

**STAFF REPORT**

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

**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** July 11, 2019

**SUBJECT:** BZA #20063 – 1210 T ST NW – Special Exception to construct 1- story rear addition for a conservatory

**I. RECOMMENDATION**

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

- E.§304 Lot Occupancy (60% permitted; 61.15% existing; 68.58% proposed)
- E.§306 Rear Yard (20 ft required; 19 ft existing; 18 ft proposed)
- C § 202.2 Expansion of an existing nonconforming structure

**II. LOCATION AND SITE DESCRIPTION**

|                                    |   |
|------------------------------------|---|
| Applicant                          | Mark Freeman on behalf of Siri Fiske  |
| Address                            | 1210 T ST NW  |
| Legal Description                  | Square 275, Lot 0046  |
| Ward / ANC                         | Ward 1; ANC 1B  |
| Zone                               | RF-1  |
| Historic District or Resource      | Greater U ST  |
| Lot Characteristics                | 80 ft x 17.21ft rectangular shaped lot  |
| Existing Development               | rowhouse  |
| Adjacent Properties                | rowhouse  |
| Surrounding Neighborhood Character | Predominantly attached and multifamily residential neighborhood with some institutional uses. |
| Proposed Development               | The applicant is proposing a rear addition for a conservatory.                                |

### III. LOCATION MAP



### IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

| RF-1 Zone               | Regulation       | Existing <sup>1</sup> | Proposed                               | Relief                             |
|-------------------------|------------------|-----------------------|--|------------------------------------|
| Lot Area E§ 201         | 1,800 sq.ft. min | 1,377.6 sq.ft.        | 1,377.6 sq.ft.                         | Existing Non-Conforming            |
| Lot Width E§ 201        | 18 ft            | 17.21 ft.             | 17.21 ft.                              | Existing Non-Conforming            |
| Height D§303            | 35 ft. max.      | 40 ft.                | 40 ft.<br>approx. 18 ft.<br>(addition) | Existing Non-Conforming            |
| Lot Occupancy D§ 304    | 60% max.         | 61.15%                | 68.58%                                 | <b>Special Exception Requested</b> |
| Rear Yard D § 306       | 20 ft. min.      | 19 ft.                | 18 ft.                                 | <b>Special Exception Requested</b> |
| Vehicle Parking C § 701 | 1                | 1                     | 1                                      | Conforming                         |

### V. ANALYSIS

#### Subtitle D Chapter 5201, special exception relief for an addition

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:*

<sup>1</sup> “Existing” and “Proposed” information provided by the applicant.

- (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 conservatory addition needs lot occupancy and rear yard relief as well as relief to expand an existing nonconforming structure.

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 proposed conservatory would be 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 conservatory would be under two stories, so it should not unduly impact either neighbors' light and air. The Applicant's shadow study, which is included in their Burden of Proof submittal, also shows that the conservatory would have little impact on their neighbors (Exhibit 12).

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

The neighboring properties' privacy of use and enjoyment should not be unduly compromised by the proposed conservatory. On the eastern side of the conservatory, the neighbor's privacy wall and fence would provide screening. The conservatory would also have a green wall on this side. On the western side of the conservatory, the neighbor's existing masonry wall and privacy fence would provide screening. The conservatory firewall would also be visible on this side but since it contains no windows the neighbor's privacy should not be impacted.

- (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 conservatory addition would not be visible from T Street NW but it would be visible from the rear alley. The design of the conservatory would not be out of character with the area. Its height and width would be in scale with the surrounding buildings.

Furthermore, there are other nearby examples of similar size one story additions in the neighborhood.

*(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 application includes plans, shadow studies, elevations and photographs.

*(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 includes a request for special exception relief for a 68.58% lot occupancy.

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.*

No special treatment recommended.

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 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 height would continue to be in conformance with the zone.

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

Historic Preservation staff reviewed the application and noted their concern over the height of the western firewall. The Applicant's response is that the firewall's design conforms to building code. Since the firewall's height does not need zoning relief, this issue should be addressed when the application is reviewed by Historic Preservation.

DDOT submitted a report stating no objection to the proposal (Exhibit 28). As of the writing of this report, no other District Agencies comments have been submitted on this case.

## **VII. COMMUNITY COMMENTS**

The adjacent neighbor to the east submitted a letter in support (Exhibit 9).

As of the writing of this report, no report has been submitted from ANC 1B.