VII. COMMUNITY COMMENTS

At the date of filing, comments from the community had not been provided to the record.

Figure 1: Location Map

