

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: October 21, 2022

SUBJECT: BZA #20798 – 117 12th ST SE – Relief for an alley dwelling

I. RECOMMENDATION

The Office of Planning (OP) recommends **Approval** of the following requested special exception:

- C § 306.3 pursuant to C § 306.3 New Alley Record Lot (tax lot must have existed prior to May 12, 1958; existing tax lot created in 1959; proposed conversion to record lot)
- E §5100.1(c) Rear Yard (5 ft. required, 0 ft. proposed)
- E §5100.1(d) Side Yard (5 ft. required, 0 ft. proposed)
- E §5100.1(e) Alley Centerline (7.5 ft. required, 5 ft. proposed)

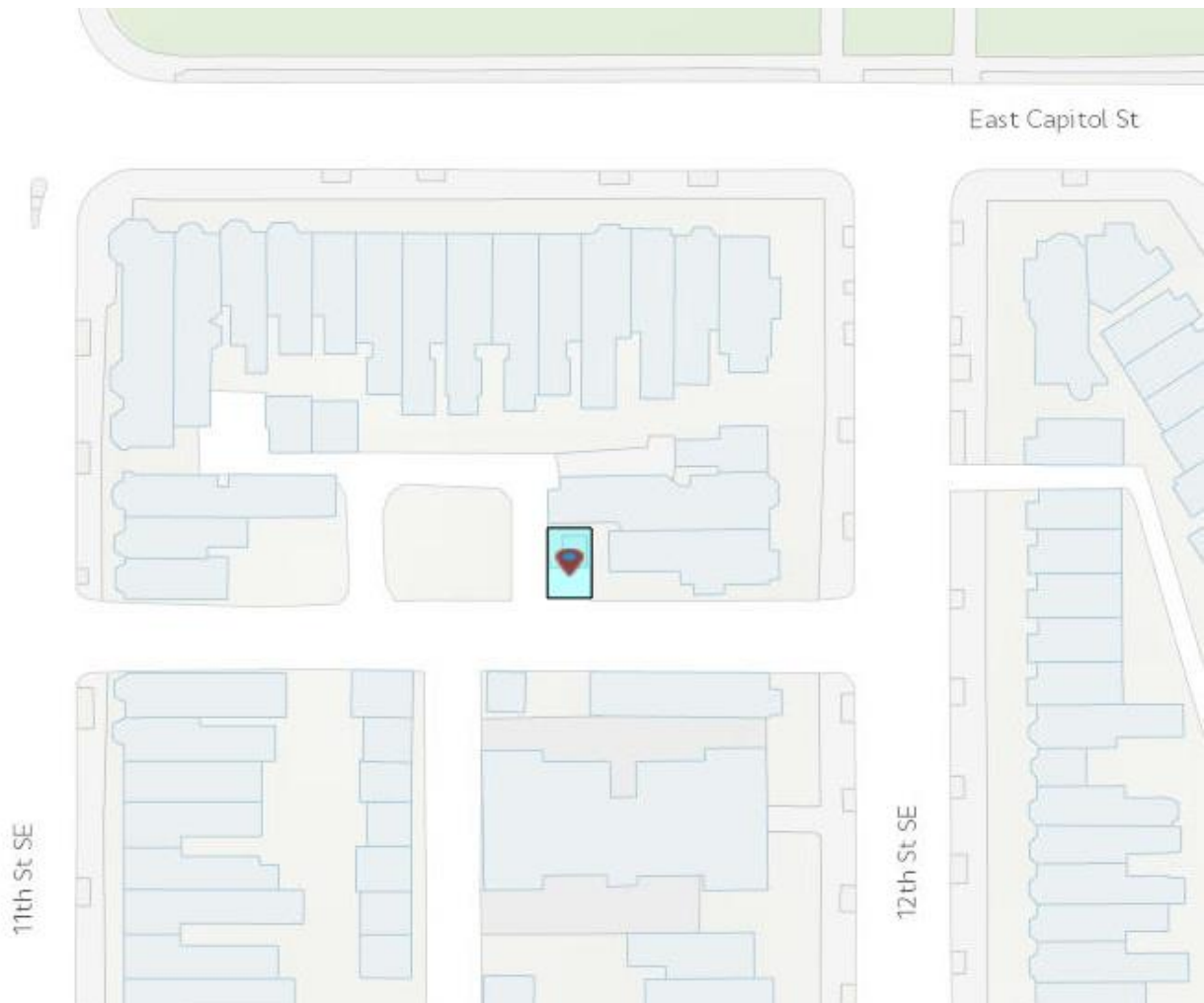
The application originally included relief from the Pervious Surface requirements, but the applicant updated their plans to include a green roof, so the relief is no longer needed (Exhibit 25).

II. LOCATION AND SITE DESCRIPTION

Applicant	Sullivan and Burros on behalf of Elizabeth and Eric Paisner
Address	117 12 th Street SE
Legal Description	Square 989, Lot 807
Ward / ANC	6/6B
Zone	RF-1
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics	18.35 ft. x 29 ft. rectangular alley lot at the intersection of a 10-ft wide public alley and a 30-ft wide alley
Existing Development	A small shed

Adjacent Properties and Neighborhood Character	The adjacent property to the east is an apartment building. This property shares the same address as the subject property but is not a part of this application. The adjacent property to the north is also an apartment building. The surrounding neighborhood is a mix of single and multiple dwelling row buildings
Proposal	Remove an existing shed and construct a two-story building with a two-car garage on the first floor and one dwelling unit on the 2 nd floor.

III. VICINITY MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed¹	Relief
Conversion of Alley Tax Lot to Record Lot C § 306.3	Must be pre-May 12, 1958	Tax lot created in 1959	Conversion to record lot	Relief Requested
Lot Width		29 ft.	29 ft.	None required
Lot Area C § 306	532 sq.ft. min.	532 sq. ft.	532 sq. ft.	None required
Rear Yard E § 5100	5 ft. min.	Not Provided	0 ft. (north)	Relief Requested
Side Yard E 20798§ 5100	5 ft. min	Not Provided	0 ft (east)	Relief Requested
Alley Centerline E § 5100	7.5 ft from centerline	Not Provided	5 ft. from centerline	Relief Requested
Lot Occupancy E § 5100	N/A	Not Provided	100%	Conforming
Height E § 5100	20 ft., 2 stories	Not Provided	19 ft. 11-1/2 in.; 2 stories	Conforming

V. ANALYSIS

SUBTITLE X § 900 General Special Exception to convert the alley tax lot into a record lot

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Converting the subject tax lot into a record lot would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. C §306.3 allows for tax lots to be converted to record lots as a matter of right if they are at least 450 sq.ft. in size and created prior to May 12, 1958. At 532 sq.ft. the subject tax lot exceeds the minimum size requirement but this tax lot was created in 1959 so it does not meet the date requirement. As such, special exception relief is needed. The tax lot complies with the C§306.4 special exception requirements discussed below so converting it into a record lot would not be inconsistent with the Regulations.

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

As described below, the proposed record lot would meet the requirements of the C§ 306.4 requirements so it would not result in an undue impact on the neighboring properties.

SUBTITLE C § 306.4 Special Exception to Convert an Alley Tax Lot to Record Lot

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be

¹ Measurements provided by Applicant

converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

(a) The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

This alley tax lot is adjacent to a 30 foot wide public alley on one side, and a 10 foot wide alley on another side. It is connected to 11th Street SE and 12th Street SE through an improved system of alleys that provide adequate public safety and infrastructure availability.

(b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(1) Department of Transportation (DDOT);

(2) Department of Public Works (DPW);

(3) Metropolitan Police Department (MPD);

(4) Fire and Emergency Medical Services Department (FEMS);

(5) DC Water (WASA); and

(6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

According to Exhibit 17 the Office of Zoning referred the case to these agencies on or before June 22, 2022. To date, comments have not been filed to the record.

SUBTITLE X § 900 General Special Exception Review for the new building

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed building would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The zone is intended to encourage residential development by allowing one and two dwelling rowhouses, and the alley lot regulations are intended to allow a single unit dwelling on appropriately sized lots. The proposal would allow a property that is currently being used for a small shed to be developed more in line with the intent of the RF-1 zone by providing a new housing unit. The addition would not result in a building height, form, or massing that is inconsistent with the intent of the RF-1 zone.

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

As described below, the proposed relief should not result in an undue impact on the use, light, air, or privacy of the neighboring properties.

SUBTITLE E § 5201 Special Exception Relief from Certain Required Development Standards

5201.3 For a new or enlarged building on an Alley Record 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) Yards, including alley centerline setback; and

(b) Pervious surface.

The application requests relief from the rear yard, alley centerline setback, and side yard requirements for the proposed new building.

5201.4 An application for special exception relief 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, specifically:

(a) The light and air available to neighboring properties shall not be unduly compromised;

The relief requested should not have an undue impact on the light and air available to neighboring properties. The building would be considerably shorter and smaller than the immediately adjacent buildings on the north and east sides so it should have no significant impact on the neighbors' light and air. Additionally, the shadow study at Exhibit 2D shows there would be minimal impact to the neighbors' light when compared to a matter of right option.

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

The enjoyment and privacy of the adjacent neighbors should not be unduly compromised. The building's windows would be on its alley-facing sides and not on the sides facing the adjacent houses. The window facing west would face the 10-ft alley and Sladen's Park. The window to the south would face the 30-ft wide alley. Neither would appear to have direct sightlines into any neighboring windows.

(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;

The proposed building should not substantially visually intrude on the character, scale, and pattern of the houses along the street or the alley. The building would not be visible from the street, but it would be visible along both alleys. Currently, the building is under review in the Historic Preservation Office and requires approval from the Historic Preservation Review Board. The final version of the building's design will be compatible with the surrounding buildings 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 record is complete with elevations, plans and photographs.

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.

No special treatment is recommended.

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 proposal is for a conforming use and does not include a request for height or lot occupancy relief.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- (a) Department of Transportation (DDOT);*
- (a) Department of Public Works (DPW);*
- (b) Metropolitan Police Department (MPD);*
- (c) Fire and Emergency Medical Services Department (FEMS);*
- (d) DC Water (WASA); and*
- (e) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).*

According to Exhibit 17, the Office of Zoning referred the case to these agencies on or before June 22, 2022.

VI. HISTORIC PRESERVATION

The proposal is currently under review in the Historic Preservation Office and will be presented to the Historic Preservation Review Board in the near future.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, there are no comments from other District agencies.

VIII. ANC COMMENTS

As of the writing of this report, there is no report from ANC 6B in the record.

IX. COMMUNITY COMMENTS

There are four letters of support in the record from nearby neighbors (Exhibits 21-24).