

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 31, 2024

SUBJECT: BZA Case 21248: Request for EXPEDITED REVIEW of special exception relief to allow a detached accessory building at 3017 16th Street NW.

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:

- Rear Yard, D § 5004.1(a) (25 ft. required; 18.5 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address	3017 16 th Street NW
Applicants	Michael Tran
Legal Description	Square 4136 Lot 0018
Ward, ANC	Ward 5; ANC 5B
Zone	R-1-B, Low-Density Residential
Historic Districts	N/A
Lot Characteristics	The 5,010 square-foot corner lot is rectangular in shape with 60 feet of frontage along 16 th Street NW and 63.50 feet of frontage along Irving Street NE. There is no rear alley.
Existing Development	The lot is currently improved with a two-story, single-family detached dwelling.
Adjacent Properties	The property is bounded to the north across Irving Street NE by vacant land, to the south by single-family detached dwellings, to the east across 16 th Street NW by single-family detached dwellings, and to the west by single-family detached dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character consists of low to moderate-density single-family detached dwellings.
Proposed Development	The Applicant proposes the construction of a 120 square-foot accessory structure ¹ in the defined rear yard of the property.

¹ The application refers to the structure as a “shed”, but it does not meet the definition of a shed due to its square footage. Per the Zoning Regulations, the structure would be considered a new accessory building. Board of Zoning Adjustment

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	50 ft. min.	60 ft.	No change	None requested
Lot Area D § 202	5,000 sq.ft. min.	5,010 sq.ft.	No change	None requested
Rear Yard D § 207	25 ft. min.	33 ft. 3 in.	18.5 ft.	Relief Requested
Side Yard D § 207	8 ft. min.	30 ft. 7 in.	No change	None requested
Lot Occupancy D § 210	40% max. by right 50% max by sp.ex.	18%	22%	None requested
Side Yard (Accessory Building) D § 5005	8 ft. min. from side lot line 10 ft. min from principal building	N/A	Appears more than 8 ft. 18.5 ft.	None requested
Parking C § 701	1 space min.	1 space	No change	None requested

IV. OP ANALYSIS

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 This section is not applicable to this application.

5201.2 *For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards 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 as limited in Table D § 5201.1(a);*

The subject property is zoned R-1-B, which has a maximum lot occupancy of 40 percent by right, and 50 percent by special exception. No relief to the maximum lot occupancy is requested with the subject application.

(b) *Maximum building area of an accessory building;*

Relief is not requested for the maximum building area of the proposed accessory building.

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

Special exception relief is requested from the minimum rear yard setback of 25 feet, as the accessory structure would be partially within the required rear yard.

(d) *Pervious surface.*

Relief is not requested from minimum pervious surface requirements.

5201.3 This section is 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 accessory structure should not unduly affect the light and air available to neighboring properties. The one-story structure would be screened by existing 6-foot-tall privacy fences, would be well separated from other houses, and its proposed height of ten feet maximum should not result in obstructive shadows.

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

The proposed accessory structure should not unduly compromise the privacy of use and enjoyment of neighboring properties. The structure will be obstructed from view by existing 6-foot-tall privacy fences. Doors to the structure would face onto the applicant's property, as would the only proposed window, minimizing potential privacy impacts.

- (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 accessory structure would not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. The proposed structure would be located closest to 16th Street NW but would be set back from the property line and screened by an existing fence. The application notes that the placement was chosen to minimize potential impacts on existing vegetation on the lot.

- (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 submitted photographs and survey material to sufficiently represent the relationship between the existing rear-yard deck to adjacent buildings and views from public rights-of-way.

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 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 use or lot occupancy beyond what is authorized in this section as a special exception.

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 requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning maps because it does not introduce elements that would result in a building use, form, bulk, or scale that is inconsistent with the intent of the R-1-B Zone.

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

As described above, the request relief would be in conformance with the applicable provisions of Subtitle D § 5201.

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

There are no special conditions that have been specified in the subject application.

V. OTHER DISTRICT AGENCIES

As of the writing of this report, no other District agencies have provided comments on the subject application.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of this report, a memorandum from the ANC 5B has not been submitted into the record for the subject application.

VII. COMMUNITY COMMENTS

Letters of support for the subject application have been submitted into the record at Exhibit 6 and Exhibit 21.

Location Map:

