

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: January 12, 2018

SUBJECT: BZA #19672 – 3608 S ST., NW – Request for special exception relief to construct a three-story addition exceeding the rear extension limitation.

I. RECOMMENDATION

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

- D.§ 1206. Rear Extension (10 ft. maximum permitted; a maximum of 22 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Applicant	Elizabeth Stuart on behalf of Milton Halem
Address	3608 S St NW
Legal Description	Square 1305, Lot 47
Ward / ANC	Ward 2; ANC 2E
Zone	R-20
Historic District or Resource	None
Lot Characteristics	Rectangular lot 18' X 125' lot on S ST. NW. A 20' public alley is at the rear of the lot.
Existing Development	Rowhouse
Adjacent Properties	Rowhouses
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly rowhouses.
Proposed Development	Proposal would add a third story and a rear addition to the existing house. The proposal originally included a rooftop deck (Exhibit 2) but the deck was later removed (Exhibit 52).

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

R-20 Zone	Regulation	Existing ¹	Proposed	Relief
Lot Width D § 1202	20' min.	18'	18'	Existing Non Conformance
Lot Area D § 1202	2,000 sq.ft. min.	2,250 sq.ft.	2,250 sq.ft.	Conforming
Height D § 1203	35' max.	25'	32'	Conforming
Lot Occupancy D§1204	60% max.	26%	42%	Conforming
Rear Yard D § 1206	20' min.	62.6'	41.5'	Conforming
Rear Yard-Extension	10' max	0	22' for 1 st and 2 nd stories; 14' for the 3 rd story	Special Exception Requested

IV. ANALYSIS

Subtitle D Chapter 5201, special exception relief for lot occupancy and rear yard addition

- 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 proposal would require relief from the 10 feet maximum rear extension requirement to construct an addition to the rear of the house. An addition of 22 feet beyond the adjacent neighbor’s wall is proposed for the existing floors and 14 feet for the proposed new third floor.

- 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 proposal is for an addition to a residential building.

¹ “Existing” and “Proposed” information provided by the applicant

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 proposed addition should not have an undue impact on the neighboring houses. The Applicant submitted a shadow study, which shows that the addition would have some impact on sunlight to the neighbors' rear yards but the impact would not be undue when compared to the existing and by right scenarios. Both neighboring properties should receive adequate air flow because, even with the proposed addition, the property's rear yard would still be more than double the 20' requirement. Both adjacent neighbors submitted letters in support of the project.

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

The proposed addition should not unduly compromise the privacy and enjoyment of the neighboring properties. The addition would not include windows facing the adjacent neighbors. It would also include privacy screens between the rear balcony and the neighboring properties to maintain privacy between the neighbors. Both adjacent neighbors submitted letter in support of the proposal.

(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 rear addition together with the original building should not substantially visually intrude on the view from S ST. NW. The proposed addition would have a similar appearance to neighboring houses on S St NW. The addition's impact in the rear along the alley should not be substantial. The property's existing board on board wooden fence would screen the first story of the addition. The second and third stories would be visible from the alley but would have a residential design similar to other additions nearby.

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 application includes plans, elevations and photographs to represent the proposed addition.

(d) 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 would be 42%.

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.*

No special treatment is recommended 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 proposal would not introduce or expand a nonconforming use.

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 proposed height would be in conformance with the zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT submitted a report noting no objections to this case. As of the writing of this report, no other District Agencies provided comments.

VI. COMMUNITY COMMENTS

Both adjacent neighbors submitted letters in support of the proposal (Exhibits 36 & 40). Many other letters in support and in opposition to the proposal (Exhibits 15-17; 33-49) have been filed.

ANC 2E submitted a report recommending denial of the project (Exhibit 50). This appears to have been based on an earlier version of the plans that included a roof deck, now removed.

VII. LOCATION MAP

