

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
J Joel Lawson, Associate Director Development Review
DATE: February 22, 2019
SUBJECT: BZA Case 19899 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow a two-story rear addition at 1322 D Street SE.

I. RECOMMENDATION

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

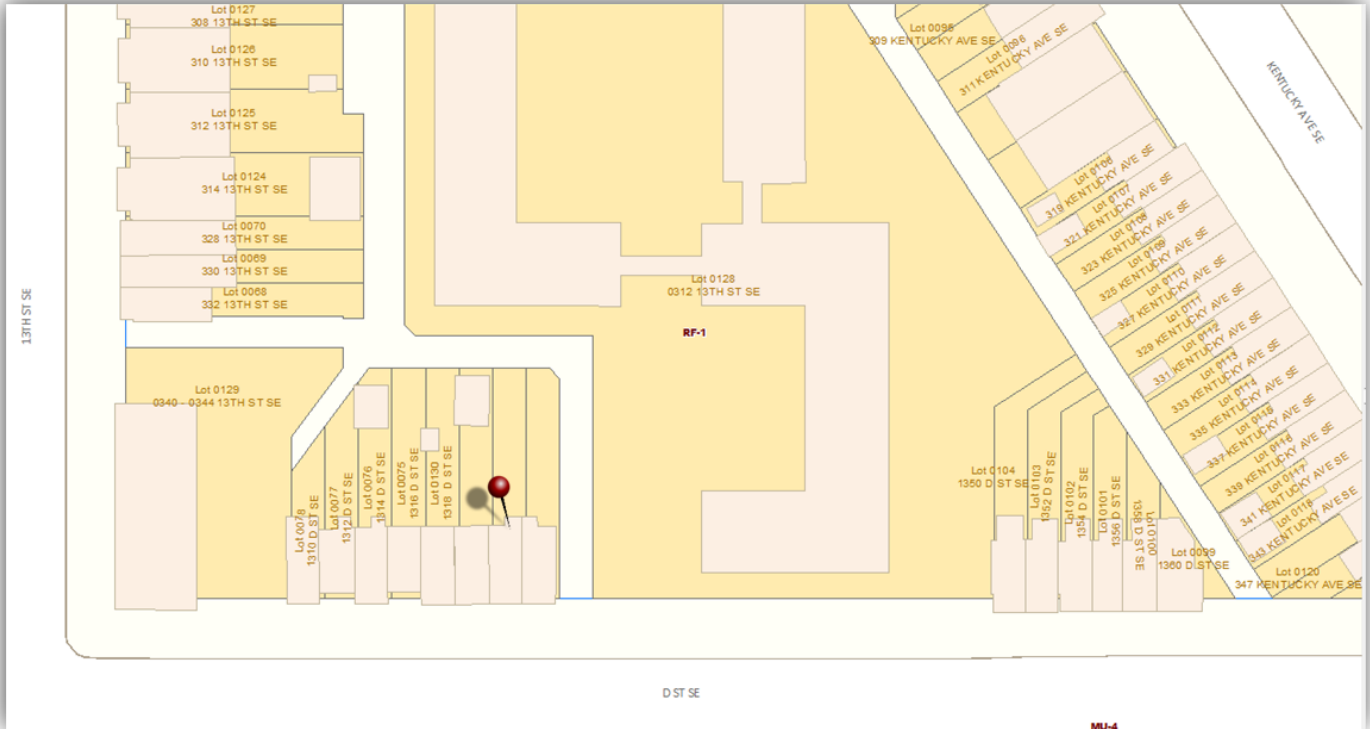
- Rear Yard E § 205.4, (rear wall shall not extend farther than 10 feet beyond adjoining property; 0 feet existing; 13 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1322 D Street SE
Applicant	Christopher Turner and Elizabeth Repko
Legal Description	Square 1041, Lot 0812
Ward / ANC	6 / 6B
Zone	RF-1 – Residential zone which provides for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units
Lot Characteristics	The interior rectangular lot measures 111 feet in depth and 16.25 feet in width. It abuts similarly sized lots to the east and west, D Street SE to the south, and a 15-foot wide public alley to the north.
Existing Development	The property is developed with a two-story row building that is being used as a single household dwelling.
Adjacent Properties	The adjacent properties also are developed with residential row buildings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with a large portion of the square developed with an apartment complex (Kentucky Apartments) which front on both C and D Streets of the square.

Proposed Development	The applicant is proposed to construct a two-story rear addition with cellar and a covered rear porch, where the rear wall would extend thirteen feet beyond the rear walls of both adjoining properties. (See Exhibit 37 Revised Plans)
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Location and Zoning



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Height E § 303	35 ft. max.	25.5 ft.	25.5 ft.	None required
Lot Width E § 201	18 ft. min.	16.25 ft.	16.25 ft.	Existing nonconforming
Lot Area E § 201	1,800 sq. ft. min.	1,809 sq. ft.	1,809 sq. ft.	None required
Lot Occupancy E § 304	60% max. (1085.4 sf)	30.6 % (553.9 sf)	48.5 % (765.5 sf)	None required
Rear Yard E § 306	20 ft. min.	74.08 ft. 1in.	62.4 ft.	None required
Side Yard E § 307	None required, but 5 ft. min. if provided	0 ft.	0 ft.	None required
Parking C § 701	1 space	1 space	1 space	None required
Rear Yard E § 205.4	10 ft. beyond adjoining property max.	0 ft.	13 ft.	Relief Requested

IV. ANALYSIS

SUBTITLE E CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RF)

205 REAR YARD

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;

Revised plans (Exhibit 37), supersede the original submission (Exhibit 4) to mitigate the concerns of neighbors at 1320 D Street to the east of the subject property. The abutting neighbors expressed concerns of shadowing and light reduction with the originally proposed 20-foot addition. The applicant subsequently agreed to reduce the addition to no more than 13 feet from the rear wall of adjoining homes, including at 1324 D Street to the west. The applicant submitted a sun study to the record (Exhibit 40) to show the comparative effects, with and without the addition at 20 feet and 13 feet beyond the rear walls. The sun study indicates the impact of the proposed addition compared to that of a conforming one would not be significant.

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

The applicant is not proposing windows on the side elevations, and the window and door openings on the rear façade would be consistent with other properties in the square. The existing privacy fencing between the abutting properties to the east and west would remain to mitigate views into the abutting neighbors' rear yards.

Neighbors across the alley should not be unduly affected by the addition beyond what currently exists, in terms of privacy as there would remain a large separation due to the combined rear yard and alley widths and continued fencing of the subject property's rear yard.

Therefore, 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 should not substantially visually intrude upon the character, scale, and pattern of houses along D Street SE. It would not increase the building's height as it does not involve a third story. While it would be visible from the alley it would be consistent with similar rear addition of neighboring properties.

- (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 drawings, including plans, elevations, sections (Exhibit 37) and photographs (Exhibit 3A-3E). The information provided is sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

- (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 42.3%, which would not exceed the maximum permitted matter-of-right lot occupancy of 60%, or 70% permitted by 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.*

Special treatment is not recommended in this case.

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

The applicant proposes to continue use as a single-household dwelling, which is a permitted use 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.*

There would be no change to the existing height at 25.5 feet and two stories, which does not exceed the maximum permitted height of 35 feet and three stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District Agencies had not been received at the time this report was drafted.

VI. COMMUNITY COMMENTS TO DATE

The adjoining property owner at 1320 D Street SE withdrew their initial request for party status, according to the applicant's supplemental filing at Exhibit 38. As of the date of this report, the ANC had not filed a recommendation to the record.