


## **MEMORANDUM**

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

**FROM:** Ron Barron, Case Manager

 Joel Lawson, Associate Director Development Review

**DATE:** October 24, 2024

**SUBJECT:** BZA Case 21190: Request for special exception relief to allow a two-story with cellar, rear addition to a semi-detached, two-story with cellar dwelling at 3309 12th Street, SE.

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

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

- Subtitle D § 208.7, Side Yards (8 ft. required, 1.7 – 3.5 ft. existing; 3.7 - 4.5 ft. proposed)

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

Address	3309 12th Street, SE
Applicants	Sicarii Development, LLC
Legal Description	Square 5938, Lot 842
Ward, ANC	Ward 8; ANC 8C
Zone	R-2, low density residential
Historic Districts	None
Lot Characteristics	An irregularly shaped lot with an east facing front lot line of 16.4 ft.; south facing side lot line of 118. 3 ft.; west facing rear lot line of 25.2 ft. and a north facing side lot line of 119.9 ft.
Existing Development	The lot is improved with an existing two-story plus cellar semi-detached single-family row home.
Adjacent Properties	The east facing front lot line abuts 12 <sup>th</sup> street; south facing side lot line abuts a public alley; west facing rear lot line abuts 1111 Savannah Ave. SE; north facing lot line abuts 3307 12 <sup>th</sup> St. NE. All structures are single-family semi-detached residential structures.
Surrounding Neighborhood Character	The area is characterized by one- to two-story semi-detached single-family rowhomes.
Proposed Development	A two-story with cellar rear addition extending approximately 10 ft. from the existing rear wall.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40 ft. min.	16.45 – 25.16 ft.	No change	Existing non-conforming
Lot Area D § 202	3,000 sq.ft. min.	2,470 sq.ft.	No Change	Existing non-conforming
Height D § 203	40 ft. max.	25.4 ft.	No Change	None Requested
Front Setback D § 206	In-line with neighboring properties	17.03 ft.	No Change	None Requested
Rear Yard D § 207	20 ft. min.	63.6 ft.	53.73 ft.	None Requested
Rear Extension E § 207.4	10 ft. min.	n/a	Not provided – approx. 10 ft.	None Requested
<b>Side Yard D § 208</b>	<b>8 ft. min.</b>	<b>1.7 – 3.5 ft.</b>	<b>3.7 – 4.5 ft.<sup>1</sup></b>	<b>Sp. Ex. Relief Requested</b>
Lot Occupancy D § 210	40% max.	23.1%.	29.6%	None Requested
Parking C § 701	1 min.	2	No Change	None Requested

### IV. OP ANALYSIS

The subject property is developed with a semi-detached single-family residential on an irregularly shaped lot. Because of the angle of the side lot line, the existing side yard is nonconforming. Subtitle D § 208 requires a minimum side yard of 8 ft. The existing side yard measures only 1.7 ft. at its narrowest point and 3.5 ft. at its widest. The proposed addition would extend this non-conforming side yard such that, at its narrowest point, it would measure 3.7 ft. and 4.5 ft. at its widest.

Subtitle D § 208.7 allows that an extension may be made in a nonconforming side yard, provided the width would not be reduced and the side yard provided at the addition is at least 5 ft. As stated above, the proposed addition would not meet these criteria. In all other respects, the proposed addition would be permissible as a matter of right.

### Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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:*

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<sup>1</sup> Applies to the addition only. At its narrowest point from the principal structure, the side yard will still be 1.7 ft.

(a) *Lot occupancy subject to the following table:*

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All R-3 zones except R-3/GT	All Structures	70
R-3/GT	Row	
R-3/GT	Detached Semi-detached	50
All other R zones	All Structures	

(b) *Yards, including alley centerline setback; and*

(c) *Pervious surface.*

As stated above, the subject property has an existing nonconforming side yard. The lot shape itself is such that the applicant would not be able to provide the 5 ft. minimum side yard. This section permits relief by special exception, provided the proposal meets the conditions below.

*5201.2 & 5201.3 not relevant to this application*

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal 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 affected;*

Approval of the requested special exception would be unlikely to have an undue impact on the light and air available to neighboring properties. The potentially most impacted neighbor would be 3307 12<sup>th</sup> St. SE, with whom the applicant shares a party wall. The proposed addition would extend only around 5 ft. past the rear deck of that neighboring property. While some additional shadows are likely to be cast onto that deck and rear yard, the impact should not be undue..

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

Approval of the requested special exception should not unduly compromise the privacy of use and enjoyment of neighboring properties. The addition includes new windows that could create some new views. However, these windows are limited to the rear yard and alley facing walls. The side sharing a property line with 3307 12<sup>th</sup> St. SE does not appear to include any new windows and as such would not create any new views into that property.

(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 not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage.

- (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 provided graphical representations sufficient to meet the standards 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 special treatment or screening 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.*

Approval of the requested special exception will not introduce nor expand a 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;*

Approval of the requested relief from the side yard requirements should not result in a building form, height, bulk or use that would appear inconsistent with the intent of the zone. The principal structure is, and would remain, a single-family residential use.

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

The requested side yard relief for the rear addition would be unlikely to result in an adverse affect on the use of neighboring property. As stated above, impacts to light, air and privacy would likely be minimal.

## **V. OTHER DISTRICT AGENCIES**

No other District agencies have submitted comment to the record at this time.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 8C had not submitted a report to the record at the time of this report.

## **VII. COMMUNITY COMMENTS**

No comments from the community have been submitted to the record at this time.

### **Location Map:**

