

STAFF REPORT

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 25, 2019

SUBJECT: BZA #19917 – 913 7th ST NE – Request for special exception relief to construct a two-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:

- E.§ 205.4 Rear Extension (10’ maximum permitted; 23’10” existing; 38’10” proposed)

II. LOCATION AND SITE DESCRIPTION

Applicant	Blue Star Design Build on behalf of Audrey Tomason & Sean Ward
Address	913 7 th ST NE
Legal Description	Square 888, Lot 46
Ward / ANC	Ward 6; ANC 6C
Zone	RF-1
Historic District or Resource	None
Lot Characteristics	Rectangular shaped lot with a public alley in the rear. The lot is 15.8’x114.08’.
Existing Development	Rowhouse
Adjacent Properties	Rowhouses
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly composed of rowhouses.
Proposed Development	Proposal would add a two-story rear addition to an existing two-story rowhouse.

III. LOCATION MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-1 Zone	Regulation	Existing¹	Proposed	Relief
Lot Width E § 201	18' min.	17.25'	17.25'	Existing Non-Conforming
Lot Area E § 201	1,800 sq.ft. min.	2,082.88 sq.ft.	2,082.88 sq.ft.	Conforming
Height E§ 303	35' max.	27'	30' 9"	Conforming
Lot Occupancy E§304	60% max.	45.31%	59.9%	Conforming
Rear Yard E § 306	20' min.	60'	45'	Conforming
Rear Yard-Extension E §306	10' max	23'10" (2 nd fl) 20'10" (1 st fl)	38'10" (2 nd fl) 35'10" (1 st fl)	Special Exception Requested

¹ "Existing" and "Proposed" information provided by the applicant.

V. ANALYSIS

Subtitle D Chapter 5201, special exception relief for 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 proposed two-story addition requires relief from the requirement that a rear wall not extend beyond 10' past a neighboring residential building. The existing rear of the house is over 10' past the neighbor to the north, 915 7th ST NE. The proposal would increase this by another 15'. This would result in the house's first floor going from 20'10" to 35'10" past the neighbor's rear and its second floor going from 23'10" to 38'10" past the neighbor's rear.

On the south side the addition's first floor would go from 0' to 15' beyond the neighbor to the south and its second floor would go from 3' to 18'.

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.

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 should not have an undue impact on the light and air of the neighboring houses. The addition would have a marginal impact on the adjacent neighbors' sunlight, but it should not be enough to be considered undue. If the addition were constructed the property's rear yard would continue to exceed the minimum requirement so there should be no significant impact the neighboring properties air. Furthermore, the design of the addition to maintain the existing court by converting it from an open court to a closed court should minimize any potential impact on the northern neighbor's (915 7th ST NE) light and air.

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

The addition should not unduly compromise the privacy and enjoyment of the neighboring properties. The first story of the addition should not have an impact because it would be behind the 6-7' tall privacy fence that encloses the property. The addition would replace the house's existing rear addition which includes a deck on the second-story that faces into the back yards of each adjacent property. The addition, though further extended, would have no windows on its sides and no deck facing the neighbors so it would allow for more privacy than exists today.

- (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 addition together with the original building as viewed from the alley should not substantially visually intrude upon the character and scale of the houses along the alley. The property has a 6'-7' tall wooden privacy fence so only the second story would be visible. The addition would use hardy-plank material and be colored light gray. It would have a residential design in character with the surrounding houses.

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.

- (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 59.9%.

- 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.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, no other District Agencies have submitted comments on this case.

VII. COMMUNITY COMMENTS

Both the adjacent neighbor to the north at 915 7th ST NE (Exhibit 8) and the adjacent neighbor to the south at 911 7th ST NE (Exhibit 9) submitted letters in support of the proposal.

ANC 6C submitted a report (Exhibit 30) in unanimous support for the project.