

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Shepard Beamon, Development review Specialist  
Joel Lawson, Associate Director Development Review

**DATE:** October 30, 2024

**SUBJECT:** BZA Case 21168: Request for special exception relief to construct a third story with roof deck and a three-story plus cellar rear addition at 1613 5<sup>th</sup> Street NW.

### **I. RECOMMENDATION**

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

- Lot Occupancy E § 210.1 (60% required, 60% existing; 70% proposed)

The applicant originally requested relief to modify the existing roof top architectural elements. However, OP opposed this as it would have resulted in a disruption of the linear continuity of the cornice line for homes on interior lots along the block, and would not align with the cornice of the property to the north. As recommended by OP, the applicant has agreed to amend their request and revise architectural drawings to propose no significant changes to the existing roof top elements, therefore special exception relief is no longer necessary. OP has evaluated the application as amended and supports the proposed development and requested lot occupancy.

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

Address:	1613 5 <sup>th</sup> Street NW
Applicant:	Michael Cross on behalf of Chris Maierson
Legal Description:	Square 509, Lot 116
Ward / ANC:	Ward 2; ANC 2G
Zone:	RF-1
Historic Districts	N/A
Lot Characteristics:	Rectangular, interior lot with rear alley access measuring 950 sq. ft. in area
Existing Development:	Two-story plus cellar single-family dwelling
Adjacent Properties:	Two-story single-family dwellings to the north and south of the property
Surrounding Neighborhood Character:	The surrounding neighborhood consists of a mix of single-family row and semi-detached homes, flats, and apartment buildings.
Proposed Development:	Construct a three-story plus cellar rear addition and a new third story with a roof deck.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Density E § 201	2 principal units max.	1 dwelling	No change	None requested
Lot Width E § 202	18 ft. min. (Row dwelling)	13.57 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min. (Row dwelling)	950 sq. ft.	No change	None requested
Height E § 203	35 ft. max.	21 ft.	33.33 ft.	None requested
Roof top Elements E § 204	No removal or significant alteration of original roof top elements.	N/A	Retention or replacement in kind	Relief no longer requested
Front Yard E § 206	Within the range of existing front setbacks	N/A	No change	None requested
Rear Yard E § 207	20 ft. min.	28 ft.	21 ft.	None requested
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	N/A	None requested
Lot Occupancy E § 210	60% max.	60%	70%	<b>Relief requested</b>
Parking C § 701	1 per principal dwelling	N/A	N/A	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;***

The proposed addition would bring lot occupancy to 70%.

- (b) *Yards, including alley centerline setback;*  
(c) *Courts; and*  
(d) *Pervious surface.*

*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;*

The requested relief would result in an expansion that should not have adverse impact on neighboring properties. The addition is designed to extend seven additional feet so would not exceed the allowable 10-foot extension. As shown in the applicant's solar studies ([Exhibit 17](#), pages 14-21), the increased shadow coverage created by the addition should not impact the adjacent property to the south and should not significantly reduce access to light and air for the adjacent property to the north.

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

The proposed addition is designed to have no windows on either side and should not impact the privacy for adjacent properties. The proposed addition would include rear facing windows but the property would provide a rear yard that exceeds the 20-foot requirement, plus it abuts a five-foot wide rear alley, resulting in adequate separation so as to not impact the privacy for the property opposite the rear alley.

(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 addition would be visible from both the street and rear alley. As designed, the rear addition should not be visually intrusive when viewed from the narrow rear alley which is primarily used as a passageway to transport trash and recycling bins.

When viewed from the street, OP recommended to the applicant that the existing cornice height, location, design and color be maintained for visual consistency, and the application has been amended accordingly. Otherwise the front façade generally reflects neighborhood character, and the third floor addition is within the height permitted and anticipated in this zone.

(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, photographs, elevations, and renderings.

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 any special treatment as it relates to the requested lot occupancy.

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 applicant does not propose the introduction of a use or development standards beyond what is authorized in this section.

#### **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 lot occupancy relief would be in harmony with the general purpose and intent of the Zoning Regulations as it would not exceed the maximum occupancy allowed by special exception.

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

As noted above, the proposed increase in lot occupancy should not adversely affect the use of the neighboring properties as the addition is designed to not have direct views into the adjacent properties to the north and south and would have 26 feet of separation between the rear wall and the property to the west.

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

OP does not recommend any special conditions as it relates to the requested lot occupancy relief.

#### **V. OTHER DISTRICT AGENCIES**

DDOT has reviewed the application and has no objection to the approval of the application.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

To date, ANC 2G has not filed comments to the record.

#### **VII. COMMUNITY COMMENTS**

At the filing of OP reports, no comments from the community have been filed to the record.

## LOCATION MAP

