

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: December 29, 2017
SUBJECT: BZA Case 19658 – 733 Kentucky Ave. S.E.; Special Exception to permit construction of a rear addition that will extend more than ten feet beyond adjoining buildings

I. RECOMMENDATION

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

- Subtitle E § 205.4 - Rear Wall of Attached or Semi-Detached Building (10 foot extension beyond adjoining principal residential building permitted, 15 feet proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	733 Kentucky Ave. S.E.
Legal Description:	Square 1077, Lot 106
Ward / ANC:	Ward 6, ANC 6B
Zone:	RF-1
Lot Characteristics:	The midblock rectangular lot is 1850 square feet in area, and has 15.7 feet of frontage along Kentucky Avenue. The rear of the lot abuts a public alley.
Existing Development:	The property is currently developed with a two-story row dwelling having a lot occupancy of 41%.
Adjacent Properties:	The subject property is located in a residential area zoned for residential flats. The adjacent properties are two-story row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood character is moderate density residential, and generally consists of two- to three-story row dwellings.

III. PROJECT DESCRIPTION IN BRIEF

The Applicants propose to construct a two-story plus cellar addition at the rear of the house. The rear addition would extend 15 feet beyond the adjacent properties, which exceeds the maximum ten feet that is permitted matter-of-right by the zoning regulations.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing¹	Proposed¹	Relief
Height E § 303	35 feet maximum	25 feet	25 feet	None
Lot Width E § 201	18 feet minimum	15.7 feet	No change	Existing non-conformity
Lot Area E § 201	1,800 SF min.	1,850 SF	No change	None
Floor Area Ratio	None prescribed	--	--	None
Lot Occupancy E § 304	60% maximum	41%	60%	None
Rear Yard E § 306	20 feet minimum	74 feet	31 feet	None
Side Yard E § 307	None required, but 5 feet min. if provided	N/A	N/A	None
Rear Wall Extension E § 205.4	≤ 10 ft. beyond the farthest rear wall of adjoining principal residential building	Equal to adjoining residential buildings	15 feet beyond adjoining principal residential buildings	Requested

V. ANALYSIS

Addition rear wall extension - Special Exception Relief from E 205.4 pursuant to E 205.5

Subtitle E § 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;*
- (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.*

The proposed development would permit the expansion of an existing residential building into the rear yard, and qualifies for relief via a special exception.

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

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The proposed development includes an addition to an existing residential building; therefore, special exception relief is applicable to this request.

¹ Information provided by Applicant

Subtitle E Section 205.5

A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

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 property is deep at 115 feet, which allows light and air to the adjacent properties. There is a public alley at the rear of the property and the houses across the alley have rear yards so the light and air to those properties should not be unduly affected. With the proposed addition, the lot occupancy would be 60%, which is permitted for this zone.

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

The Applicant is not proposing windows on the south side elevation of the addition. There would be two small windows on the north side second floor of the addition. There is a public alley at the rear of the property and the houses across the alley have rear yards so the privacy of those properties should not be affected. As such, the proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties.

- (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 proposed addition is located at the rear of the house and would be not visible from the street. The design of the proposed rear two-story addition would allow the front of the façade to remain intact and maintain the existing scale and pattern along the street. As viewed from the alley, the addition should not substantially visually intrude upon the character, scale, and pattern of houses. A two-story plus cellar addition to this building is allowed in this zone.

- (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*

The applicant has provided sufficient plans, photographs, and elevations.

- (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 proposed lot occupancy is 60%, which is permitted matter-of-right.

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 suggest any special treatments for this proposal.

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

The existing structure is currently used as a single family dwelling unit, and will continue to be used as such upon completion of the proposed addition.

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 proposal would not introduce or expand nonconforming height or number of stories. The height of the addition would be 25 feet and it would have two stories, which is the same as the current house and is permitted by the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, no District Agencies had submitted comments.

VII. COMMUNITY COMMENTS

The ANC submitted a report in support of the application (Exhibit 34). The adjacent neighbors at 735 and 731 Kentucky Avenue SE both submitted letters of support of the application (Exhibits 14 and 15).

