

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Request for a Modification Without Hearing to BZA Order No. 20949
Of George Rice and Elizabeth Gaines
57 W Street, NW (Square 3123, Lot 86)

I. INTRODUCTION AND OVERVIEW.

This request for a modification without hearing (the “**Modification**”) is submitted on behalf of George Rice and Elizabeth Gaines (collectively known as the “**Applicant**”), the owners of 57 W Street, NW (Square 3123, Lot 86) (the “**Property**”). The Property is located in the RF-1 zone where lot occupancy is limited to 60%. The existing garage was proposed to be demolished and a new one constructed. Together with the existing principal structure, the new Accessory Garage would bring the lot occupancy to 65.3%. The owners applied for and were granted relief from lot occupancy pursuant to E-5201 and X-901 in BZA Case No. 20949 in order to construct a new, one-story accessory garage. The Board approved the Application on its expedited review calendar on September 20, 2023. The order became effective on September 26, 2023. The Applicant is now proposing to add a second story to the garage (the “**Proposed Garage**”) and is therefore seeking a Modification without Hearing.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the modification without hearing pursuant to Subtitle X-901, E-5201, and Y § 703.

III. MODIFICATION STANDARDS.

A. Technical Requirements

Pursuant to Y-703.7 “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. The determination that a modification can be approved without witness testimony is within the Board’s discretion.

The Accessory Building, both approved and proposed, meets all by right development standards for an Accessory Building. The original relief was requested because the existing principal structure was already close to the maximum lot occupancy and even though the footprint

of the Accessory Building is permitted—the existing improvements coupled with the otherwise by-right footprint brought the total improvements above the 60% lot occupancy in the RF-1 zone.

The approved lot occupancy is not increasing, and the Accessory Building still meets all development standards for accessory buildings in this zone. Further, the proposed height increase is limited to 5 feet and 7 inches above what was approved in the original case—a minor increase. The proposal is reviewed herein under the same standards to demonstrate continued compliance. The original case was approved on expedited review. Given the straightforward nature of the case and previous approval, the modification can be approved without witness testimony. The use of the upstairs will be limited to extra office/flex space for Mr. Rice and Ms. Gaines.

B. Justification and Proposed Changes

Since the initial approval, the Applicant has hired a new architectural team and is now pursuing a second story on top of the approved single-story Accessory Garage. The proposed second story is 19 feet 7 inches and continues to have the same footprint of 357 square feet. These dimensions are shown on the elevations included in the updated plans (the “**Proposed Plans-Height Change**”). These changes do not require any additional relief, nor does it change the basis of the approval for the relief under X-901.2 or E-5201.

A. General Special Exception Requirements of Subtitle X § 901.2.

1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The granting of the modification will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the RF-1 zone; “The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.” The Property will remain a single-family row dwelling. The proposed Accessory Garage meets all other development standards for accessory buildings in the RF-1 zone, including the limitation on maximum building area, the setback requirements, and height and story limits. Accordingly, the Proposed Garage will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the modification will also not tend to adversely affect the use of neighboring properties, as described below.

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 Garage conforms to the accessory building bulk requirements in that it is under the 20- foot height limit (and only 5 ft. and 7 inches higher than what was approved), and below the 450 sq. ft. building area limit. Were the Applicant to reduce the principal structure, the proposal herein would be permitted as a matter-of-right.

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

No south, east, or west windows or roof decks are proposed on the Proposed Garage.

(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;

The Proposed Garage will not be visible from W Street. There are a number of accessory buildings along the alley, some of which are two stories.

IV. CONCLUSION.

For the reasons stated above, this Application meets the requirements for a modification without hearing and the request continues to comply with the original special exception approval by the Board.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP