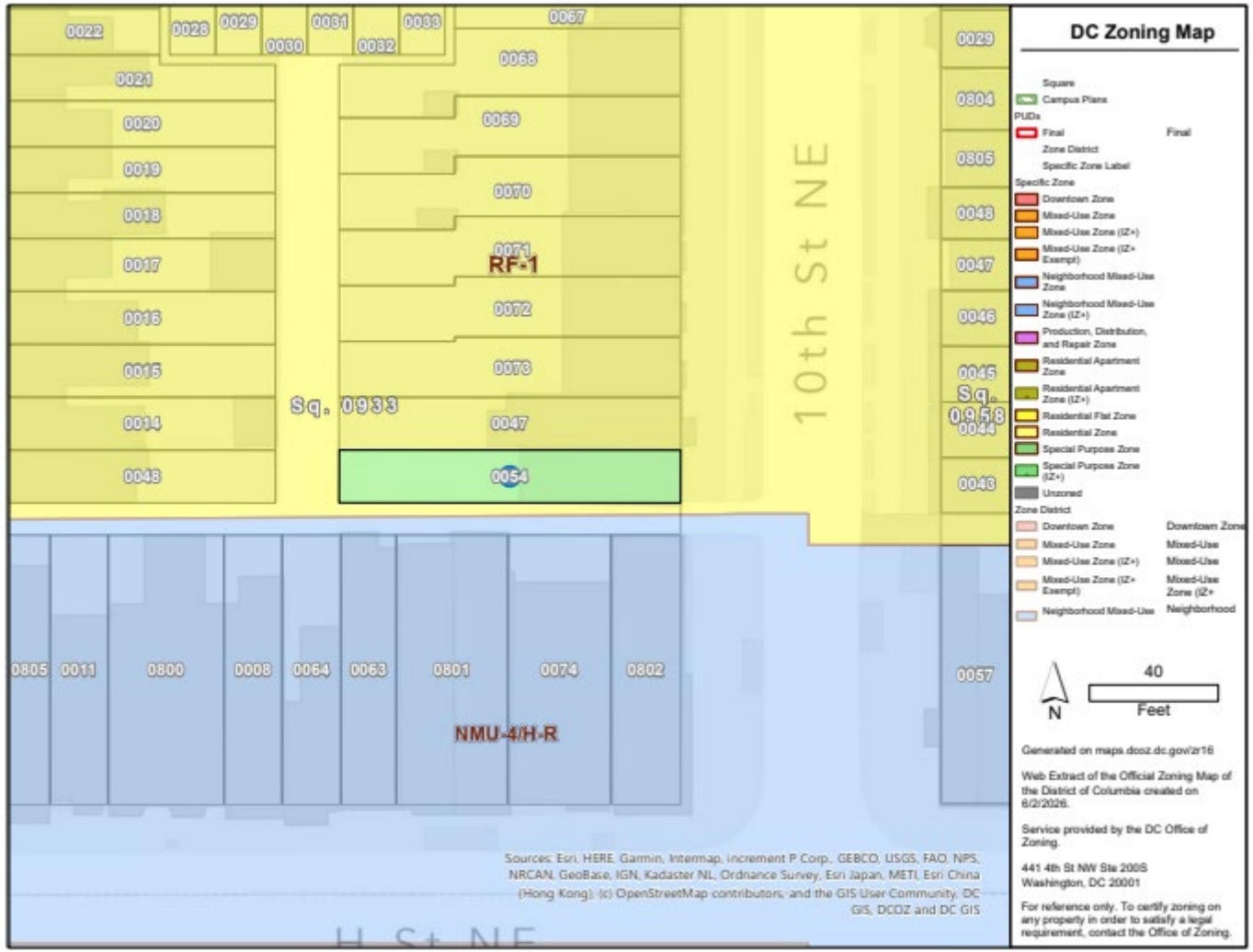
BZA Case 21502

800 10th Street NE
Applicant: SSDS1, LLC

Board of Zoning Adjustment
District of Columbia
CASE NO. 21502
EXHIBIT NO. 26

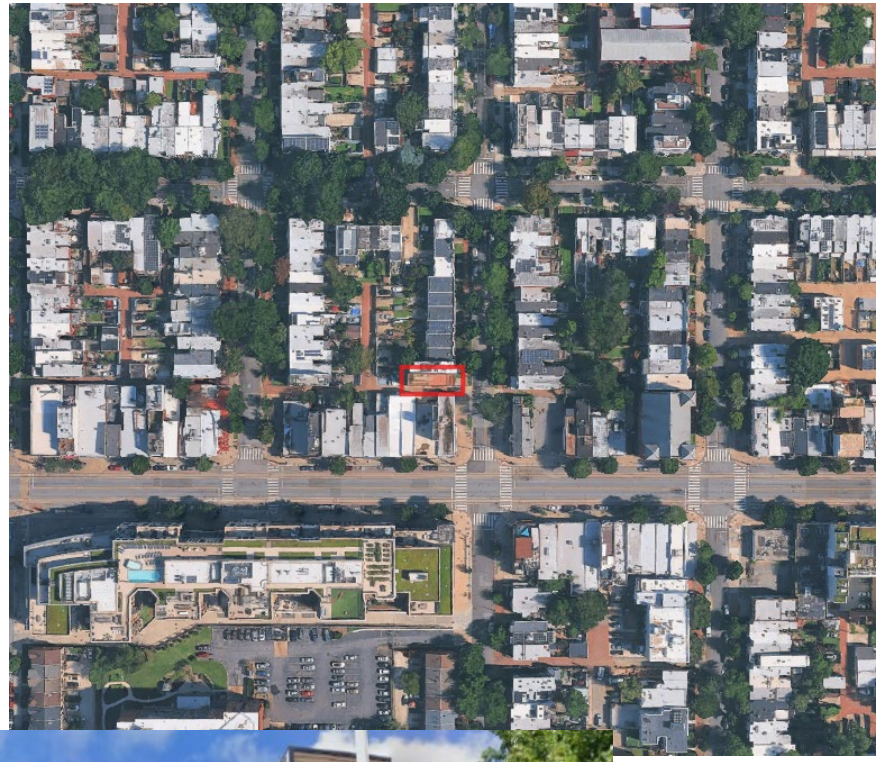
COZEN O'CONNOR

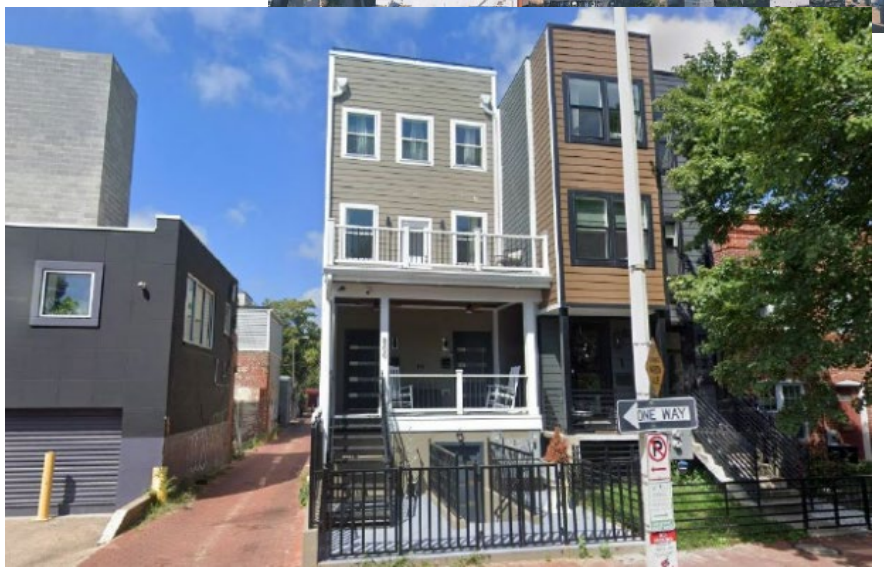
Zoning Map – RF-1 Zone



The Property

- **10th Street NE, just off H Street corridor**
- **Only one abutting neighbor (north)**
- **Alley along the property's southern and western lot lines**
- **Alley separates property from rear of commercial buildings on H Street**





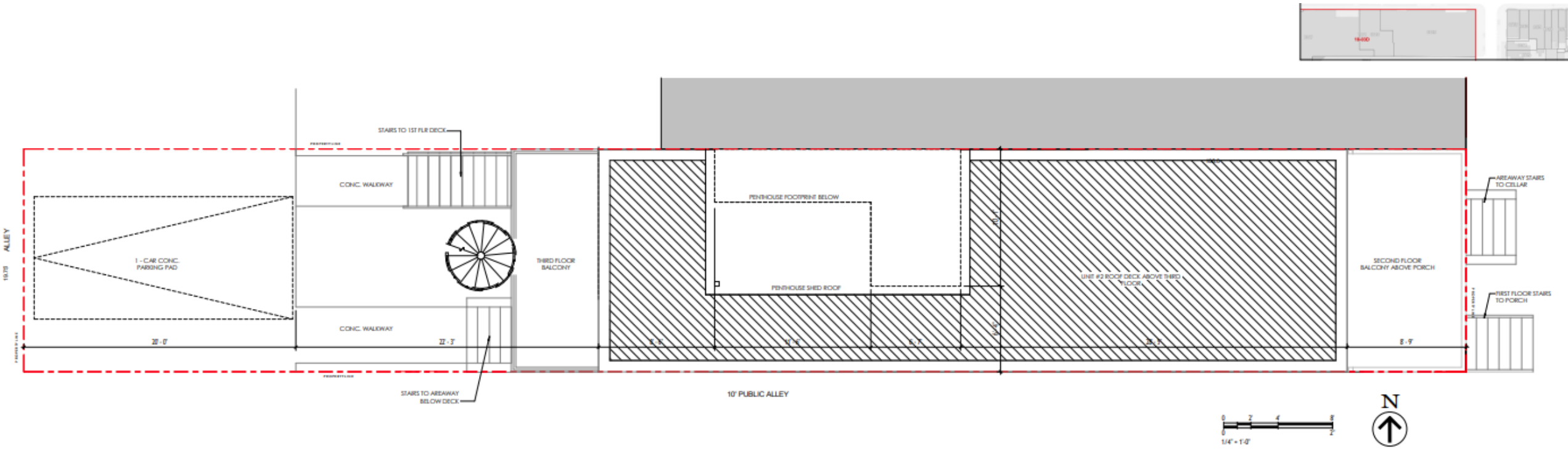
The Project

- **In 2023, Applicant obtained building permit to renovate and convert an existing single-family home to a two-family flat for his adult children to live in**
  - **Rear addition with new balconies and access stair**
  - **Third-story addition plus small penthouse/roofdeck**
  - **Contractor found the existing cornice and porch were not salvageable and they were discarded**
- **Project has a matter-of-right use (flat), building height (35 feet), rear yard (31 ft.), side yard (none required) and parking (1 space)**
- **Construction is complete but during CofO inspection it was determined zoning relief is needed**

ANC/Office of Planning

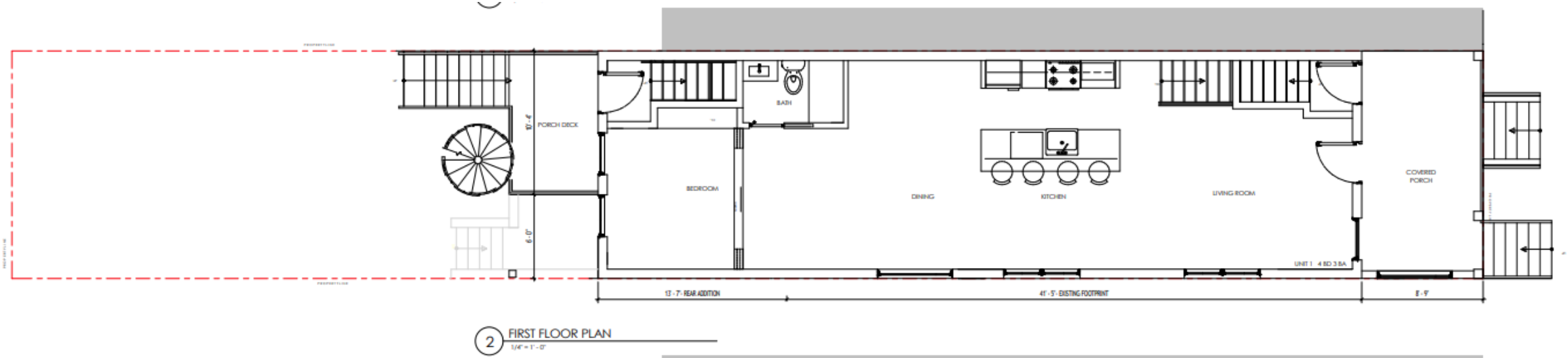
- **ANC 6A – "Refrain from comment" due to post-construction relief (Ex. 20)**
- **OP – Support (Ex. 23)**
- **Three letters of support (Exs. 16-18)**
  - **Northern neighbor (only abutting private property)**
  - **Neighbor directly across 10th Street**
  - **Abutting business owner on H Street**

Site Plan

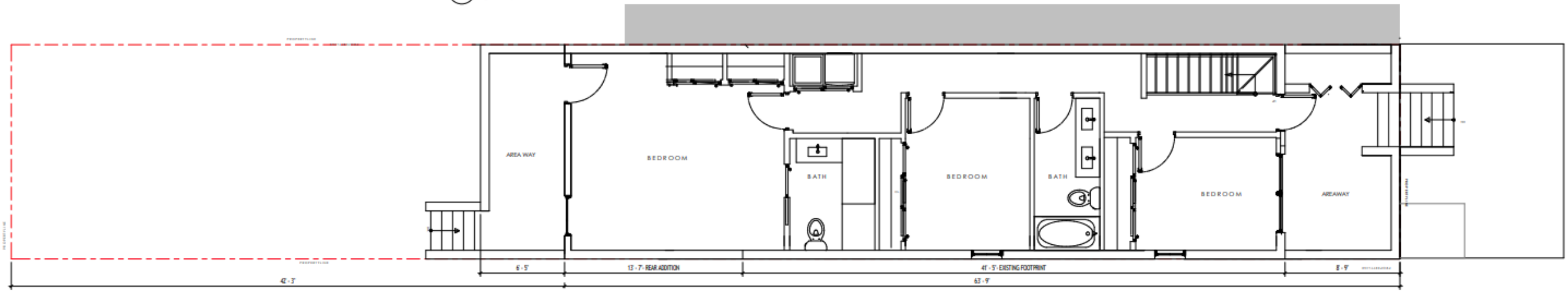


1 SITE PLAN
1/4" = 1'-0"

Floor Plans – Cellar and First Level

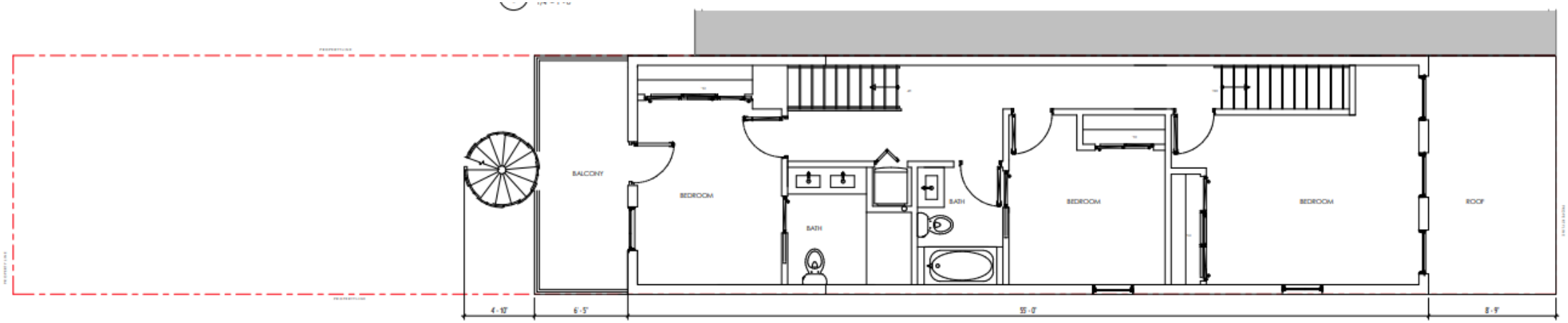


2 FIRST FLOOR PLAN
1/4" = 1' - 0"

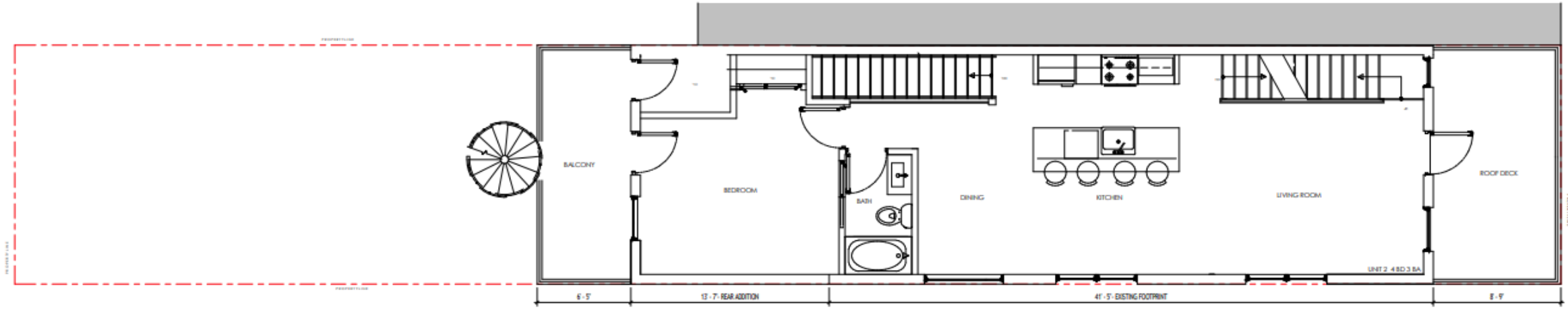


1 CELLAR LEVEL
1/4" = 1' - 0"

Floor Plans – Second and Third Level

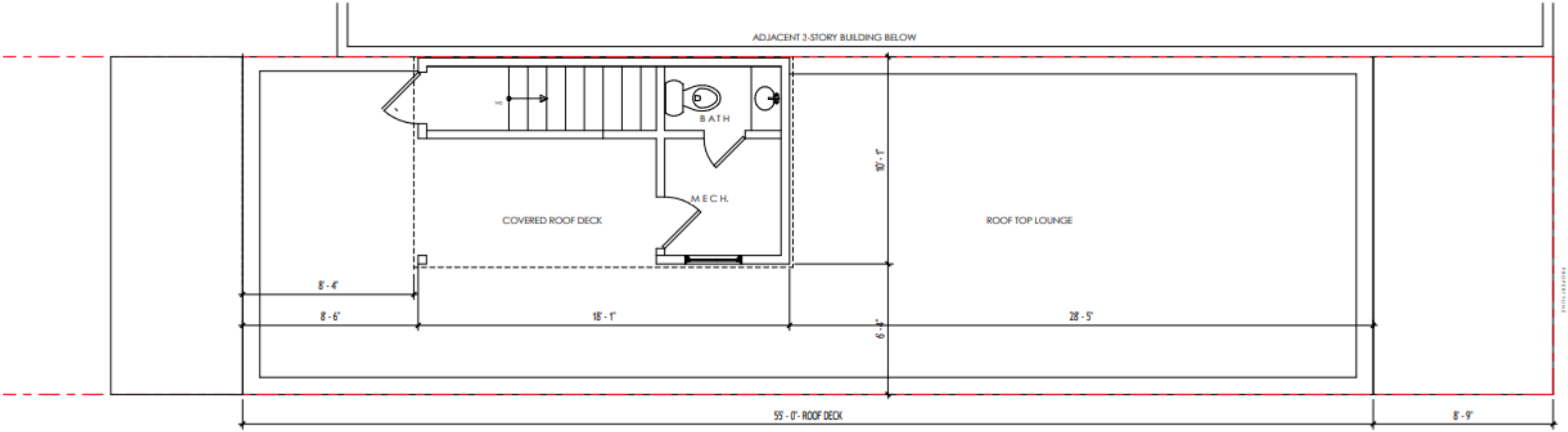


4 THIRD FLOOR PLAN
1/4" = 1' - 0"



3 SECOND FLOOR PLAN
1/4" = 1' - 0"

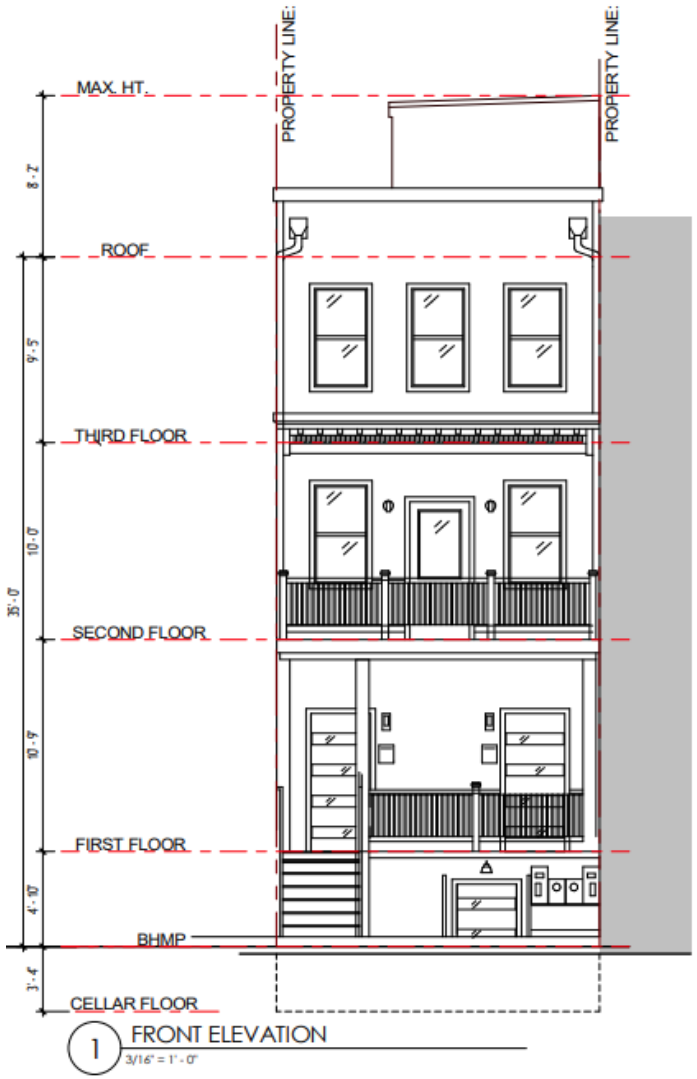
Floor Plans – Roof/Penthouse Plan



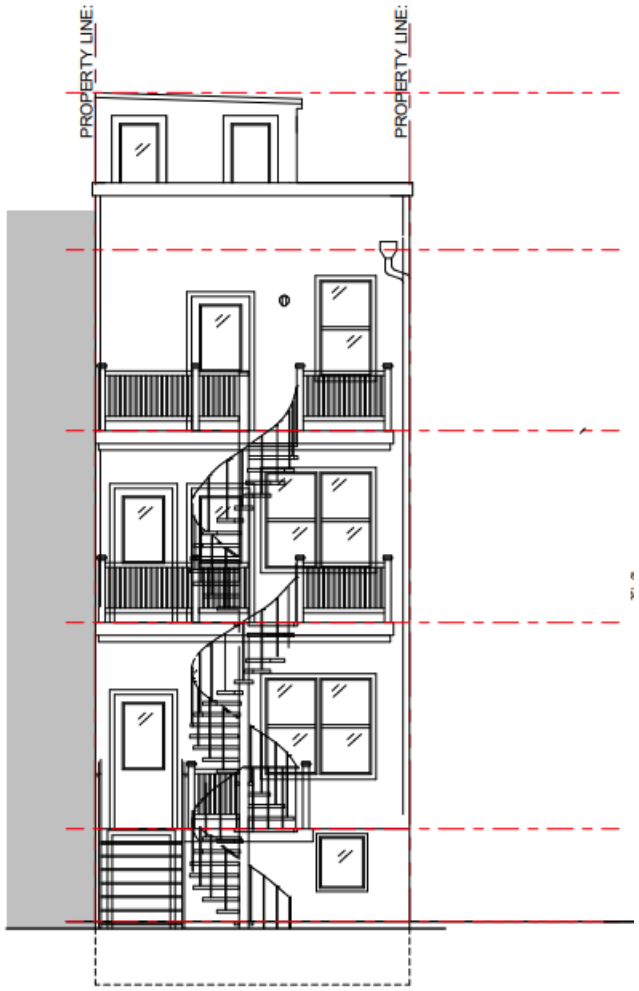
South Elevation (Alley Facing)



Front and Rear Elevation



1 FRONT ELEVATION
3/16" = 1'-0"

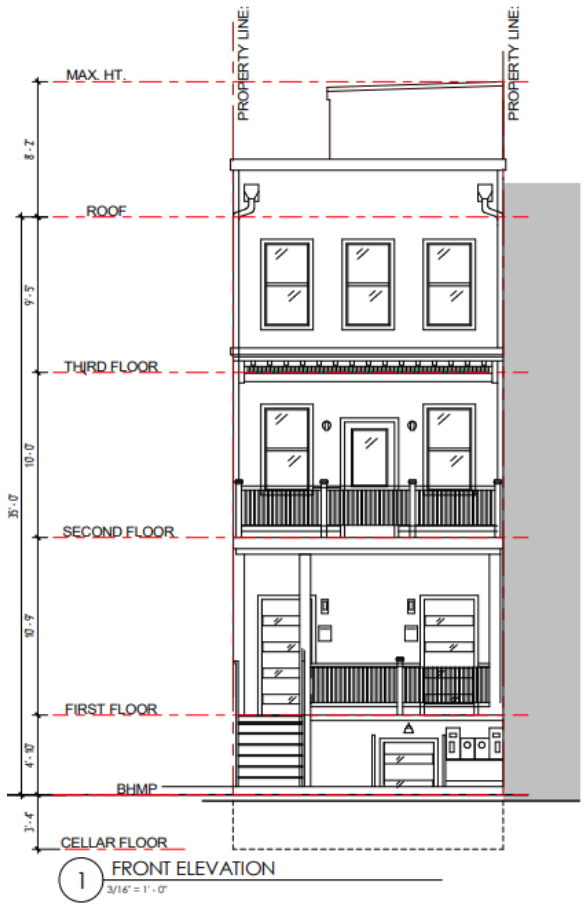


2 REAR ALLEY ELEVATION
3/16" = 1'-0"

Comparison – Front Facade



Pre-2023



Proposed

Zoning Relief

- **Alteration of Roof Top Architectural Elements (Subtitle E § 204.1)**
  - **Modernized front porch; added privacy siding on alley; added guardrail for balcony above porch**
  - **Replacing cornice**
- **Lot Occupancy (Subtitle E § 210.1)**
  - **Maximum = 60%; Proposed = 68.2%**
- **Penthouse in RF zone (Subtitle C § 1501.1(c))**
  - **Penthouse on a flat is permitted but must be within maximum building height**
  - **Project height is 35 feet with 8'2" penthouse**
- **Penthouse side setback (Subtitle C § 1504.1(c)(2)**
  - **Penthouse must be setback a distance equal to its height**
  - **Penthouse is 8'2" but side setback is 6'4"**

General Special Exception Standard

- ***Relief is Harmonious with Purpose and Intent of Zoning Regulations***
  - **Project modernizes and renovates building that was in disrepair, including rotted cornice and porch**
  - **Exceeds lot occupancy due to exterior balconies and stair and only at first level of building**
  - **Penthouse is permitted in the RF zone and otherwise meets requirements of C § 1501.1(b) for ancillary penthouse space on a flat**
  - **Modest penthouse side setback relief of 1'8"**

- ***Relief will not Adversely Affect Neighboring Property***
  - **Abuts private property on only one side**
  - **Rear balcony and stair are open at the sides and above**
  - **Small penthouse is setback 37 feet from 10th Street**
  - **Only abutting neighbor has a three-story building with a penthouse**

Alteration of Roof Top Elements – Special Conditions (E § 5201.4)

The proposed construction shall not have a substantial adverse effect on:

(a) Light and air available to neighboring properties

(b) The privacy and use and enjoyment of neighboring properties

(c) The proposed construction shall not substantially visually intrude upon character, scale, pattern of houses along street

- **"Book-end" building next to alley and to the rear of commercial properties on H Street**
- **No architectural similarity to buildings on blockface**
  - **The original building was only building on western side of 10th Street NE with exterior siding, cornice and front porch**
  - **Mid-block buildings to north have federalist-style facades with brick and bay projections**
- **Proposed aesthetic is consistent with direct neighbor to north**
- **Replacing cornice at same location, style and dimension**

(d) Use of graphical representations such as plan, photographs or elevations to demonstrate relationship with adjacent buildings



Lot Occupancy – Special Conditions (E § 5201.4)

The proposed construction shall not have a substantial adverse effect on:

(a) Light and air available to neighboring properties

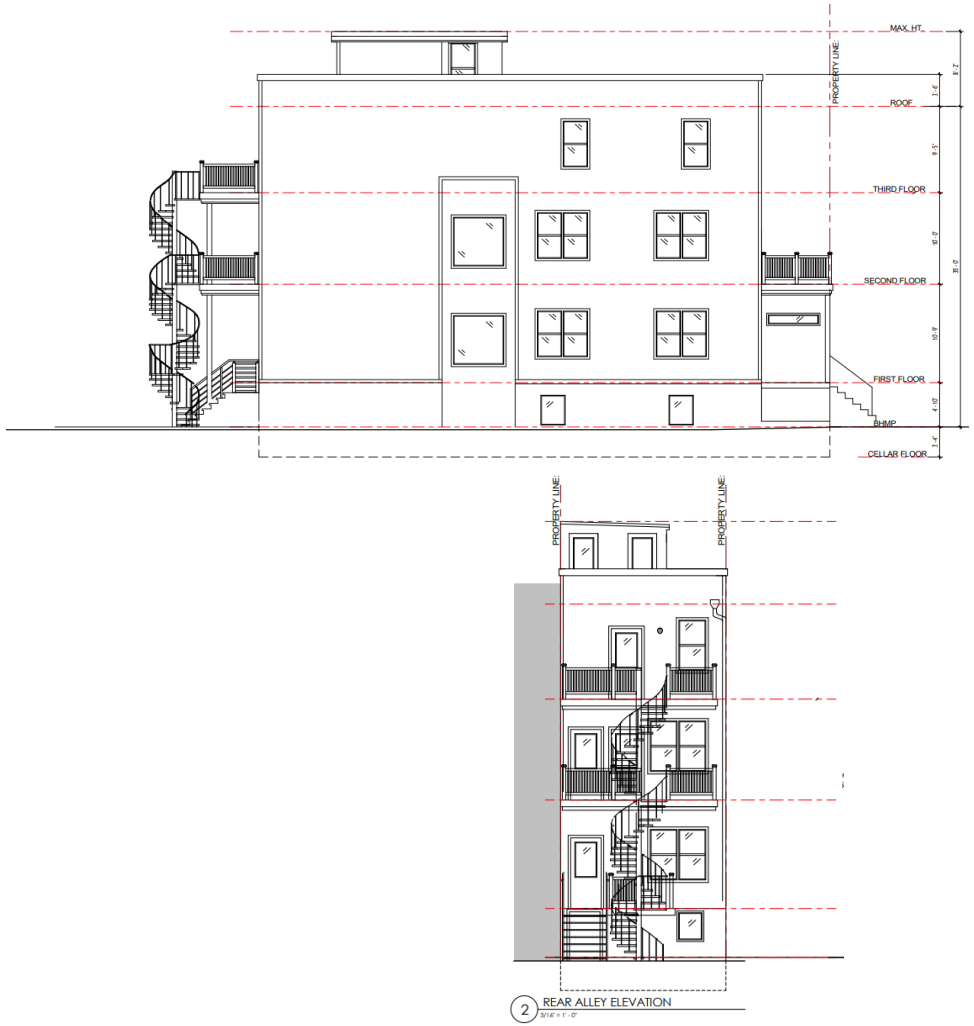
- **Main home extends only 4.5 feet past northern neighbor**
- **Balconies and stair are open to sides and above**
- **Large rear yard**

(b) The privacy and use and enjoyment of neighboring properties

- **Abuts alley to south and west**
- **Letter of support from northern neighbor**

(c) The proposed construction shall not substantially visually intrude upon character, scale, pattern of houses along street

(d) Use of graphical representations such as plan, photographs or elevations to demonstrate relationship with adjacent buildings



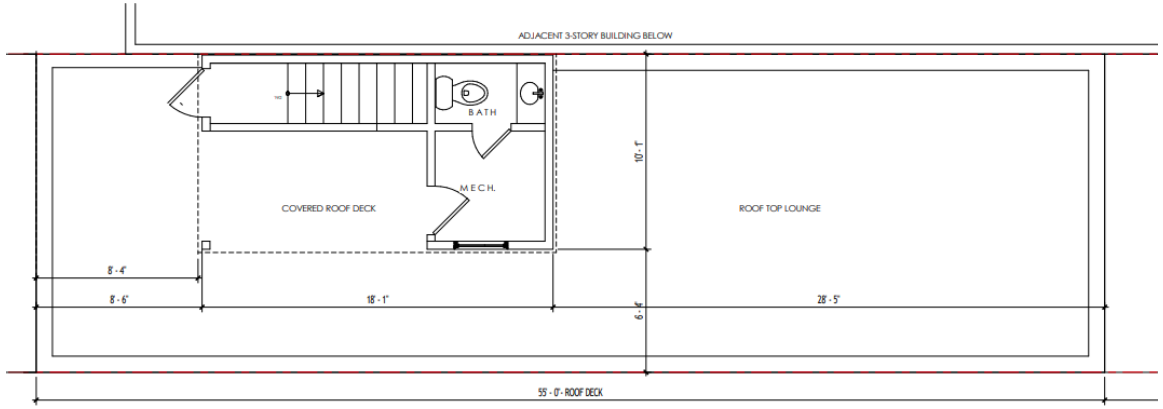
Penthouse Side Setback – Special Conditions (C § 1506.1)

Reasonable effort has been made to house mechanical equipment, stairway and elevator penthouse in compliance with required setbacks

- **Penthouse location on roof is driven by internal stair access along the northern wall of each floor below**
- **Penthouse must be in one enclosure, so bathroom and mechanical room are next to stair**
- **This pushes mechanical room toward the southern side of the roof**
- **Mechanical room houses water heater/HVAC pump, and location provides most straight-forward connections to kitchen and bathrooms below**

Strict application of setback requirements results in construction that is unduly restrictive, prohibitively costly or unreasonable or inconsistent with building codes

- **Relatively modest amount of relief 1'8"**
- **Would require costly and unreasonable reconfiguration of mechanical room and utility connections below**



Questions?