

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 29, 2018

**SUBJECT:** BZA Case 19784 - Special Exception review to enlarge an existing deck to an existing row dwelling at 237 10<sup>th</sup> Street, SE

**I. OFFICE OF PLANNING RECOMMENDATION**

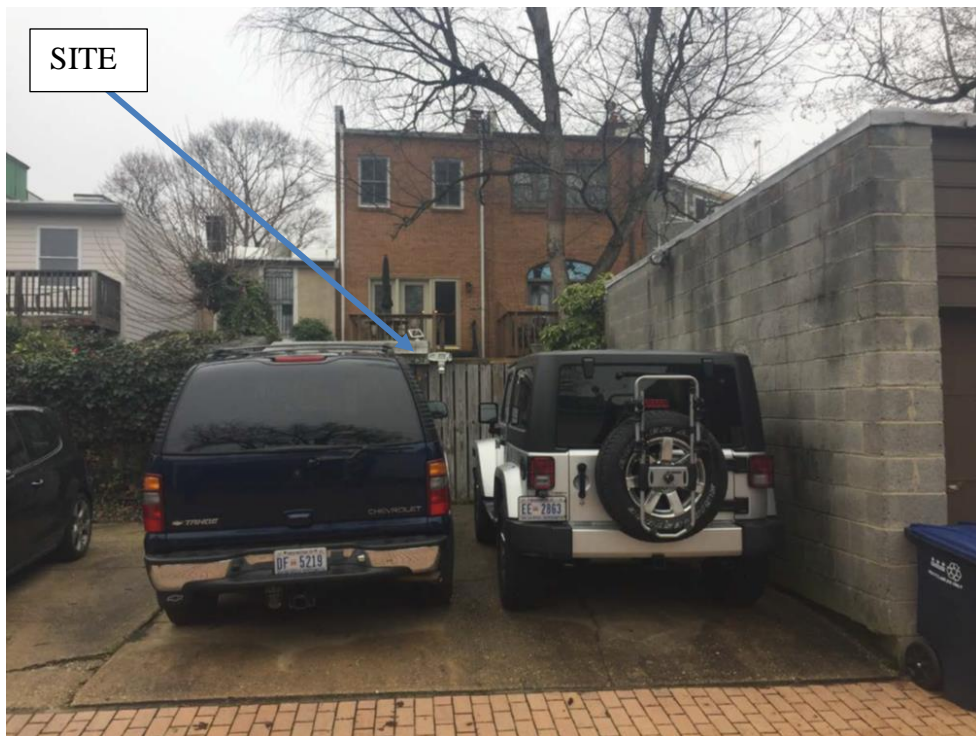
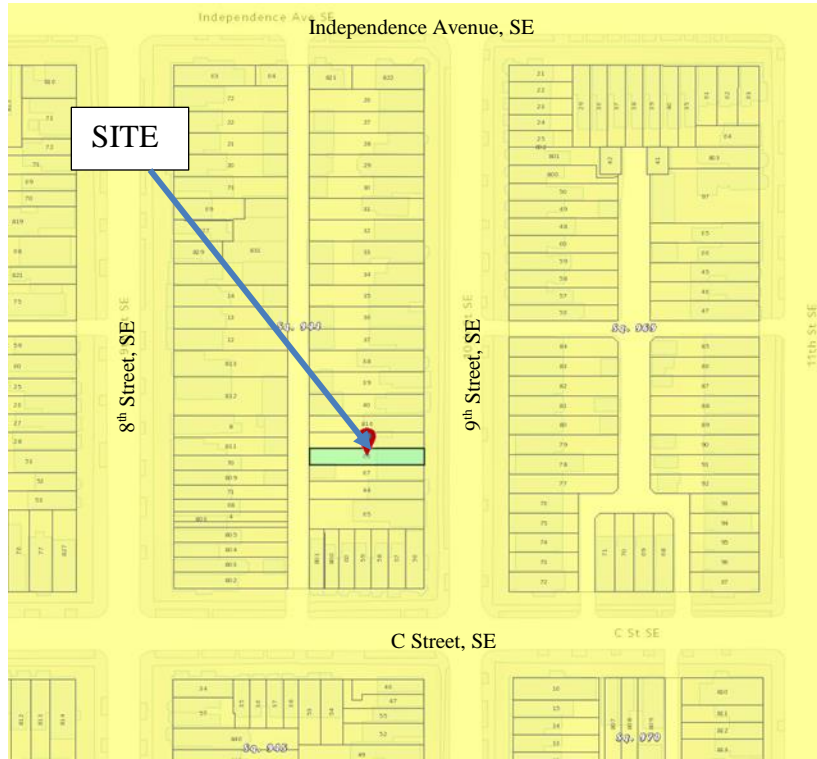
Stephen and Hilda Hooten, applicant, requests special exception review of Subtitle E § 304.1, lot occupancy, pursuant to Subtitle E § 5201.1, to enlarge the existing deck and constructing a garage at the rear of the property at 237 10<sup>th</sup> Street, Street SE in the RF-1 zone.

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

- E § 304.1 (60% maximum allowed; 45% existing; 68.9% proposed).

**II. LOCATION AND SITE DESCRIPTION:**

Address:	237 10 <sup>th</sup> Street, SE
Applicant:	Stephen and Hilda Hooten represented by Jennifer Fowler, AIA
Legal Description:	Square 0944, Lot 66
Ward / ANC:	6/ANC 6B
Zone:	RF-1
Historic District	Capitol Hill Historic District
Lot Characteristics:	The lot is flat with an area of 1,588 square feet (15 ft. x 105.875 ft.) and abuts a 20-foot alley.
Existing Development:	The property is developed with a three-story, brick row dwelling.
Adjacent Properties:	The buildings to the east, west, south and north of the site are developed with 2-and 3-story row dwellings in the RF-1 zone.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised of a mix of 2- and 3-story row dwellings in the RF-1 zone.
Proposed Development	The applicant proposes to enlarge the rear deck and construct a one-story garage.



**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

RF-1 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height, § E 303.1	35 ft. max., 3 stories	30 ft.	30 ft.	None required
Height of Garage, E §5002.1	20 ft.	N/A	13 ft.	None required
Lot Width, E § 201.1	18 ft. min.	15 ft.	15 ft.	Existing Non-Conformity
Lot Area, E § 201.1	1,800 sf	1,588 sf	1,588 sf	Existing Non-Conformity
Lot Occupancy, E § 304.1	60 % max.	43.7 %.	69.8%	Required
Rear Yard, E § 306.1	20 ft. min.	57.83 ft.	55 ft.	None required
Pervious Surface, E § 204.1	0%	41.4%	33.2%	None required

**IV. OP ANALYSIS**

The applicant requests special exception review pursuant to Subtitle E § 5201 for not meeting the requirements of Subtitle E § 304.1 for lot occupancy. In this case, the applicant is enlarging the deck and constructing a new garage resulting in an increase in the lot occupancy from 43.7% to 69.8%.

**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 requested special exception relief from the lot occupancy requirement due to the enlargement of the existing deck and the addition of a garage.

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<sup>1</sup> Information provided by applicant.

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 proposal includes an addition to an existing deck on a row dwelling with one principal dwelling unit, and the construction of a new accessory structure.

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 house to the north, 235 10th Street SE, has a parking pad and is separated from the subject property by a six-foot high board-on-board fence. The proposed 13-foot high garage would be more than 21 feet back from the rear of the house, and the shadows cast by it would be mainly blocked by the fence and the remainder would fall on the parking pad area. The existing deck is open and its enlargement by 2.82 feet in depth would make it the same depth as the deck on the adjacent property. The proposed enlargement of the deck and the proposed garage would therefore not unduly affect the light and air available to 235 10th Street, SE.

The property to the south, 239 10th Street, SE, is separated by a fence and an 11-foot high garage. The proposed garage would be more than 34-feet back from the rear of the adjacent house, would provide the required setback from the alley, and would not cast significant shadow on their yard, so should not unduly affect light and air. The 2.82 feet enlargement of the deck should not unduly affect the light and air over what currently exist to the adjacent property.

The properties to the west would be separated by a 20-foot wide alley. Given the distance between and existing garages and the proposed garage, light and air to the properties to the west would not be unduly affected.

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

The privacy fences separating the properties would continue to restrict direct views into the adjacent rear yards. The proposed garage would not have any windows along the sides so would not result in any views into the adjacent rear yards, and the windows and doors on the front of garage would be at a level that would not allow direct views into the adjacent rear yards. The enlarged deck would allow some views into the adjacent rear yards, but the views would be similar to the current conditions, and therefore the privacy and enjoyment of the neighboring properties would not be unduly compromised.

- (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; and*

The enlarged deck and garage would not be seen from the street, but would be visible from the alley. The proposed garage would be similar in size, height and materials to other garages along the alley and would therefore not intrude upon the character, scale or pattern of houses along the alley. The proposed deck addition would be similar in size to other decks at the second story of the building, and of similar materials. Many of the houses along the alley have garages or accessory structures, some of which are two stories and are not setback from the alley. Therefore, the proposed garage and the engaged deck would be consistent with the scale and character along the alley. The proposal has also been reviewed by Historic Preservation Review Board which has determined that the proposal is compatible to the garages along the alley.

- (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.*

The applicant provided plans, elevations and section drawings, with rear, side and front views of the deck and garage. Photographs of the existing situation along with views along the alley were also provided (Exhibits 6 and 7).

- 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 treatment for the proposed deck enlargement and garage.

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

The building would continue to be used as a residence.

- 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 garage and deck expansion would be within the permitted height and number of stories.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

The Department of Transportation (DDOT) stated in their report at Exhibit 35 that the proposal would have no adverse impacts on the transportation network.

## **VI. COMMUNITY COMMENTS**

The property is within ANC 6B. The applicant has indicated that, at its June 12, 2018 public meeting, the ANC voted unanimously to recommend approval of the application, although a letter to that effect from the ANC has not been submitted to the record as of the date of this report.

Letters of support from the most affected neighbors to the east, west and south at 234 and 236 9<sup>th</sup> Street, SE and 235 and 239 10<sup>th</sup> Street, SE (Exhibits 12-16) are provided.