

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Philip Bradford, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: November 7, 2024

SUBJECT: BZA Case 21196: Request for special exception relief to construct a rear addition and new third story addition to an existing row dwelling.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- E § 204.1 pursuant to E § 204.4 and X § 901.2 Upper Floor Elements (Architectural features original to the building may not be altered; Alterations of the front façade proposed)
- E § 210.1 pursuant to E § 5201.1 and X § 901.2 Lot Occupancy (60 % required, 51.9 % existing; 64.4% proposed)
- E § 207.5 pursuant to E § 5201.1 and X § 901.2 Rear Wall Extension (rear wall shall not extend 10 feet beyond the farthest rear wall of any adjoining residential building propose rear wall would extend more than 10 feet beyond rear wall to south)

II. LOCATION AND SITE DESCRIPTION

Address:	910 12 th Street NE
Applicant:	Sullivan & Barros, LLP for John Kenkel and Marka Peterson
Legal Description:	Square 0980, Lot 0053
Ward / ANC:	Ward 6; ANC 6A
Zone:	RF-1
Lot Characteristics:	Rectangular interior lot measuring 18 feet wide by 80 feet deep abutting 12 th Street NE and a 20 foot wide public alley to the west.
Existing Development:	Two-story with cellar row dwelling.
Adjacent Properties:	To the north south and west are other similar existing row dwellings, to the east across 12 th Street NE are existing multi-family and row dwellings in the MU-4 zone.
Surrounding Neighborhood Character:	Single household dwellings, and multi-family apartment and condominiums, with higher density mixed use development within the Neighborhood Mixed-Use (NMU) zone to the south along H Street NE.
Proposed Development:	Enlarge the existing row dwelling by constructing a rear addition and third story.

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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Density E § 201	2 principal units max.	1 principal unit	No change	None requested
Lot Width E § 202	18 ft. min.	18 ft.	No change	None requested
Lot Area E § 202	1,800 sq. ft. min.	1,440 sq. ft.	1,440 sq. ft.	None requested
Height E § 203	35 ft. max.	3 ft. 6 in.	34 ft. 1 in.	None requested
Rooftop Elements E § 204 (206)	May not be removed or altered.	Mansard roof with two dormers.	Third story addition maintains roof and dormers design.	Requested
Front Yard E § 206	Within the range on the block face	In line with neighbors	No change	None requested
Rear Yard E § 207	20 ft. min.	38.5 ft.	28.5 ft.	None requested
Rear Extension E § 207.4	10 ft. max. beyond neighboring houses	7.5 feet at first floor 0 feet at second floor	17.5 ft. at first floor 10 feet at second floor	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.	51.9 %	64.5%	Requested
Parking C § 701	1 space	1 space	1 space	None requested

IV. OP ANALYSIS

Subtitle E § 204 ROOF TOP OR UPPER FLOOR ELEMENTS - Subtitle E § 204.1 pursuant to E § 204.4 and X § 901

The applicant seeks to add a third floor to the existing two-story row dwelling which would involve the removal and replacement at the third-floor level of the original roofline and architectural elements of the front of the building. These changes necessitate relief from the provision governing rooftop architectural elements. Subtitle E § 204.1 states:

...a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape, or increasing its height, elevation, or size...

The Board can grant the requested relief pursuant to Subtitle E § 204.4 and X § 901. The relevant criteria are analyzed below.

Subtitle E § 204.4

(a) *The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(1) *The light and air available to neighboring properties shall not be unduly affected;*

The alteration of the architectural features should not have an undue impact on the light or air available to adjacent properties. The roof height increases from 31ft. 6in. to 34ft. 1in. (not including the 4ft. parapet). The rooftop element replacement relief should not result in increased shadows on adjacent properties and any additional shadows would primarily fall on the roof areas. The building height would not extend beyond the matter-of-right height, and the front façade would not extend beyond the front facades of the neighboring houses.

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

The alteration of the front façade should not impact the privacy of adjacent neighbors. The façade of the building would not be extended beyond the neighbors' facades, and the front alterations would not result in any new windows looking directly onto adjacent lots. The new third floor windows are similar to the existing condition or as a matter-of-right construction.

(3) *The proposed construction, 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;*

The proposed appearance of the building, including the roof top alterations for which relief is required, should not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. While most other rowhouses on the block are two stories in height, a third story within the height limit is anticipated by the zone and does not require relief. However, the applicant has proposed replicating the existing architecture of the rooftop elements on the third floor which would help to retain the general appearance and maintain the predominant architecture on the block. As such, the design choice would help the addition better reflect the character, scale, and pattern of the houses along the street.

(b) *In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and*

The application materials include a plat, plans, renderings, photos, and elevations sufficient to represent the relationship between the proposed construction to adjacent buildings and views from public ways.

- (c) *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 or nearby properties, or to maintain the general character of a block.*

OP does not recommend any special treatment to the design. The application meets the burden of proof for approval as outlined in this section.

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 has requested relief from the lot occupancy and rear yard development standards consistent with this subsection.

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 light and air available to neighboring properties should not be unduly affected. The addition is within the height limit of the RF-1 zone, and the rear wall is 17.5 feet beyond the first-floor wall of the adjacent property to the south., however at the second floor, the addition is only 10 feet beyond the second-floor overhang, which is allowed as a matter-of-right. The lot occupancy increases from 51.9% to 64.4% which is within what is allowed by special exception. A letter of support from the adjacent property owner to the south is included in the record at Exhibit 25, and from the property to the north at Exhibit 26.

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

The privacy and use of neighboring properties should not be unduly compromised as there are no windows proposed facing the abutting properties to the north or south. The proposed addition contains a roof deck; however this should not impact privacy as it is set back from the rear edge of the proposed rear wall.

- (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 third story addition and rear expansion of the existing row dwelling maintains the existing architecture as outlined above and would not intrude upon the character and pattern of the housing along the street frontage. The alley façade maintains the character and pattern of houses along the alley.

- (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 plans, photographs, and elevations to sufficiently represent the relationship of the proposed additions to adjacent buildings and public ways.

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 for the proposal.

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 proposed height and number of stories complies with the RF-1 development standards and the proposed addition complies with the special exception criteria for lot occupancy and yards.

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 RF-1 zone anticipates enlargements to single household row dwellings. In this case, the applicant meets the criteria for this relief and the proposal would not result in a use or a building bulk or height that is not anticipated by the zoning.

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

As analyzed above, the proposed addition should not have undue impacts on adjacent dwellings in terms of light, air, or privacy.

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

OP does not recommend any special treatment or conditions for the proposal. At the public hearing, the applicant should confirm that the access to the roof deck is via a by-right roof hatch, rather than a

stairwell extension which would not be permitted by-right.

V. OTHER DISTRICT AGENCIES

At the writing of this report, there are no comments from other District Agencies in the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 29 is letter from ANC 6A in support of the application.

VII. COMMUNITY COMMENTS

At Exhibits 16-22, 25-26, are letters in support of the application.

Figure 1: Location Map

