

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: May 24, 2019

SUBJECT: BZA Case 20023- request for Special Exception relief to enclose a 2nd story rear porch at 1005 P Street, N.W.

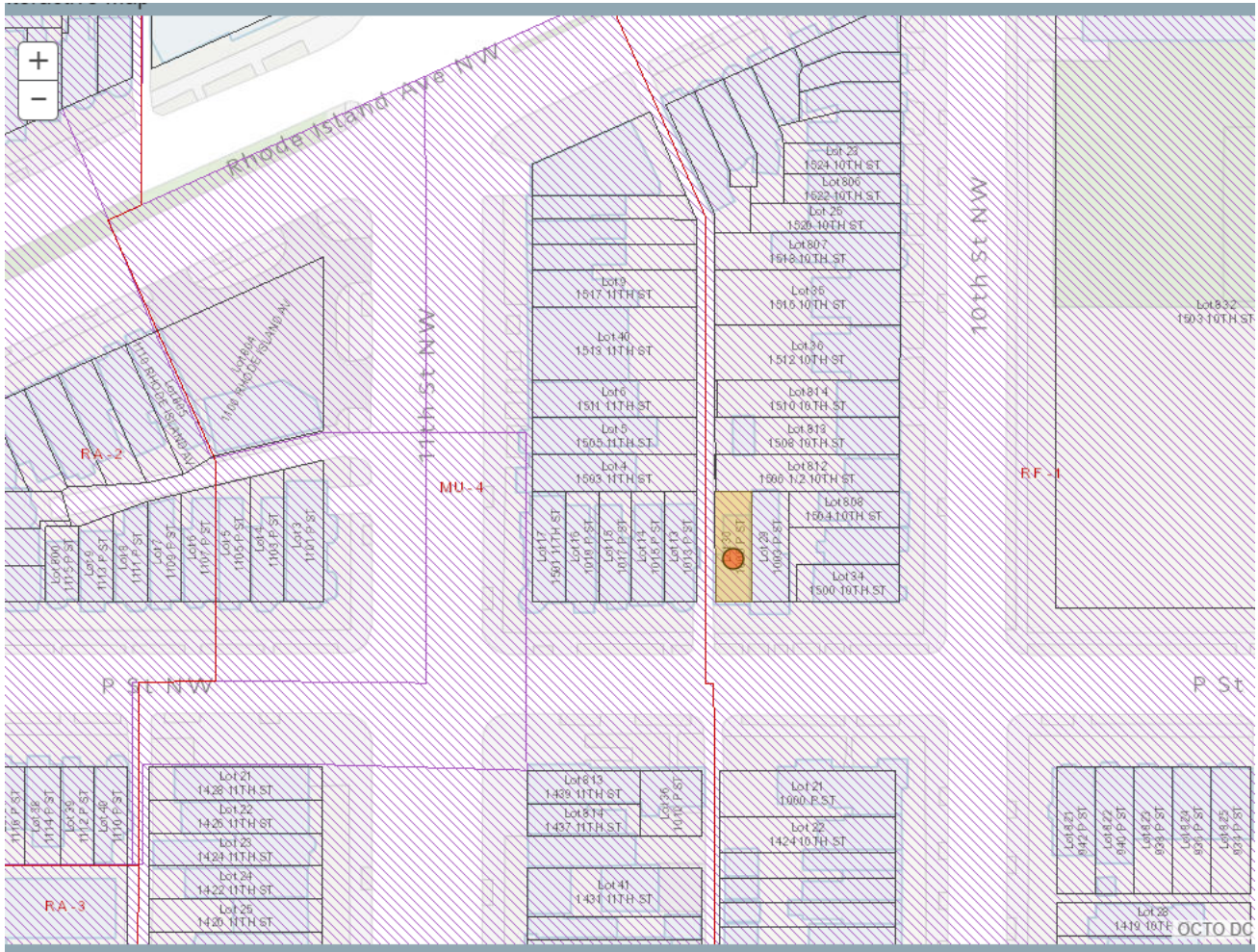
I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Special Exceptions pursuant to Subtitle E § 5201:

- Subtitle E § 304.1 Lot Occupancy (60% maximum allowed; 70% existing, 70% proposed)
- Subtitle E § 306.1 Rear Yard (20’ minimum required; 12.33’ existing, 12.33’ proposed); and
- Subtitle C § 202.2 for the expansion of a non-conforming structure

II. LOCATION AND SITE DESCRIPTION

Address:	1005 P Street, N.W.
Legal Description:	0337 0030
Ward / ANC:	Ward 6/ ANC 6E
Zone:	RF-1
Historic District:	Shaw Historic District
Lot Characteristics:	1,200 SF rectangular lot
Existing Development:	Semi-detached dwelling
Adjacent Properties:	There is a row dwelling to the west across the alley and there is a semi-detached dwelling immediately to the east of the subject property. Across P Street is a block of row dwellings that front on 10 th Street.
Surrounding Neighborhood Character:	The subject square is predominantly residential with row dwellings and a few apartment buildings and a commercial property along Rhode Island Avenue at the north side of the square.



III. PROJECT DESCRIPTION IN BRIEF

The Applicant proposes to enclose an existing 216 SF open porch off the rear of the second floor as part of the overall renovation of the house and its conversion from two units to a single family dwelling. The lot occupancy would not increase as part of the renovation as the Applicant proposes to enclose the second floor porch over the first floor covered deck footprint. The existing building is non-conforming for lot occupancy and rear yard requirements and those calculations would not change as a result of this project.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone (Subtitle E)	Regulation	Existing	Proposed ¹	Relief
Height	35 feet	21 feet	No change	None requested
Lot Width	18 feet min.	20 feet	No change	Existing non-conformity
Lot Area	1800 SF min.	1200 SF	No change	Existing non-conformity
Rear Yard	20 feet min.	12.33 feet	12.33 feet	Relief requested
Lot Occupancy	60% max.	70%	70%	Relief requested

V. OP ANALYSIS

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;*
- (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 Applicant has requested special exception relief from the lot occupancy and rear yard provisions as well as for the enlargement of nonconforming structures.

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:

¹ Information provided by applicant.

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The light and air available to neighboring properties would not be unduly affected by the proposed enclosure of the existing open covered porch. The adjacent house to the east extends further back than the subject property and has 100% lot occupancy so this addition would have no effect on that neighbor's light and air. The house to the west is separated by an alley and extends further back at the rear than the subject house.

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

The privacy of neighboring properties would not be compromised as the enclosure would be no larger than the existing porch. There are no windows proposed on the side of the addition and the windows on the rear elevation would face the rear yard and the rear yard of a row dwelling along 10th Street. The adjacent house to the east extends further to the north than the subject property so this would have no effect on that neighbor's privacy. The house to the west is separated by an alley and also extends further to the north at the rear than the subject house.

- (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 proposed rear addition would not be visible from the street because it would be located at the rear of the building and inset from the west side where the alley might otherwise allow for some visibility at an angle from the street. The addition would be visible from the adjacent public alley that runs along the west side of the house, but the small second story porch enclosure would not visually intrude upon the character, scale and pattern of houses as seen from the alley.

- (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*

The applicant provided adequate photos and plans to represent the relationship of the addition to adjacent buildings and public ways.

- (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 proposed lot occupancy would be 70%, which is the existing lot occupancy, and is permitted by special exception.

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 any special treatment.

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

The use of the property would be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

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 building is currently within the maximum height and number of stories permitted as a matter-of-right in this zone and the Applicant does not propose an increase in its height or number of stories.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other District agencies had been filed at the time of this report.

VII. COMMUNITY COMMENTS

At the time of this report one letter of support from the adjacent property owner to the west had been filed into the record in Exhibit 35.