

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 11, 2024

SUBJECT: BZA Case 21153: Request for special exception relief to allow a rear stair addition at 1608 E Street NE.

I. RECOMMENDATION

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

- E § 207 Required Rear Yard (20 ft. required, 9 ft. existing; 4 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	1608 E Street NE
Applicant:	Jason Wedge
Legal Description:	Square 4538, Lot 0129
Ward / ANC:	Ward 7; ANC 7D
Zone:	RF-1; low to moderate density residential
Historic Districts	N/A
Lot Characteristics:	Interior, rectangular lot measuring 2,915 sq. ft.
Existing Development:	Attached 2-story 4-unit apartment building
Adjacent Properties:	Attached 2-story 4-unit apartment buildings
Surrounding Neighborhood Character:	The surrounding neighborhood consists of multi-unit attached residential buildings.
Proposed Development:	Rear staircase to provide a rear exit to second-floor units. The applicant is not proposing enclosed additions to expand the building area or footprint.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Density E § 201	2 principal units max.	4 dwelling units	No change	None requested
Lot Width E § 202	18 ft. min.	43.5 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	2,915 sq. ft.	No change	None requested
Height E § 203	35 ft. max. / 3-stories max.	2-stories	No change	None requested
Front Yard E § 206	N/A	N/A	No change	None requested
Rear Yard E § 207	20 ft. min.	9 ft.	4 ft.	Relief requested
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	No change	None requested
Lot Occupancy E § 210	60% max.	56%	58.9%	None requested
Parking C § 701	1 parking space	N/A	No change	None requested

IV. OP ANALYSIS**Subtitle E 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 requests a 16 ft. deviation from the required 20 ft. rear yard to allow a rear staircase. This is consistent with the referral memo from the Zoning Administrator at Exhibit 2.

5201.2 & 5201.3 not relevant 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;*

As the proposed addition is designed to be an open-air staircase and the subject property is separated by an alley from the properties to the north, there should be no significant impacts on light or air quality for neighboring properties.

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

The proposed addition should not intrude upon the privacy of use and enjoyment of neighboring properties as the staircase will solely be used for second-floor residents to safely and conveniently access the rear yard and alley for disposal of trash and recycling. The stair and landing are not intended for entertainment or social gathering purposes. The landing for the stairs would be at the center of the building, so not directly adjacent to neighboring properties.

(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*

Since the stair would be at the rear of the building, the addition would not be visible from E Street NE. The addition would be visible from the alley; however, it should not be visually intrusive as two-story rear staircases and enclosed rear additions are not uncommon on other buildings along the alley, and which also appear to result in reduced rear yards.

(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 sufficient graphical representation including plans, elevations, 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.*

OP does not recommend special treatment for the proposed addition.

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 special exception should not expand a non-conforming use, lot occupancy, height, or 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 requested special exception for the proposed rear stair should be in harmony with the general purpose and intent of the zoning regulations as the relief would not result in an increased building height or reduced front setback, and would be within the maximum allowed lot occupancy. Additionally, it would not result in the expansion of the number of units on the property. The proposed addition would leave enough space for on-site accommodation of the trash and recycling containers.

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

As addressed in the above analysis, the requested reduced rear yard is not anticipated to have an adverse impact on the use of the adjacent properties. There should be no undue impacts regarding factors such as light, air or privacy.

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

OP does not recommend any special conditions.

V. OTHER DISTRICT AGENCIES

No other District agencies have provided comments at the filing of this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 24 is a memo in support from ANC 7D.

VII. COMMUNITY COMMENTS

To date, no comments from the community have been filed to the record.

LOCATION MAP

