

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen Cochran, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** March 22, 2018

**SUBJECT:** BZA Case 19933 – Requests for Variance from the Lot Occupancy Requirements of Subtitle E § 504.1 pursuant to Subtitle X § 1000.1, and a Special Exception from the Rear Yard Requirements of Subtitle E § 506.1 pursuant to Subtitle X § 901.1 to Construct a One-Story Addition to a Single-Family Rowhouse in the RF-3 Zone at 156 Duddington Place, SE

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **Approval** of the following area variances:

- From the lot occupancy requirements of E § 504.1, pursuant to Subtitle X, § 1000.1: (60% lot occupancy permitted by-right; 72.9% existing; 79.5% proposed);
- From Subtitle C § 202.2 for an addition to a non-conforming building.

OP has advised the applicant to provide the following information to the record by the hearing:

- A plat accurately showing the building’s existing and proposed footprint, with dimensions. Although the applicant has submitted a new plat, it does not show the correct footprint of the proposed addition, as reflected in the architectural drawings (Exhibit 35), just the width of the existing court;
- Clarification of the exact height of the existing fence between the applicant’s property and the west-adjacent property.

The self-certified application further requests a special exception from the rear yard requirements of E § 506.1. However, the proposed addition would neither result in a reduction to the rear yard, nor increase the yard’s existing non-conformity. The proposed addition would fill-in an open court but would not change the rear yard, so rear yard relief does not appear to be needed. OP has discussed this with the applicant and has not analyzed this request or provided a recommendation.

**II. LOCATION AND SITE DESCRIPTION**

Address:	156 Duddington Place, SE
Applicant:	Sarah Beth Kuyers and Josh Kuyers
Legal Description:	Square 736, Lot 68
Ward / ANC:	6 / 6B

Zone:	RF-3, within U.S. Capitol Precinct Area
Lot Characteristics:	891 SF level rectangular north-south interior lot on the north side of the street.
Existing Development:	2-story rowhouse with west-side court opening to the rear
Adjacent Properties:	Nearly identical rowhouses with same footprint as applicant's
Surrounding Neighborhood Character:	On Duddington Place, there are similar 2-story rowhouses, some of which have rear additions or have filled-in courts. Within the Square, there are both 2 and 3 story rowhouses and moderate density apartment buildings.
Proposed Development:	1-story addition filling in side court.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Height E § 503.2	35 ft. max. 3 stories	< 35 ft. 2 stories	No change	Conforming
Lot Width E § 201	18 ft. min.	14.75 ft.	No change	Existing non-conformity
Lot Area E § 201	1,800 sq. ft. min.	891 sq. ft.	No change	Existing non-conformity
Max. # Dwelling Units E § 502	No more than 2	1	No change	Conforming
<b>Lot Occupancy</b> <b>E § 504.1</b>	<b>60% max., by-right</b> <b>70% special exception</b>	<b>72.9 %</b>	<b>79.5%</b>	Expansion of existing non-conformity. <b>Variance requested</b>
Rear Yard E § 506.1	20 ft. min.	12.4 ft.	12.4 ft.	Existing non-conformity. Special Exception Requested in error.
Side Yard E § 507	None required, but 5 ft. min. if provided	n/a	n/a	Conforming
Court E § 203	2.5 in./1 ft. height min.	Not Known	Elimination of court	Conforming
Parking C § 701.5	None required for 1-unit bldg. in RF	0	No change	Conforming
Pervious Surface E § 204.1	0% for lot < 1800 SF	Not Known	No Change	Conforming

#### **IV. ANALYSIS**

##### **Area Variance from Subtitle E § 504.1 Lot Occupancy Requirements and Subtitle C § 202.2 Addition to a Non-Conforming Building, both Pursuant to X § 1000.1**

*Due to an exceptional physical characteristic or situation related to the property, denial of the requested variance would result in an exceptional practical difficulty*

At 891 square feet, the lot is exceptionally small – less than half the size of what is required in the R-3 zone. If the lot met the minimum 1800 square foot requirement for a rowhouse in the R-3 zone, the existing 649.5 SF house would occupy only 36% of the lot, and the proposed 58 square foot kitchen addition would increase the lot occupancy to only 39%. However, the exceptionally small lot size leads to the proposed 58 SF, ground floor addition increasing lot occupancy by 6.6%. With respect to both E § 504.1 and C § 202.2, the uniquely small size of the lot leads to a practical difficulty in renovating a kitchen to meet contemporary expectations.

*Granting the relief would not result in a substantial detriment to the public good*

Granting the requested relief would not pose a substantial detriment to the public good. The addition would be 11'6" tall, plus a 1-foot parapet. With the addition's being contained within an existing open court facing the rear of the property and not extending past the existing rear façade, it would not be visible from Duddington Place or from the property to the east. The existing rear fence would minimize the view of the addition from the rear alley. The addition would be visible from the property to the west. However, with the ground floor addition's being only about five to six feet higher than the existing 6 ½ to 7-foot tall fence separating the two properties, the impact should not result in a substantial detriment to the west-adjacent property. It would not increase any shadowing on the adjacent property already cast in the morning by the applicant's existing two-story house

*Granting the relief would not result in a substantial impairment to the intent, purpose and integrity of the zone plan. X*

Granting the relief from E § 504.1 and C § 202.2 would not result in a substantial impairment to the intent of the zone plan. The building would remain a single-family house in a zone that would permit a flat. The addition would not extend past the rear wall of either adjacent property. The ground floor addition would be half of the height of the existing two-story house in a zone that permits 3 stories. Any impact on the already non-conforming rear yard would be limited to the filling-in of a court; there would be no decrease in the distance between the farthest rear wall and the rear property line.

##### **Conformance with Criteria for the Capital Interest Zone**

With respect to Subtitle E § 5202's criteria for relief within the Capital Interest Zone, the Architect of the Capitol has stated it has no objection to the project (Exhibit 31).

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

The District Department of Transportation has no objection to this application (Exhibit 32).

## VI. COMMUNITY COMMENTS

ANC 6B voted unanimously to support the application (Exhibit 27).

At the time OP completed this report, the file included an e-mail supporting the project from the east-adjacent neighbor and 4 e-mails in support of the project (all consolidated in Exhibit 40). While the west-adjacent neighbor has had extensive communications with OP registering concerns about the proposed addition, there was no filing from that neighbor in the case exhibits as of March 20, 2019.

### Location Map

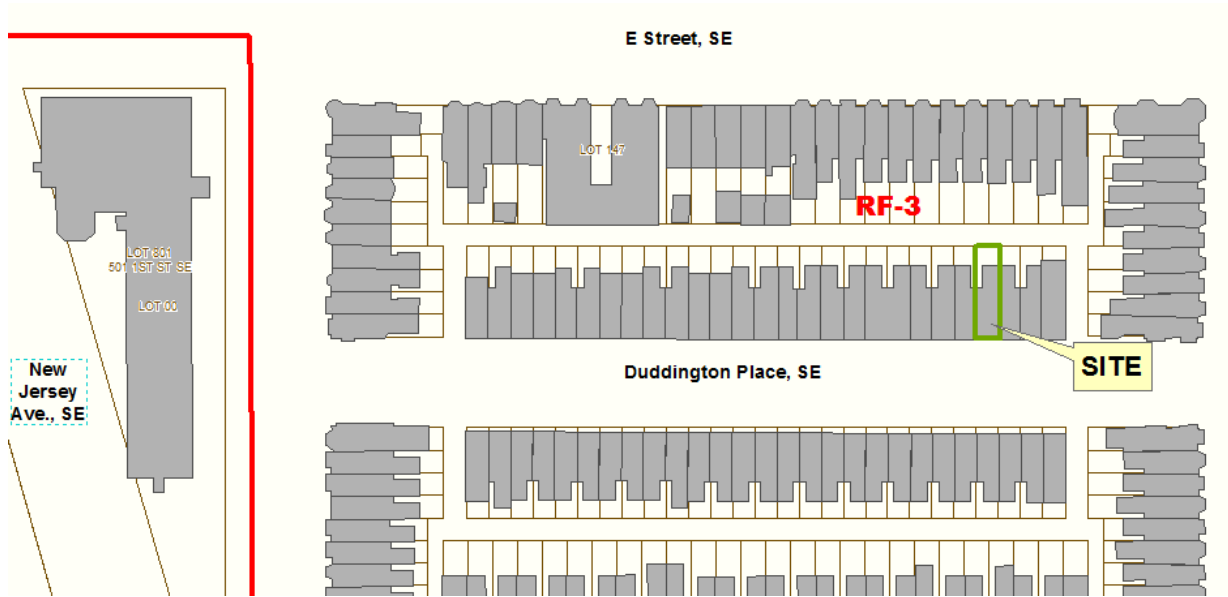


Figure 1. Location Map