

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: April 6, 2018

SUBJECT: BZA Case 19728 (121 Tennessee Avenue, N.E.), pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions to construct a two-story vertical addition to an existing one-story rear addition to an attached principal dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle C § 202.2, Additions to Nonconforming Structures;
- Subtitle E § 304.1, Lot Occupancy (60% maximum, 66.7% proposed); and
- Subtitle E § 306.1, Rear Yard (20 feet required; 17.73 feet existing and proposed)¹.

II. LOCATION AND SITE DESCRIPTION

Address	121 Tennessee Avenue, N.E.
Applicant:	Patrick McGeehan
Legal Description	Square 1012, Lot 0020
Ward / ANC	Ward 6; ANC 6A
Zone	RF-1 (Residential Flat Zone) provides for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted.
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics	The irregularly-shaped lot is 1,145 square feet in area, with 17.75 feet of frontage along Tennessee Avenue. The rear of the lot abuts a ten-foot-wide public alley.
Existing Development	The lot is currently developed with a three-story row dwelling, 33.5 feet of height. The dwelling was constructed in 1892, prior to the adoption of the 1958 Zoning Regulations, on a lot nonconforming for area and width.
Adjacent Properties	Across the public alley, are row dwellings. To the south and north are additional row dwellings. Across Tennessee Avenue are similar row dwellings.

¹ The applicant has applied for this relief. However, this relief may not be necessary, pursuant to E § 205.3

Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting predominantly of row dwellings with some apartment houses.
Proposed Development	The applicant proposes to construct a two-story addition above an existing one-story at the rear. The addition would not extend beyond the rear wall of homes at 123 Tennessee Avenue (to the north) and 119 Tennessee Avenue (to the south). The renovation would also include an overhang (shown as a trellis) on the building's west side, which increases the lot occupancy from 65.9% to 66.7% (8.8 square feet difference).(Exhibit 7 Sheet A-1)

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18 ft.	17 ft.	17 ft.	Existing nonconforming
Lot Area E § 201	1,800 sq. ft. min.	1,070 sq. ft.	1,070 sq. ft.	Existing nonconforming
Court E § 203	Not applicable	Not provided	No change	None required
Pervious Surface E § 204	0%	Not provided	No change	None required
Rear Wall Extension E § 206	Shall not extend farther than 10 ft. beyond rear wall of adjoining building	Not provided	No change	None required
Height E § 303	35 ft./ 3 stories max.	32 ft.	33.5 ft./ 3 stories	None required
Lot Occupancy E § 304	60% max.	65.9%	66.7%	Requested
Front Setback E § 305	Within range of existing front setbacks	0 ft.	0 ft.	None required
Rear Yard E § 306	20 ft. min.	17.73 ft.	17.73 ft.	Requested

IV. OFFICE OF PLANNING ANALYSIS

Subtitle E 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;*

- (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 applicant has requested relief from (a) lot occupancy, (b) rear yard and (f), addition to a nonconforming structure.

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 consists of an addition to an existing attached residential building, which is consistent with this provision.

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 addition on the second and third floor would not exceed the existing footprint of the home and would continue to align with the neighbor at 123 Tennessee Avenue. Due to the orientation, the addition should not result in unduly impactful shadowing of neighbor properties. The abutting properties have one-story rear additions, the roofs of which would be most impacted by any shadowing resulting from the addition. However, overall, the impact should be minimal and not unduly affect the neighbors and the use of their property. A letter of support has been provided from the neighbor to the south at 119 Tennessee Avenue ([Exhibit 26](#)). Another neighbor at 106 13th Street also issued a letter of support noted as [Exhibit 27](#).

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

There would be no windows on the north facing elevation of the additions above the first level. Windows would be included in the south facing elevation for light to a bedroom on the second level and closet on the third level. Those windows would be located well above the floor level and would not provide visibility to the outside ([Exhibit 7 Sheet A-5](#)), including to the neighbors at 119 Tennessee Avenue. Both existing and proposed addition would be separated from this neighbor by at least 5 feet, so existing privacy should not be unduly compromised. The residences at 123 and 119 Tennessee Avenue are under one ownership and the owner is in support ([Exhibit 33](#)).

- (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 would not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. While the addition may be visible from the alley, it would not be out of character with existing development, and would be partly obscured by existing mature trees. A neighbor across the alley, whose property fronts on 13th Street, submitted a letter in support

of the addition ([Exhibit 27](#)).

(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 graphical representations, including plans, photographs, and elevations, sufficient to represent the relationship of the proposed enclosure to adjacent buildings and views from public ways ([Exhibits 6, 7](#)).

(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 of the second and third floor would be 66.7 %, not exceeding the existing footprint and which is permitted with Board approval of the requested special exception.

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.

The Office of Planning does not suggest any special treatment of the proposed addition.

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

The proposed addition would not introduce or expand a nonconforming use; it would function as part of the residential dwelling, permitted in the RF-1 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 proposed addition would not introduce or expand nonconforming height or number of stories. The resulting height would be 33.5 feet, and it would be an extension of the existing third-story, which conforms to the development requirements of the Zoning Regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS

As of the date of this writing, comments from the ANC6A or the Capitol Hill Restoration Society (CHRS) had not been provided to the record. Letters of immediate neighbor support were noted prior in the report.

Attachment: Location Map

