

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: March 29, 2019

SUBJECT: BZA Case 19976: Requests for a Special Exception from the lot occupancy requirement of Subtitle E § 304.1 pursuant to Subtitle E § 5201 and Subtitle X, Chapter 9 for an addition to an existing residential building, and a new accessory structure, at 124 11th Street, S.E. in the RF-1 zone. (Square 989, Lot 38).

I. BACKGROUND

The application was advertised as a request for a variance from the lot occupancy requirements of Subtitle U § 304.1 (Exhibit 29). The updated zoning self-certification (Exhibit 34) requests a special exception, not a variance, from Subtitle E § 304.1, pursuant to Subtitle E § 5201’s criteria for an addition in the RF-1 zone. The application is correctly noticed on the OZ website.

II. RECOMMENDATION

The Office of Planning (OP) **recommends approval of the following special exception:**

- From Subtitle E § 304.1’s lot occupancy requirements, pursuant to Subtitle E § 5201 and Subtitle X § 901.2 (60% lot occupancy permitted by right, 70% permitted as special exception, 67.72% requested)

By the hearing, the applicant should clarify whether the proposed lot occupancy includes the approximately 1-foot deep projection of the 2nd floor balcony past the rear wall line of the proposed 1st floor addition (Exhibit 6, Sheet A0300) and the balcony on the west side of the proposed accessory structure.

III. LOCATION AND SITE DESCRIPTION

Address	124 11 th Street, S.E.
Applicant	Sullivan & Barros, LLC representing owners Paul and Rose Nathan,
Legal Description	Square 989, Lot 38
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Lot Characteristics	Rectangular, level 2115 SF lot. 18 feet wide, with 30 ft. wide alley at rear.

<p>Historic</p>	<p>Capitol Hill Historic District</p>
<p>Existing Building(s)</p>	<p>Three-story plus cellar rowhouse</p>
<p>Adjacent Properties</p>	<p>Similar three-story rowhouse to south. 2-story rowhouse to north. Apartment building across rear alley.</p>
<p>Surrounding Character</p>	<p>Two blocks south of Lincoln Park. Moderate density 2 & 3-story primarily rowhouse residences, with some moderate-density apartment buildings.</p>
<p>Proposed Development</p>	<p><u>1st floor:</u> construct 4-foot deep, 12' 5 3/4" addition to kitchen.</p> <p><u>2nd floor:</u> construct ~ 5' deep balcony atop 1st floor addition</p> <p><u>3rd floor:</u> Construct bedroom and bathroom addition where there is now a deck. It would extend no farther than the existing rear wall on the 2nd floor.</p> <p><u>New accessory structure:</u> Construct two-story structure with garage on 1st floor and additional room on second floor. Applicant states the development on the lot would remain a single-family structure.</p>
<p>Location</p>	

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone Regulation	Requirement	Existing	Proposed	Relief
Lot Width (rowhouse) E § 201	18 ft. min.	18 feet	same	None Required
Lot Area (rowhouse) E § 201	1800 SF. min.	2115 sq. ft.	same	None Required
Height E § 303	35 ft., 3 stories max.	33 ft. 6 in., 3 stories	same	None Required
Lot Occupancy E § 304.1	60% max. (70% by spec. exception)	45.75%	67.72%	Special Exception Required and Requested
Rear Yard E § 306.1	20 ft.	41.75 ft.	36.25 ft.	None
Side Yard E § 307	5 ft. min., if provided	0	0	None Required
Parking C § 701.5	1 space	1 space	1 space	None Required

V. ANALYSIS**Relief from Subtitle E § 304's Limitations on Lot Occupancy pursuant to Subtitle E § 5201.**

The combination of the 4-foot extension to the rear of the existing and the construction of a new accessory building would increase the lot occupancy from 45.7% to 67.72%, which would be permitted as a special exception pursuant to the following criteria. OP has asked the applicant to clarify if the lot occupancy calculation includes the ~ 1-foot overhand to the proposed second-floor balcony and the rear-yard facing balcony on the proposed accessory building.

Subtitle E§ 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1: The Board of Zoning Adjustment may approve as a special exception in the RF 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...

Lot Occupancy relief is requested.

5201.2 Special exception relief under this section is applicable only to the following:

(a) An addition to a residential building; ...

The proposed construction would be an addition to a building that is now and would remain a residential building.

5201.3 An applicant for special exception under this section shall demonstrate that the 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 portion of the house addition that would extend the length of the building by 4 feet is on only the ground floor. The addition would extend 5'6" past the rear wall of the house to the south and would not extend past the rear wall of the house to the north. It is not likely to unduly affect the light and air available to neighboring properties.

The proposed two-story accessory building would abut two-story garages to the north and the south and should not impact the light or air available to those properties' rear yards or houses.

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

The privacy of use for neighboring properties should not be unduly compromised. The proposed addition would remove a large open deck atop the 2nd floor and replace it with enclosed rooms and a small balcony, thereby decreasing the potential for noise that may have been generated from the roof deck.

The proposed accessory building would have windows and a balcony facing west, towards the rear walls of the adjacent houses. It would be approximately 40 feet from either adjacent house and should not have an undue impact on those properties' use or enjoyment.

(c) The addition or accessory structure...shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;

Neither the proposed brick-faced addition nor the proposed brick-faced accessory building would be visible from a public street. The proposed 2-story accessory structure would likely block the view of most of the house's rear addition from the alley, and would be consistent in form and design with the several other garages and two-story carriage houses along the rear alley.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations ... sufficient to represent the relationship of the proposed addition ...to adjacent buildings and views from public ways; and

The applicant has provided sufficient information to assess compliance with these criteria.

(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 applicant states that the proposed lot occupancy would be 67.7% and would, therefore, be eligible for special exception consideration. However, the applicant should confirm that any balcony projections have been factored into lot occupancy calculations.

5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, ... for the protection of adjacent and nearby properties.

OP does not recommend the Board require any special treatment.

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

The existing and proposed use is a conforming 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 existing and proposed heights are within the by-right limits of the RF-1 zone.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

There were no comments filed by other District agencies at the time OP completed this report.

VII. COMMUNITY COMMENTS

ANC 6B voted to support the application (Exhibit 32).

At the time OP completed this report there were six letters of support in the case file (Exhibits 11 – 16), including both adjacent property owners.

The file contained a petition in support signed by 5 neighbors (Exhibit 42) and two letters in support by the owner of the property to the east, 434 Park Road, NW (Exhibits 41 and 43).