

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: February 12, 2025

SUBJECT: BZA Case 21227: Request for special exception relief to allow a rear addition at 321 D Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201, Subtitle E § 403 and Subtitle X § 901:

- Lot Occupancy, E § 210.1 (60% max. required; 42% existing; 61% proposed)
- Rear Yard Extension, E § 207.5 (10 ft. max. permitted; 10 ft. existing; 21 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address	321 D Street SE
Applicants	Nathan and Stephanie Kooi
Legal Description	Square 0793 Lot 0028
Ward, ANC	Ward 6; ANC 6B
Zone	RF-1/CAP
Historic Districts	Capitol Hill
Lot Characteristics	The 1,466 square foot lot is rectangular in shape with approximately 13 feet of frontage along D Street SE.
Existing Development	The lot is currently improved with a two-story single-family row dwelling with a cellar.
Adjacent Properties	The property is bounded to the north across D Street SE by single-family row houses and an elementary school, to the south by a private school, to the east by single-family row houses, and to the west by single-family row houses.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised of similar single-family row houses.
Proposed Development	The Applicant proposes the installation of a rear-yard addition to an existing, single-family row dwelling.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF Zones	Regulation	Existing	Proposed	Relief
Lot Width E § 202	18 ft. min.	13.33 ft.	No change	None requested (existing non-conformity)
Lot Area E § 202	1,800 sq.ft. min.	1,466 sq.ft.	No change	None requested (existing non-conformity)
Height E § 203	35 ft. max. 3 stories max.	2 stories	No change	None requested
Front Setback E § 206	0 ft. max.	0 ft.	No change	None requested
Rear Yard E § 207	20 ft. min.	63.82 ft.	42.82 ft.	None requested
Rear Yard Extension E § 207	10 ft. max.	0 ft.	21 ft.	Relief requested
Side Yard E § 208	0 ft. max.	0 ft.	No change	None requested
Lot Occupancy E § 210	60% max. by right 70% max. by sp.ex.	42%	61%	Relief requested
Parking C § 701	1 space min.	1 space	No change	None requested

IV. OP ANALYSIS

Subtitle E § 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** 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 requests special exception relief from the lot occupancy and rear extension provisions.

5201.2 and 5201.3 - not applicable 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;*

The proposed addition and rear yard extension should not unduly affect the light and air available to neighboring properties. The height of the addition would be the same as the height of the existing principal structure. A sun/shadow study submitted by the Applicant indicates neighboring properties will receive nearly full sunlight exposure by mid-morning and continue into the rest of the day, so light should not be unduly impacted. Furthermore, the subject lot is unusually long, and the requested extension would leave more than double the required rear yard setback, leaving adequate air flow for neighboring properties.

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

The proposed lot occupancy and rear yard extension relief should not unduly compromise the privacy of use and enjoyment of neighboring properties. The at-grade level of the addition would be obstructed from view by existing 6-foot-tall privacy fences, and the windows of the proposed addition would not create significant vantage points that would compromise the privacy of neighboring properties. Letters of support for the application from property owners in the immediate vicinity of the subject property have been submitted into the record as Exhibits 13, 18 and 20-26.

- (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 proposed addition and rear yard extension should not substantially visually intrude upon the character, scale and pattern of houses along the abutting streets or alley frontages. The addition would not be visible from the street, but would be visible from the alley. The height of the addition should keep the principal structure in line with other homes in the neighborhood, and the proposed addition is designed to be in character with the alley-scape. Lastly, the at-grade level of the addition will be obstructed from view by the existing 6-foot-tall privacy fence.

- (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, elevations, and photographs to adequately represent the relationship of the proposed addition to the adjacent buildings and views from 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 additional treatment for the protection of adjacent and nearby properties for the subject application.

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 subject application does not request the introduction or expansion of non-conforming uses or lot occupancy beyond what is authorized in this section as a special exception. The proposed lot occupancy of 61% is less than the maximum of 70% that is permitted via special exception.

Subtitle E Section 403 SPECIAL EXCEPTION REVIEW CRITERIA

403.1 In reviewing an application for a special exception in the RF-1/CAP Zone, in addition to the applicable criteria and of Subtitle X, Chapter 9, the Board of Zoning Adjustment shall consider whether the proposed development is:

(a) Compatible with the present and proposed development of the neighborhood;

The proposed rear yard addition is compatible with the present and proposed development of the neighborhood. The addition is designed in a way that is typical of similar row houses in the neighborhood. It will also retain as much of the existing brick party wall as possible for the benefit of the neighboring property of 319 D Street.

403.2 Upon receipt of the application, the Board of Zoning Adjustment shall refer the application to:

(a) The Architect of the Capitol for review and report; and

(b) The Office of Planning for review, report, and impact assessment along with coordination of review in writing of all relevant District departments and agencies.

The record indicates that the application was referred to the Architect of the Capitol, as well as the relevant District departments and agencies, which included the District Department of Transportation, and the Historic Preservation Office.

403.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

Office of Planning does not recommend special treatment or additional conditions for the subject application.

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 application would be consistent with the purpose and intent of the RF-1/CAP Zone, which is to promote and protect the public health, safety and general welfare of the U.S. Capitol precinct and the area adjacent to its jurisdiction. Specifically, the requested relief is within the criteria of what can be granted via special exception as stated in Subtitle E § 5201. It does not result in a building use, form, or bulk that would be inconsistent with the intent of the zone.

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

As stated above, the proposed lot occupancy and rear yard extension relief should not result in an addition that would adversely affect the use of neighboring properties.

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

The forms of relief are within the permitted criteria as stated in Subtitle E § 5201, provided above.

V. OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District agencies have not been submitted into the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, a memo from ANC 6B has not been submitted into the record.

VII. COMMUNITY COMMENTS

As of the date of this report, nine letters in support of the application have been submitted into the record.

Location Map:

