

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director, Development Review
DATE: April 13, 2018

SUBJECT: BZA Case 19674- 1139 6th Street, NE. Request for a special exception under Subtitle E § 5201, from the lot occupancy requirements of E-§ 304.1; and a special exception from the rooftop architectural requirements of E-§ 206.1 pursuant to § 206.2. (RF-1)

I. BACKGROUND

The applicant has revised its proposal since the original application. An addition to the third floor and the rear of the building is still proposed. The rear addition would still require special exception relief, but for the third-floor addition the applicant is no longer modifying a rooftop architectural element original to the building.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following request:

- Special Exception pursuant to Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 (Permitted by-right: 60%; Permitted as Special Exception: 70%; Proposed: 69.16%.

OP recommends **approval** of the following, although the modifications to the third-floor design appear to make the relief no longer necessary:

- Special Exception from Subtitle E § 206.1 pursuant to Subtitle E-§§206.2 and § 5203.1, to modify a rooftop architectural element original to the building.

The application also appears to require relief from Subtitle C § 202, to permit an addition to an existing non-conforming building.

III. LOCATION AND SITE DESCRIPTION:

Address:	1139 6 th Street, NE
Applicant	Kimberly Ziegler (through Maria Wilson, permit expediter, with Ed Salami, architect)
Legal Description:	Square 855, Lot 236
Ward / ANC:	Ward 6, ANC 6C
Zone:	RF-1 – attached, semi-detached residences and 2-family flats permitted
Historic Resources:	N/A

Lot Characteristics:	Rectangular, flat 1200 SF lot measuring 15’ in width and 80’ in depth.
Existing Development:	Existing two-story, attached, single family dwelling.
Adjacent Properties:	The dwelling is part of a block-long row that appear to have been constructed at the same time. Each interior rowhouse has a pyramidal turret atop a pyramidal bay and each end unit was built with a conical turret atop a round bay, one of which no longer exists.
Neighborhood Character:	The neighborhood is south of Florida Avenue, NE, across from Gallaudet University and developed primarily with rowhouses.
Proposed Development:	The applicant seeks relief to permit a rear and third story addition that would increase lot occupancy and modify the roofline of an attached dwelling in the RF-1 zone. The proposal would add a third floor and a 6-foot deep 3-story rear addition. The front of the third floor would be set-back three feet from the existing cornice and turret.



Figures 1a and 1b. Site Location and Existing Conditions

IV. ZONING REQUIREMENTS

RF-1	Regulation	Existing	Proposed	Relief
Lot Size	1800 SF	1200 SF	Same	Existing non-conformity
Lot Width	18 ft.	15 ft.	Same	Existing non-conformity
Height	35’ max. by-right 40’ by spec. excep.	26 ft. 8 in.	30 ft.”	None required
Lot occupancy	60%	61.66%	69.16%	Existing non-conformity Relief Requested
Rear Yard	20 ‘	30’8”	24’8”	None required
Side Yard	None required	none	Same	None required

V. OP ANALYSIS

Special Exception for Lot Occupancy

Relief from Lot Occupancy Requirements of Subtitle E § 304.1, pursuant to Subtitle E §5201

The existing pre-1958 building has a lot occupancy of 61.66%. With the proposed addition, the lot occupancy would be 69.16%. The regulations allow a maximum of 60% by-right and up to 70% with special exception approval.

Subtitle E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *The Board of Zoning Adjustment may grant special exception 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.*

- | | |
|----------------------------------|--|
| (a) Lot occupancy; | (b) Yards |
| (c) Green area ratio. | (d) Minimum lot dimensions; |
| (e) Pervious surface; and | (e) ...additions to nonconforming structures... |

The lot occupancy request can be considered under this provision.

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

- (a) **An addition to an existing residential building; or**
- (b) **A new or enlarged accessory structure that is accessory to such a building.**

The proposed addition would be to an existing residential building.

5201.3 *An application for special exception under this section shall demonstrate that the 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 compromised;*
- (b) *The **privacy of use and enjoyment of neighboring properties** shall not be unduly compromised;*

The proposed six-foot deep, three-story addition (Exhibit 82) would extend less than 10 feet beyond the rear walls of either adjacent property and would have no side windows to intrude on the privacy, use and enjoyment of neighboring properties. There would be no terraces or balconies that would increase sight-lines into adjacent rear yards. The addition would not likely have an impact on the light, air, privacy, or enjoyment of use of property to the north, which already has an addition deeper than what the applicant proposes. The proposed lot addition would also be unlikely to have a substantial impact on the light available to the property to the south.

- (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 rear portion of the proposed addition would not be visible from 6th Street, and should not have a substantial visual intrusion on the character, scale and pattern of houses as viewed from that street or from the rear alley.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use **graphical representations** such 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 provided plans, photographs, and elevations sufficient to demonstrate the relationship of the proposed addition to the adjacent buildings as viewed from the street and the alley.

- (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 would be 69.16 %.

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 any special treatment related to the lot occupancy request.

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

The building would remain a permitted single family rowhouse after the addition is constructed.

- 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.*

With the addition, the building would continue to conform to the by-right permissions for height and number of stories.

Special Exception for Third Floor Addition

Relief from the Roof Top or Upper Floor Additions Restrictions in Subtitle E §§ 206.1 and 206.2 pursuant to E and §5203.3

Subtitle E - § 206 ROOF TOP OR UPPER FLOOR ADDITIONS REQUIREMENTS

E - 206.1: In an RF zone district, the following provisions shall apply:

(a) *A roof top architectural element original to the building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

The applicant has revised the proposal (Exhibit 81). There would be no alteration to an existing roof-top architectural element. The addition would be set-back three feet from the existing cornice and turret. OP has encouraged the applicant to use a material or color on the front face of the addition that would contrast with the existing two stories, to make a clear distinction between the existing building and the proposed addition.

(b) *Any addition, including a roof structure or penthouse, shall not **block or impede** the functioning of a **chimney or other external vent on an adjacent property** required by any municipal code; and*

The applicant would be raising the chimney on the applicant's property, as required by code. There appears to be no chimney or external vent on an adjacent property that would be blocked or otherwise affected.

(c) *Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted **solar energy system on an adjacent property**, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.*

The proposal should not interfere with any known neighboring solar energy system.

Subtitle E § 5203 BUILDING HEIGHT

5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 206.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1(b)(3) and (4).

There is no need for a special exception to E-§206.1. Subtitle E § 5203 does not apply.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation has no objection to approval of the requested special exceptions (Exhibit 45).

VII. COMMUNITY COMMENTS

There were no comments on file from ANC 6C at the time OP completed this report. The application had been reviewed by the ANC's Planning and Zoning Committee and the applicant was scheduled to present to the full ANC on April 11, 2018.

Both adjacent property owners have signed letters stating they "do not object to the construction of the proposed rear addition and 3rd floor", as have 3 other neighboring property owners (Exhibit 13).