



## **MEMORANDUM**

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

**FROM:** Ron Barron, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** September 27, 2024

**SUBJECT:** BZA Case 21175: Request for special exception relief to allow a partially screened two-level deck addition to an existing, attached, two-story with basement, principal dwelling unit in the RF-1 zone at 49 Adams Street NW.

### **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, rear addition requirements (10 ft. max. permitted, 0 ft. current; 19 ft. proposed).

OP has raised with the applicant that the relief may not be required – this provision of the zoning regulations does not apply to rear decks or unenclosed porches, which is what the architectural drawings appear to show. However, this issue could not be resolved with the applicant, so OP is providing this report with analysis based on the applicant filings for this self-certified application.

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

Address:	49 Adams Street, NW Washington DC 20001
Applicant:	Andrew Brady and Benjamin Fishel
Legal Description:	Square 3124, Lot 84
Ward / ANC:	Ward 5; ANC 5E
Zone:	RF-1
Historic Districts	Bloomingdale Historic District. HP review is anticipated.
Lot Characteristics:	Regular lot with alley access.
Existing Development:	Two-story with cellar single-family rowhome.
Adjacent Properties:	To the east is 51 Adams St. NW, a two-story single-family row home. To the west is 47 Adams St. NW, a two-story single-family row home. To the north is a public alley and to the south is Adams St. NW.
Surrounding Neighborhood Character:	The neighborhood is characterized predominately by two-story single-family rowhomes.

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Proposed Development:	To construct a lower level screened-in porch and an upper-level deck accessible from the second floor.
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Density E § 201	2 principal units max.	1 Unit	No change	None Requested
Lot Width E § 202	18 ft. min.	17.2 ft.	No change	None Requested
Lot Area E § 202	1,800 sq. ft. min.	2,412 sq.ft.	No change	None Requested
Height E § 203	35 ft. max.	24 ft.	No change	None Requested
Front Yard E § 206	0 ft. min.	n/a	No change	None Requested
Rear Yard E § 207	20 ft. min.	89 ft.	70 ft.	None Requested
<b>Rear Extension E § 207.4</b>	<b>10 ft. max. beyond neighboring houses</b>	<b>0 ft.</b>	<b>19 ft.</b>	<b>Sp. Ex. Relief Requested</b>
Side Yard E § 208	None required, but 5 ft. min. if provided	0 ft.	No change	None Requested
Court E § 209	2.5 in./1 ft. height min. = ft.	ft.	No change	None Requested
Lot Occupancy E § 210	60% max.	34%	47 %	None Requested
Parking C § 701	No spaces	1 Space	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.*

Subtitle E § 207.4 sets the maximum limit that a rear addition can extend beyond an adjoining neighbor's rear yard. The subject property shares property lines with two rowhomes, both of which have rear walls in-line with the subject property. The proposed addition of the screened porch off the main level and upper-level open deck would extend 19 ft. past these properties, or 9 ft. greater than what is allowed by the regulations. While it is unclear that the requested relief is actually required, since the addition does not appear to include enclosed living space, the requested relief is consistent with what can be approved by special exception under this section.

*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 proposed addition would have minimal impact on the light and air available to neighboring properties. The addition is essentially a two-level deck, with the story level screened and the second level open, with only a security rail. This design would prevent significant disruptions to airflow. Likewise, the open nature of the design is likely to have minimal effect on available light. While some additional shadows may be cast, they should not raise to the level of an undue impact.

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

Approval of the requested special exception would be unlikely to unduly compromise the privacy of use and enjoyment of neighboring properties. Any new views created would be limited in nature and within what would be anticipated for a rear deck addition, and the most impacted neighbors have submitted statements in support to the record.

- (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*

Approval of the requested special exception would be unlikely to substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. The addition would not be visible from 12<sup>th</sup> St. NE. From the public alley way, the deck would generally be obscured by a carport gate. The second level of the deck may be visible but is unlikely to constitute a substantial visual intrusion.

- (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 graphical representations sufficient to meet the requirements of this section.

*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 additional screening or other features.

*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.*

Approval of the requested special exception would not introduce or expand any existing nonconforming use or lot occupancy.

## **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 be consistent with the general purpose and intent of the RF-1 zone. The use of the principal structure is and will remain single-family residential, and the addition would not result in a building that would be inconsistent with the intent of the zone in terms of height or building bulk.

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

Approval of the requested special exception would be unlikely to affect adversely, the use of neighboring property as detailed in the sections above.

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

## **V. OTHER DISTRICT AGENCIES**

DDOT has reviewed the application and advised OP that they have no objection to approval of the requested special exception.

No other District Agencies have submitted comment at the time of this writing.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 5E submitted a report to the record at Ex. 29. In which they expressed support for approval of the requested special exception.

## **VII. COMMUNITY COMMENTS**

Four residents in neighboring properties have submitted letters in support of the application at Exhibits 34, 25, 26 and 27.

Attachment: Location Map

Figure 1: Location Map

