

OP Report

TO: District of Columbia Board of Zoning Adjustment
FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 28, 2019
SUBJECT: BZA Case 19917A – Modification of Significance - special exception relief to construct a two-story addition exceeding the permitted lot occupancy

I. RECOMMENDATION

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

- E §304. (Lot Occupancy 60% permitted; 45.32% existing; 62.39% proposed).

II. BACKGROUND

On February 6, 2019, in case 19917, the Board granted the rear addition relief to build this two-story rear addition beyond the permitted 10’ maximum. Since then the Applicant learned that their lot occupancy calculation was incorrect. The correctly calculated lot occupancy of the project requires special exception relief.

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%	62.39%	Special Exception Requested
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)	Approved Special Exception (19917)

V. ANALYSIS

11 Y § 704 Modification of Significance: Aside from the filing requirements of Y §§ 704.2 through 704.5, the public hearing on a request for a significant modification shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification (Y §704.6), and limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision (Y §704.7).

Subtitle D 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 proposed addition would increase the lot occupancy on the site.

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's impact on the adjacent neighbors' sunlight, should not be enough to be undue. 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. Furthermore, the Applicant's shadow study shows that the impact to the neighboring properties would be minimal (Exhibit 31A).

(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 would be behind the 6-7' tall privacy fence that encloses the property. The addition would replace the house's existing rear 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.

(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*

All relevant graphical representation is included with the application.

(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 lot occupancy is proposed at 62.3%.

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 additional treatment beyond that proposed.

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 District Agency comments have been submitted on this amended version of the case.

In the original 19917 case, the District Department of Transportation submitted a report stating that they have no objection to the project.

VII. COMMUNITY COMMENTS

ANC 6C submitted a report in support of this amended version of this case, (Exhibit 32).

In the original 19917 case, both adjacent neighbors submitted comments in support.