

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 27, 2018
SUBJECT: BZA Case 19633A – Modification of Significance - special exception relief pursuant to Subtitle D § 5201.1 from D § 1205.2 (front setback requirement)

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the modification request to include special exception pursuant to Subtitle D §§ 1205.2 and 5201:

- D § 1205.2 (Front Setback: consistent with the adjacent property: existing-25 ft.: 20.7 ft. proposed).

II. BACKGROUND

The applicant submitted a permit application to renovate an existing two-story, brick, semi-detached structure with basement, including constructing a two-and-a-half story, 27.1 feet rear addition, and an extension of the walk-out basement. The Board of Zoning Adjustment (BZA) approved the submitted plans per Order 19633.

However, permit review revealed that the project would also require relief from the front setback requirement under D § 1205.2, which was not included in the original submission. Relief is now requested to facilitate completion of the permit process.¹ OP consulted the Zoning Administrator and the Office of the Attorney General. Both concurred that special exception relief was appropriate for the front setback.

¹ For additional information, See BZA19633, including OP report, Exhibit

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-20 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) D § 1203.1	35 ft. max./3 stories	25.6 ft.	32.7 ft. (3 stories)	None required
Lot Width (ft.) D § 1202.1	30 ft. min.	18.5 ft.	No change	Existing nonconformity
Lot Area (sq.ft.) D § 1202.1	3,000 sq. ft. min.	2,300 sf	No change	Existing nonconformity
Floor Area Ratio	None prescribed	-	-	-
Lot Occupancy D § 1204.1	60% max.	24%	45%	None required
Rear Yard (ft.) D § 1206.2 Rear Wall Extension D § 1206.3	20 ft. min. 10 ft. max.	69.9 ft. -1.54 ft. (recessed from abutting rear wall)	44.9 ft. 25.57 ft.	None required S.E approved (BZA 19633)
Front Yard D § 1205.2	Setback to be consistent with adjacent properties	26 ft. 2.4 in (subject and adjacent property)	21 ft. 10.4in (subject property)	S.E requested
Side Yard (ft.) D § 1207	None required, but 5 ft. min. if provided	none	None proposed	None required
Parking C §	1 space per du	1 space	1 space	None required

IV. OP ANALYSIS

11 Y § 704 Modification of Significance: Aside from the filing requirements of Y §§ 704.2 through 704.5, the public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification (Y §704.6), and limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision (Y §704.7).

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;
- (b) Yards;
- (c) Courts;

² As provided by the applicant.

- (d) *Minimum lot dimensions;*
- (e) *Pervious surface; and*
- (f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

Front setbacks regulate the distance between a building and a front lot line (B § 312.2). The R-20 zone requires a front setback consistent with at least one (1) of the immediately adjacent properties on either side (D § 1205.2). The houses owned by the applicant and adjacent neighbor are setback 26 feet 2.4 in. as measured between the building and the front lot lines. There is an alley on the other side of the subject property. The proposal with the vestibule would result in a reduced setback of 21 feet 10.4 in. for the subject property.

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) *An addition to a building with only one (1) principal dwelling unit; or*
- (b) *A new or enlarged accessory structure that is accessory to such a building.*

The current principal dwelling would remain a principal dwelling use upon completion of the structure's renovation as anticipated under (a).

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

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

The light and air to 3627 T Street should not be affected with significant shadowing of the front yard, by the proposed vestibule, would be located closest to the alley and not the abutting residence.

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

Privacy of use and enjoyment of the abutting property would not be unduly compromised as no windows are proposed along the west elevation where it abuts 3627 T Street NW.

- (c) *The addition or accessory structure, together with the original 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 subject street frontage;*

The issue of the altered front façade was discussed at the public hearing for the project as a whole, and it was discussed that the changes would not be out of character with the residential street. At the public hearing, the Board acknowledged that the changes the applicant made to the building's front made it more compatible with the street frontage.

Approved Plans: BZA19633 [Exhibit 41A, Sheet A14](#)).

- (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*

All relevant graphical representation is included with the application. ([Exhibit 12 -](#)

[Surveyor's Plat; Exhibit 41A- Plans and Elevations; Exhibit 10 – Color Photographs](#)).

(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 lot occupancy proposed at 45% is well below the maximum permitted by right or through special exception relief.

5201.4 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 beyond that proposed.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The principal residential use would be continued, as permitted in this zone.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The renovated building would not exceed the maximum permitted 35 feet or 3 stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation's comments are included in the record as Exhibit 39.

VI. COMMUNITY COMMENTS

The ANC2E is scheduled to hold its meeting on April 30, 2018. A letter of support from the neighbor to the east is noted in Exhibit 8.