

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: May 10, 2019

SUBJECT: BZA #20017 – 1128 6th Street, NW – Request for special exception relief under Subtitle F § 5201 to permit the expansion of an existing residential building

I. RECOMMENDATION

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

- F § 304 Lot Occupancy (60% permitted as a matter of right; 70% permitted by special exception; 41% existing; 66% proposed).

II. LOCATION AND SITE DESCRIPTION

Applicant	1128 6 th Street, LLC
Address	1128 6 th Street, NW
Legal Description	Square 449, Lot 40
Ward / ANC	6, 6E
Zone	RA-2 (Moderate density apartments)
Historic District or Resource	Mt. Vernon Square Historic District
Lot Characteristics	Rectangular 18'-wide and 116' deep lot with a 25' alley to the west.
Existing Development	Two story plus basement single family rowhouse.
Adjacent Properties and Neighborhood Character	Rowhouse-type structures to the north and south; Buildings facing 6 th Street are primarily rowhouse-type buildings, along with a church; Medium-scaled apartment buildings to the west across the alley; Higher density development along New York Avenue, to the south.
Proposal	Construct a rear and third-story addition and change use from single family dwelling to a 5-unit building. The penthouse level originally proposed has been removed pursuant to Historic Preservation Review Board (HPRB) guidance.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests relief for lot occupancy in order to construct a rear and upper story addition as proposed.

Item	Regulation	Existing	Proposed	Relief
Lot Width	n/a	18'	No change	Conforming
Lot Depth	n/a	116'	No change	Conforming
Lot Area	n/a	2,088 sf	No change	Conforming
FAR F 302	1.8	1.1	1.8	Conforming
Height F 303	50'	32.7'	38.5'	Conforming
Lot Occupancy F 304	60% 70% by spec. ex.	41% 856 sf	66% 1,379 sf	Requested
Rear Yard E 305	15' min.	68'	30'	Conforming
Side Yard E 306	None required	None	No change	Conforming
Parking C 701	1	2	No change	Conforming

IV. ANALYSIS

SUBTITLE F § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *The Board of Zoning Adjustment may grant special exception 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.*

- (a) *Lot occupancy;*
- (b) *Yards; and*
- (c) *Green area ratio.*

The applicant seeks a special exception for lot occupancy.

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

- (a) *An addition to an existing residential building; or*
- (b) *A new or enlarged accessory structure that is accessory to such a building.*

The subject of the application is an addition to an existing residential building.

5201.3 *An application 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 compromised;

The light and air available to neighboring properties should not be unduly affected. According to the application, the lot occupancy above the matter of right limit of 60% is mostly the result of the rear egress stairs. The rear addition would cast some additional shadow on the properties to the north, but the project would not be as tall as could be permitted, lessening potential shadow impact. The rear yard would also be greater than the minimum required. As shown on the shadow study submitted with Exhibit 33, the proposed scheme has only slightly greater impact than a matter of right proposal.

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

The privacy of adjacent properties should not be unduly compromised. The renovated structure would have windows on the rear façade, but the configuration would not be different than what could be achieved as a matter of right. Furthermore, much of the back yards of nearby properties are currently used for parking, rather than private recreation space.

(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 would not be visible from 6th Street, but would be visible from the alley. It would not impact the character of the alley, which features a number of rear additions, a church built to the rear lot line, and a large carriage-house type structure. Apartment buildings also abut or approach the west side of the alley.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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 to represent the existing and proposed conditions.

- (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 application proposes a lot occupancy of 66%.

- 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 recommends no special treatments or conditions.

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

The applicant intends to use the property as an apartment building, a matter-of-right use in the RA-2 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.*

The height of the building would be conforming.

V. HISTORIC PRESERVATION

The HPRB has reviewed the project and directed that the penthouse on the project, seen in Exhibit 9, be removed. The project will now not have a penthouse, but only a three-story plus basement addition. OP anticipates the applicant will submit revised plans prior to the public hearing.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

VII. COMMUNITY COMMENTS

The record includes a letter of support from the ANC at Exhibit 30.