

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: July 19, 2019

SUBJECT: BZA Case 20080 - request for special exception from Subtitle E § 506.1 to allow construction of a rear addition at 323 5th Street, SE extending more than ten feet past the rear wall of a building on an adjacent property

I. RECOMMENDATION

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

- E § 506.1, length of rear addition in relation to farthest rear wall of principal residential building on an adjacent property (no greater than 10 feet beyond permitted; 20 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	323 5 th Street, SE
Applicant:	Ann-Louse Yon and Edwin Darilek
Legal Description:	Square 820, Lot 30
Ward / ANC:	6 / 6B
Zone:	RF-3
Lot Characteristics:	flat, rectangular, 16.3-foot-wide, 1709 square foot lot with frontage on west side of 5 th Street, S.E. and no rear alley.
Existing Development:	Two-story flat
Adjacent Properties:	Two-story residential row houses on each side, with the house to the south having a rear addition approved in BZA 18938
Surrounding Neighborhood Character:	Primarily rowhouses, with some moderate density apartment buildings.
Proposed Development:	A 20-deep rear addition, with an adjoining deck and stairs less than four-feet above grade, and a bay projection on the second floor.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-3 Zone	Regulation	Existing	Proposed	Relief:
Lot Width; Lot Area E § 201	18 ft.; 1800 SF min.	16.3 ft. 1709 SF	No change	Existing non-conformity
Height E § 503.2	35 ft. max. 3 stories	26.8 ft. 2 stories	35 ft. 2 stories	Conforming
Max. # Dwelling Units E § 502	No more than 2	2	No change	Conforming
Lot Occupancy E § 504.1	60% max., by-right 70% special exception	41.1 %	54.2%	Conforming
Depth of New Rear Additions E §§ 205.4 – 205.5	≤ 10' past farthest rear wall of any principal res. bldg. on adjacent property	parallel to north-adjacent wall; less deep than south-adjacent wall	20 feet past north-adjacent wall; 2' less than south-adjacent wall	Special Exception Requested
Rear Yard Depth E § 506.1	20 ft. min.	57.5 ft.	37.5 ft.	Conforming
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	1 per 2 units, if alley access	0, no alley access	No change	Conforming
Pervious Surface E § 204.1	0% for lot < 1800 SF	Not Known	Not known	Not known

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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:

(a) *Lot occupancy;*

...

The applicant seeks relief from the rear yard regulations of Subtitle C § 205.4, as permitted by C § 205.5

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 addition would be 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 proposed addition should not unduly affect the light or air available to neighboring properties. The site plan in relation to adjacent properties is shown in Figure 2 of this report.

The residence to the south is at 325 5th Street, NE. The proposed addition would extend two-feet less than 325's rear addition, which was constructed in accordance with 2015's BZA Order 18938. The addition at 325 is completely enclosed on the first floor and has no north-facing windows. It has an open porch on the second floor. The lesser depth of the proposed addition should enable adequate air and light to the porch to the south.

The residence to the north, at 321 5th Street, is already subject to shadowing from the existing rear addition at 325 5th Street, SE. It does not seem likely that the shorter addition proposed for 323 5th Street, which would be pulled back 5 feet from its northern property line, would have an undue impact on the light or air available to the enclosed portion of the house to the north or on the light available to the rear deck of the north-adjacent house, which already has a privacy screen on its south side. The proposed addition may have an impact on the breezes reaching the deck at 321 5th Street, but this impact should not be undue.

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

The proposed addition would not have any windows on its southern party wall. The addition would have two 2 ft. 4 ½" - wide windows on the north side of the first floor and one horizontal window above shoulder-height on the second floor. These would be set-back five feet from the property line. One of these windows would be directly across from the opaque screen on the rear deck on 321 5th Street. The other windows would not provide a line-of-sight into rooms at 321 5th Street. With the proposed rear deck of the applicant's house being further removed from the deck at 321 5th Street than it is now, and sight-lines from the new deck being partially block by the proposed addition, there should be no undue impact on the privacy and enjoyment of use of the neighboring properties.

- (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 the street and there is no rear 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 has provided sufficient information to comply with this criterion.

(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 54.2% lot occupancy would be within by-right limits.

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 the inclusion of any conditions with the Board's approval.

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

The structure's use would continue to be a conforming flat.

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 proposed height and number of stories would be conforming.

V. COMMENTS OF OTHER DISTRICT AGENCIES

There were no comments by District agencies when OP completed this report.

VI. COMMUNITY COMMENTS TO DATE

ANC 6B is in support of the application (Exhibit 32).

The contains a letter of support signed by the adjacent neighbors at both 321 and 325 5th Street, S.E. (Exhibit 28).

Attachments:

Location Map

Site Plan

Figure 1: Location Map



Figure 2. Proposed Site Plan of 323 5th Street, SE in relation to adjacent buildings.

