

## **SUPPLEMENTAL OP REPORT**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** July 19, 2024

**SUBJECT:** BZA Case 21132: Relief request for a rear addition to an existing mixed-use building

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief for the first and second floors, pursuant to G§ 5004.1 and X§ 901.2:

- G§ 207.6 Rear Yard  
(15 min; 0 existing; 0 proposed)
- G§ 210.1 Lot Occupancy  
(80% max; 97.6% existing; 100% proposed)

On May 31, 2024, OP issued a preliminary report requesting for the Applicant to respond to the safety and privacy concerns raised by the adjacent neighbor at 1709 17<sup>th</sup> ST. NW. At Exhibits 34 A-I, the Applicant submitted [revised plans](#) for the balconies, shadow studies, and other information. OP reviewed the additional information and is now satisfied that the proposal should not adversely impact the adjacent neighbor.

### **II. LOCATION AND SITE DESCRIPTION**

Address	1641 R St. NW
Applicant:	John Patrick Brown Jr. and Lyle M. Blanchard on behalf of Marwich Associates, LLC
Legal Description	Square 178, Lot 97
Ward / ANC	Ward 2; ANC 2B
Zone	MU-5A/DC (mixed moderate density, Dupont Circle area)
Historic District or Resource	Dupont Circle Historic District
Lot Characteristics	Square-shaped corner lot
Existing Development	Mixed use building with two commercial spaces on the ground floor. A rear addition to the building was approved in BZA 20042 but relief for the balconies was not included.
Adjacent Properties	1709 17 <sup>th</sup> St. NW-Mixed-use (BZA 20603- relief for rear addition) 1635 R ST NW - Residential

Surrounding Neighborhood Character	The surrounding neighborhood is a mix of residential and retail uses.
Proposed Development	The relief is for a rear addition to an existing mixed-use building.

### III. LOCATION MAP



### IV. ZONE REQUIREMENTS AND RELIEF REQUESTED

MU-5A/DC Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief
FAR G § 201	3.5 max (4.2 w/IZ)	1.9	1.98	Conforms
Height G § 203	70 ft. max.	41.2 ft.	41.2 ft.	Conforms
Rear Yard F § 207	15 ft. min.	0	0 <sup>2</sup>	<b>Sp. Ex. Relief Requested</b>
Lot Occupancy F § 210	80% max.	97.6%.	100%	<b>Sp. Ex. Relief Requested</b>
Parking C § 701	None required	0	0	Conforms

<sup>1</sup> Information provided by the Applicant.

<sup>2</sup> The balcony railings do not count in the rear yard so the addition's rear yard is actually 4.67ft.

## V. BACKGROUND

This project is the subject of BZA case 20042 in 2022, in which the application received lot occupancy and closed court relief to allow for a small rear addition. However, the constructed addition exceeded what was shown in the approved plans in the BZA case - the addition was approved with a rear yard of about 8 ft. 11 in., but it was constructed with a rear yard of close to 0 ft. Since then, the owner of the adjacent property to the north, 1709 17<sup>th</sup> St. NW received BZA approval for rear yard relief to do an addition with a 0-ft. rear yard in BZA case 20603.

Consequently, its' addition impacts the rear balconies in this project. OP was aware that this addition could impact the rear balconies of the subject site when OP reviewed case 20603 ([BZA 20603-OP Staff Report](#)). However, OP recommended approval of case 20603 after determining that the addition for that building should have minimal impact on the subject building, 1641 R St. NW, if the 1641 R St. NW addition had been built according to its approved plans in its original case, BZA 20042.

## VI. OFFICE OF PLANNING RECOMMENDATION

### Subtitle X Section 901.2 General Special Exception Standards for rear yard and lot occupancy

*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 Applicant has adequately addressed the rear yard relief criteria of G§207.14 as noted below. The relief would allow for additional living space and private outdoor space. It would enhance the residential units which are encouraged as part of mixed-use buildings in this zone.

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

The rear additions to this and the adjacent building, including the existing situation, relief approved, and construction not approved, create a situation where it would be difficult to make any changes to either building without resulting in some impact on the other. In this case, the revised proposed relief for lot occupancy and rear yard should not adversely affect the use of the neighboring property. The Applicant's [revised plans](#) address the rear yard relief criteria of G§207.14 so the balconies should not have an undue impact on the neighbors. In these plans, the second-floor balcony is eliminated, and a privacy screen is proposed on the remaining balconies. These changes should preserve privacy and security between the subject property and the adjacent 1709 17<sup>th</sup> St. NW building.

The Applicant also provided a shadow study (Exhibits 34H1- 34H3) showing that the buildings collectively impact access to direct light to windows, and that the as-built addition results in an additional loss of direct access to sunlight to windows in the 1709 17<sup>th</sup> St. NW building, particularly at the lower level, at some times of the year. However, when compared to the version of the addition approved in the BZA 20042 this does not appear to be to the level to consider it an adverse effect on this neighbor.

The other adjacent building 1635 R St. NW has no windows facing the location of the addition so there should not be a negative impact.

### **Subtitle G Section 207.14 Rear Yard Special Exception Standards**

*207.14 Relief from the rear yard requirements of Subtitle G § 207 may be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:*

*(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;*

Each balcony has apartment windows associated with it. These windows are within 40 feet of the building at 1709 17<sup>th</sup> St. NW but not directly in front of its' windows. Apartment windows within 40 ft of the adjacent building were shown and approved in the earlier 20042 case but in that case, they were approximately 4 ft further set back than what is under review today.

According to the revised plans, the windows and balconies would be screened sufficiently to mitigate undue privacy and safety impacts. The Applicant also removed the lower balcony and the windows and doors related to it. These privacy screens along with the angle of 1709 17<sup>th</sup> St.'s windows should help to prevent direct views from the windows and balcony. The screens should also minimize potential security concerns to 1709 17<sup>th</sup> St. NW.

*(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;*

Not applicable. The building does not include office windows.

*(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;*

The building to the north, 1709 17<sup>th</sup> St. NW, is generally parallel to the subject building, but has some windows that are not parallel. The windows associated with the balconies on the subject site could have line-of-sight impacts on the non-parallel windows, but any privacy impact into the neighboring building's habitable rooms should be mitigated by the applicant's proposed screening.

*(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; ...*

The building does not have alley access. It has never had parking or loading in the rear. There is no on-site parking. Loading activities for both the residential units and commercial spaces is done from R St. NW.

*(e) Upon receiving an application for relief from rear yard requirements of this section, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with*

*coordination of reviews in writing from all relevant District of Columbia departments and agencies, including:*

- (1) The District Department of Transportation;*
- (2) The Department of Housing and Community Development; and*
- (3) The Historic Preservation Office if the application involves a historic district or historic landmark.*

According to the Office of Zoning Attestation/Public Hearing Notice List of Referrals, (Exhibit 14), the Notice of Public Hearing for Application No. 21132 was sent to the agencies listed and others on or before April 1, 2024.

## **VII. HISTORIC PRESERVATION OFFICE**

Historic Preservation staff reviewed the plans and had no objection to the requested relief.

## **VIII. OTHER DISTRICT AGENCIES**

In an email to OP, DDOT stated they have no objection to the proposed relief. As of the writing of this report, no other District Agencies have submitted comments on this case.

## **IX. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 2B submitted a report in support to the record, (Exhibit 17).

## **X. COMMUNITY COMMENTS**

At Exhibits 21 and 22 are a request for party status in opposition from the owner of the property to the north. As of the writing of this report there are no other submissions from community members in the record.