

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Ron Barron, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 20, 2024

**SUBJECT:** BZA Case 21201: Request for special exception and variance relief to allow construction of a two-story with cellar, rear addition, and accessory apartment, to an existing, attached, two-story with cellar, principal dwelling unit in the R-1B zone.

### **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:

- Side yard requirements of Subtitle D § 208.2 (8 ft. min. required, 0 ft. existing; 0 ft. for the proposed addition);

The applicant also requested variance relief from the matter-of-right uses of Subtitle U § 201.1(a)(1). OP discussed with request with the Zoning Administrator (ZA) who agreed that this relief is not required. More detail on this interpretation and the relevant sections of the zoning code is provided below. Should the Board determine the requested variance relief is needed, OP would recommend **approval**.

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

Address	1210 Ingraham Street, NW
Applicants	St. Thomas Group, LLC
Legal Description	Square 2930, Lot 71
Ward, ANC	Ward 4; ANC 4E
Zone	R-1B
Historic Districts	None
Lot Characteristics	A regular lot with front and rear lot lines measuring 18.5 ft. and side yards measuring 159.3 ft.
Existing Development	The lot is improved by a two-story with cellar attached rowhouse.
Adjacent Properties	The property is abutted to the north by Ingram St. NW, to the east and west with similar single-family rowhomes and to the south with a public alley.
Surrounding Neighborhood Character	Ingram St. NW is characterized by narrow lot, single-family rowhomes.

Proposed Development	The applicant proposes to construct a rear addition with cellar-level accessory apartment.
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40 ft. min.	18.5 ft.	No Change	No relief requested
Lot Area D § 202	4,000 sq.ft. min.	2,946 sq.ft.	No Change	No relief requested
Height D § 203	40 ft. max.	25 ft.	No Change	No relief requested
Front Setback D § 206	In-line with neighboring properties	Conforming	No Change	No relief requested
Rear Yard D § 207	20 ft. min.	106.5 ft.	96.5 ft.	No relief requested
Rear Extension E § 207.4	10 ft. min.	0 ft.	10 ft.	No relief requested
<b>Side Yard D § 208</b>	<b>8 ft. min.</b>	<b>0 ft.</b>	<b>0 ft.</b>	<b>Sp. Ex. Relief requested</b>
Lot Occupancy D § 210	40% max. by right	33.1 %.	39.4%	No relief requested
Parking C § 701	1 min.	1 space	No Change	No relief requested
Building Form U 201.1	Detached dwelling	Attached, Rowhouse	Attached, Rowhouse	Existing non-conforming <sup>1</sup>

### IV. Project Background

The applicant proposes to add a 17 ft. deep rear addition and a cellar level accessory dwelling unit to an existing single-family rowhome. Although the home is located in an R-1B zone, which only permits detached and semi-detached homes, the subject property is fully attached on a street of fully attached rowhomes. The proposed rear addition would extend the existing walls back. Relief for the 0 ft. setbacks may be approved by special exception pursuant to Subtitle D § 5201.1(c), analysis for which is provided below.

The applicant has also requested variance relief from the matter-of-right uses of Subtitle U § 201.1. Because the zone is within Use Group A, the relevant section reads:

*201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:*

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<sup>1</sup> The applicant has requested variance relief from this provision

- (1) In the R-Use Groups A and D, the principal dwelling unit shall be in a detached building;

The applicant has contended that the language of this section precludes any expansion of an existing non-conformity without first obtaining a use variance. OP did not agree with this interpretation. The proposed addition affects only the existing non-conforming structure and not the proposed use which is permitted by-right. OP has discussed with the Zoning Administrator, who concurred that the applicant need only satisfy the requirements of [Subtitle C § 202.2\(c\)](#). This section reads as follows (emphasis added):

*202.2 Enlargements or additions may be made to the (existing non-conforming) structure; provided that the addition or enlargement itself shall:*

- (a) Conform to the use and development standards;*
- (b) Neither increase nor extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined; and*
- (c) Any enlargement or addition not meeting paragraphs (a) and (b) must obtain relief from the applicable development standards.*

Pursuant to the highlighted section, the applicant should only be required to “obtain relief from the applicable development standards,” which, in the instance, is the side yard relief requested under Subtitle D § 5201.

## V. OP ANALYSIS

### 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:*

- (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.*

The applicant is proposing a 17 ft. rear addition that would accommodate additional living space and the upper two levels as well as an accessory dwelling unit on the cellar-level. The structure is a fully-attached rowhome in a neighborhood of rowhomes and has a width of 18.5 ft. Subtitle D § 208.2 requires a minimum side-yard of 8 ft. on either side of any new structure or addition to an existing structure. The particular narrowness of the lot, coupled with the pre-existing density of homes along the street would prevent the applicant from providing compliant side yards for the addition. The requested 0 ft. setback would be consistent with relief permissible under this section.

*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 should not unduly affect the light and air available to neighboring properties. The proposed addition would extend 17 ft. from the existing rear wall. However, this would extend only 10 ft. from the rear walls of either neighboring structure. The applicant has included a shadow study that indicates the impact on light would not be substantially different from current conditions.

*(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. Although the extension would project into the rear yard past the existing adjoining walls, the proposal restricts new windows to the new rear wall. Therefore, any new viewsheds would not be substantially different from current conditions and would primarily face the applicant's rear yard and a public 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*

Approval of the requested special exception should not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. The applicant proposes changes that will only impact the view of the principal structure from the alley way. The subject property has more than 90 ft. of rear yard. It is therefore unlikely that the view from the public alleyway would be substantially impacted. The applicant proposes no changes to the façade.

*(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 included graphical representations consistent with the requirements of this paragraph.

*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.

*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 create or expand an 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;*

Approval of the requested special exception would be in harmony with the general purpose and intent of the Zoning Regulations. The applicant is proposing the principal use would remain single-family with a cellar-level accessory apartment, which is an anticipated use in the R-1B zone.

- (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 not affect adversely, the use of neighboring property. As stated elsewhere in this report, the proposed addition would likely have a minimal impact on the use and privacy of neighboring property. The addition itself would only extend ten feet into the existing rear yard and would not introduce new views into neighboring yards.

#### **VI. OTHER DISTRICT AGENCIES**

No other District Agencies had submitted comments to the record at the time of this report.

#### **VII. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 4E had not submitted a report to record at the time of this report.

#### **VIII. COMMUNITY COMMENTS**

No community comments had been submitted to the record at the time of this report.

Attachment: Location Map

**Location Map:**

