

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Case Manager
 JL Joel Lawson, Associate Director Development Review

DATE: December 2, 2024

SUBJECT: BZA Case 21207 - request for variance and special exception relief to allow for a renovated enclosed, side porch at 15 Rhode Island Avenue, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X § 1002:

- E § 210.1, Lot Occupancy (60% maximum; 73.2% existing; 73.7% proposed).

OP recommends **approval** of the following special exception pursuant to Subtitle E § 5201 and Subtitle X § 901.2:

- E § 208.3, Side Yard, (5 feet required; 2.5 feet existing; 2.33 feet proposed); and
- E § 207.1, Rear Yard (20 feet required; 11.5 feet existing; 11.5 feet proposed).

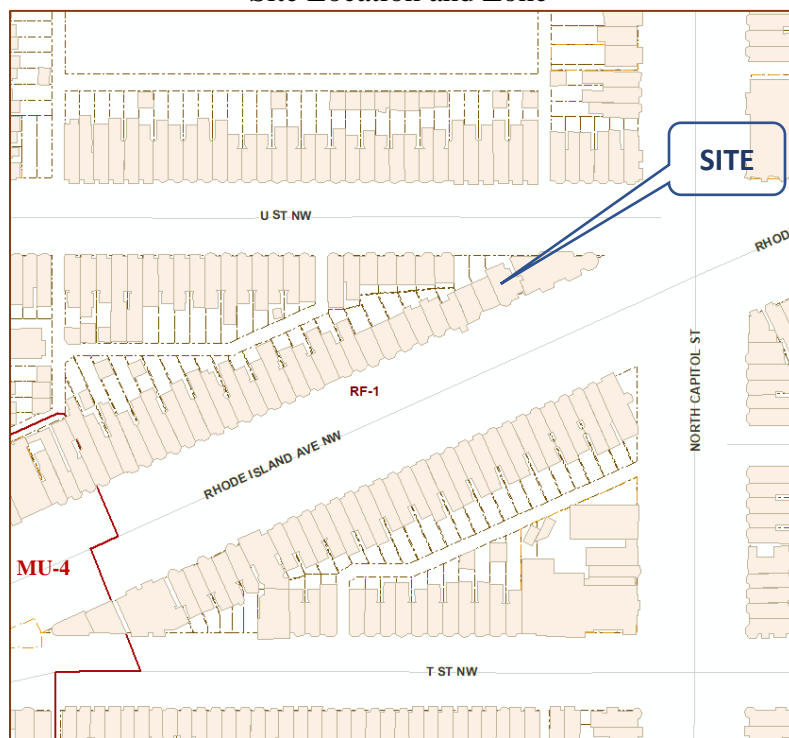
OP does not believe that rear yard relief is necessary as the rear yard dimension is an existing nonconformity and is not being affected by the enlargement or enclosure of the porch. OP has informed the Applicant of this. However, the analysis below includes the rear yard relief and, if the BZA determines that the relief is required, OP would recommend approval.

II. LOCATION AND SITE DESCRIPTION

Address	15 Rhode Island Avenue, N.W.
Applicant	Stacy Roberts represented by Putnam Architects
Legal Description	Square 3112, Lot 88
Ward / ANC	Ward 5, ANC 5E
Zone	RF-1 provides for areas predominantly developed with attached row houses on small lots within which no more than two dwellings units are permitted.
Historic District	Bloomingdale Historic District
Lot Characteristics	The irregularly shaped through lot is 1,519 square feet in area, with 31.45 feet of frontage along Rhode Island Avenue. The rear of the lot has 28.86 feet of width along U Street.
Existing Development	The property is currently improved with a 32.5-foot high two-story plus cellar semi-detached dwelling.

Adjacent Properties	To the west, north and south of the property are row dwellings while to the east there is an apartment building.
Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting predominantly of row dwellings some of which have been converted to apartments and apartment buildings.
Proposal	The Applicant proposes to enclose an existing, one-story porch. In order to adhere to current fire and energy building regulations, the porch will increase by 7 square feet, thereby increasing the lot occupancy from 73.2% to 73.7% and reducing the side yard from 2.5 feet to 2.33 feet.

Site Location and Zone



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 202	30 ft. min.	31.45 ft. along Rhode Island Ave. 28.86 feet along U Street	No change	None required Existing nonconformity
Lot Area E § 202	3,000 sq. ft. min.	1,519 sq. ft.	No change	Existing nonconformity
Height E § 303	35 ft. max.	32.5 ft.	No change	None required

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Occupancy E § 210	60% max.	73.2%	73.7%	Required
Front Setback E § 206	Within the range of existing front setback of structures on the same side of the street in the block	No provided	No change	None requested
Rear Yard E § 207	20 ft. min.	11.5 ft.	11.5 ft.	Existing nonconformity (relief requested)
Side Yard E § 208	None required, but 5 ft. min. if provided	2.5	2.33	Required

IV. ANALYSIS

The existing building has various areas of nonconformity to the Zoning Regulations as shown on the table in Section III above. However, the proposed enclosure of the existing porch only affects the lot occupancy and the side yard, both of which are already substantially non-conforming. The Applicant states that the porch is in a dilapidated state and they are faced with either removing it or renovating it. The proposed enclosure of the existing porch would not increase the useable space of the porch; rather, the increase in lot occupancy and extension into the side yard are due to the Building Code's fire and energy requirements.

Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

The Applicant is faced with an extraordinary and exceptional situation in that the building already exceeds the maximum lot occupancy, and the porch is in a dilapidated condition and needs to be either removed or renovated. The property is within the Bloomingdale Historic District and although not a landmarked site, the owner would not be permitted to remove the porch or other part of the structure, resulting in a practical difficulty. The Applicant is therefore left with no other option but to renovate the porch. In renovating the porch, the footprint of the useable space would remain the same. The renovation requires that the porch meets the Building Code's fire and energy

ratings. As seen on [Exhibit 6](#), page 3, the “1-hour wall assembly” causes the width of the wall to slightly increase which in turn increases the lot occupancy. This is a practical difficulty to the Applicant in this case, as the renovation (rather than new construction which would be presumed to meet all codes and requirements) would not be approved if the fire and energy ratings are not met.

No Substantial Detriment to the Public Good

The small increase in lot occupancy would not be a detriment to the public good. In fact, it is to the public’s benefit that the request be approved as the porch is in poor condition visually as well as structurally, and having a building not meeting the fire code could be a detriment to adjacent building in case of a fire. The renovation would be an improvement to the street frontage. The increase in the lot occupancy should not be discernable when viewed from the adjacent streets.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The building was constructed prior to the 1958 Zoning Regulations and is already a nonconforming building in the RF-1 zone. This small increase in lot occupancy in order to meet the Building Code requirements and for safety would not substantially impair the purpose, intent and integrity of the Zoning Regulations.

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 existing lot occupancy exceeds 70% and the Applicant has requested relief to have a further increase. Pursuant to 5200.2, the applicant has requested an area variance which is addressed above. The Applicant has also requested relief to further decrease the nonconforming side yard. The Applicant has also requested relief for the nonconforming rear yard. According to the Applicant’s submission, the rear yard measurement is 11.5 feet, which is an existing nonconformity which would not be reduced or affected by the porch enclosure. Therefore, OP does not believe that the rear yard relief is necessary as the enclosure of the porch does not reduce or affect the rear yard.

5201.2 N/A

5201.3 N/A

5201.4 An application for special exception relief 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,

specifically:

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

The slight reduction in the side yard, which places the porch closer to the adjacent apartment building, should not affect the light and air to the apartment building as its adjacent wall has no windows at grade level as seen on [Exhibit 9](#).

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

The proposed enclosure of the porch which would result in a slight decrease in the side yard would not affect the privacy of any of the adjacent neighbors, and in fact the enclosure would provide more privacy to any neighboring property from which the porch is visible.

(c) The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage; and

The resultant enclosure and renovation of the porch would be visible from both Rhode Island Avenue and U Street and would be a visual improvement from its current state along these street frontages. The reduction in the side yard is small, and the change may not be visible from these adjacent streets. The porch would remain at one-story and although there are not many other houses with side porches in the area, it should not intrude upon the character, scale and pattern of houses along the streets.

(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; and

The Applicant has provided graphical representations, including plans, photographs, and elevations sufficient to represent the relationship of the renovated, enclosed porch to adjacent buildings and views from public ways at [Exhibit 6](#), [Exhibit 8](#), and [Exhibit 9](#).

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The existing and proposed lot occupancy, 73.2% and 73.7% respectively, would be above the allowed 70% and the Applicant has requested variance relief from this requirement as discussed above.

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.

The Office of Planning does not recommend 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.

5201.6 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The Applicant proposes to renovate and enclose the existing porch on the side of a residential

building, which is a permitted use in the RF-1 zone.

5201.7 N/A.

Subtitle X § 901.2:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed renovation and enclosure of the porch would be compatible with the general purpose and intent of the Zoning Regulations and Zoning maps. The side yard is intended to allow adequate light and air between the buildings, and this would not be compromised as the slight enlargement of the porch should not change air circulation between the buildings. Renovating and enclosing the porch will improve the safety of the property and adjacent buildings as well as improve the neighborhood character.

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

As discussed above, the proposed decrease in the side yard and retention of the nonconforming rear yard should not affect the light, air or privacy of the adjacent neighbors.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) requested OP inform the BZA that they have reviewed the application and have no objection to its approval.

VI. ANC COMMENTS

The property is within ANC-5E. At [Exhibit 21](#) is a letter from the ANC recommending approval of the requested variance and special exceptions.

VII. COMMUNITY COMMENTS TO DATE

At [Exhibit 24](#) and [Exhibit 25](#) are letters in support of the requested relief.