

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director, Development Review
DATE: October 11, 2019
SUBJECT: BZA Case 20124: Request for special exception from lot occupancy and rear yard requirements to enable construction of a rear addition in the RF-1 zone at 333 9th Street, S.E.

I. RECOMMENDATION

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

- E § 304.1, Lot Occupancy (60% maximum, 56.3% existing; 70% proposed); and
- E § 306.1, Rear Yard (20 ft. minimum, 22.6 ft existing; 19.6 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address	333 9 th Street, S.E.
Applicant	Sam and Joelle Ballew; Jennifer Fowler, agent
Legal Description	Square 924, Lot 38
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Lot Characteristics	16-foot wide rectangular interior lot without alley access
Existing Development	A two-story plus basement single-household row dwelling. 1 st floor has covered deck at rear; 2 nd floor has a rear addition with a deck and an enclosed room; basement has rear excavated terrace.
Adjacent Properties	Similar row houses, each with a two-story addition. The addition to the north extends approximately 12.5 feet past the farthest rear wall of applicant's existing rear wall. On the addition to the south, the first floor extends 5'8" past the applicant's farthest rear wall and the second floor is in-line with the applicant's farthest rear wall.
Neighborhood Character	Moderate density residential
Proposed Development	Construct a two-story rear addition consisting of an 11'1" deep, 16'- wide (lot-width) sunroom on the first floor and, on the second floor, an 11'1" deep and 11'2" wide bedroom, setback 3'6" from the northern property line.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E §201	18-foot min.	16 ft.	Same	Existing Non-Conformity
Lot Area E §201	1,800 SF min.	1004 SF	Same	Existing Non-Conformity
Height E §303	35-ft. max.	30 ft.	Same	None Required
Lot Occupancy E §304	60% max.	56.3%	70%	Special Exception Requested
Rear Yard E §306	20-foot min.	22.6 ft.	19.6 feet	Special Exception Requested
Parking C, Chapter 7	0	0	0	None Required
Pervious Surface E §204.1	0%	Not known	Not known	None Required

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 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 requests special exceptions from lot occupancy and rear yard requirements.

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 applicant is requesting the relief to permit 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 proposed addition should not have an undue effect on the light or air available to the neighboring properties. The existing addition on the house to the north (331 9th Street SE) is approximately two-feet north of the property line, extends approximately 12.5 feet past the farthest

rear wall of the applicant's existing rear wall, and extends 7 feet past the applicant's proposed addition. This property has south-facing windows on the first and second floors. One second floor window would be directly across from the applicant's proposed addition, but with the proposed removal of the second-floor porch the distance between the applicant's proposed second floor and the house to the north would be greater than it is now.

The addition on the house to the south (335 9th Street, SE), is essentially in-line with the farthest rear wall of the applicant's proposed addition. 335 9th Street's addition has a bay window on the first floor, with north and south-facing windows no closer than five feet from the property line shared with the applicant.

The proposed addition should have no impact on the property to the west, where the rear wall of an accessory structure would be approximately 35 feet from the rear of the applicant's addition.

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

There should be no undue compromise on the privacy of enjoyment of use of neighboring properties.

The first floor of the proposed addition would have no windows on the north side. The alignment of the applicant's proposed window on the second floor should have less of an impact on the privacy of 331 9th Street's south-facing second floor window than the applicant's existing covered porch, which is directly across from the window to the north.

The addition would extend 5'8" past the property to the south and would have no windows on its south side. It should not compromise the privacy or use of the property to the south.

The proposed addition should have no impact on the west-adjacent rear yard or that property's 35-foot-distant accessory structure, which is screened by a seven-foot high fence and foliage.

(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 addition would not be visible from any public street or alley and should have no impact on neighborhood character.

(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 submitted photographs, plans, elevation and section drawings sufficient to represent the proposed addition from adjacent buildings and to demonstrate that it would not be visible from 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 is 70%, the maximum 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 makes no recommendations for 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 request is to expand an existing single-family dwelling, a use permitted as a matter of right within the RF-1 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.

Approval of the request would not have an impact on the building's existing height or number of stories, neither of which are non-conforming.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments had been received from other District agencies at the time OP completed this report.

VI. COMMUNITY COMMENTS

The applicant has filed letters of from support from the north-adjacent and south-adjacent neighbors. (Exhibits 28 and 29). No other community comments, or a report from ANC 6B, were on file at the time OP completed this report.

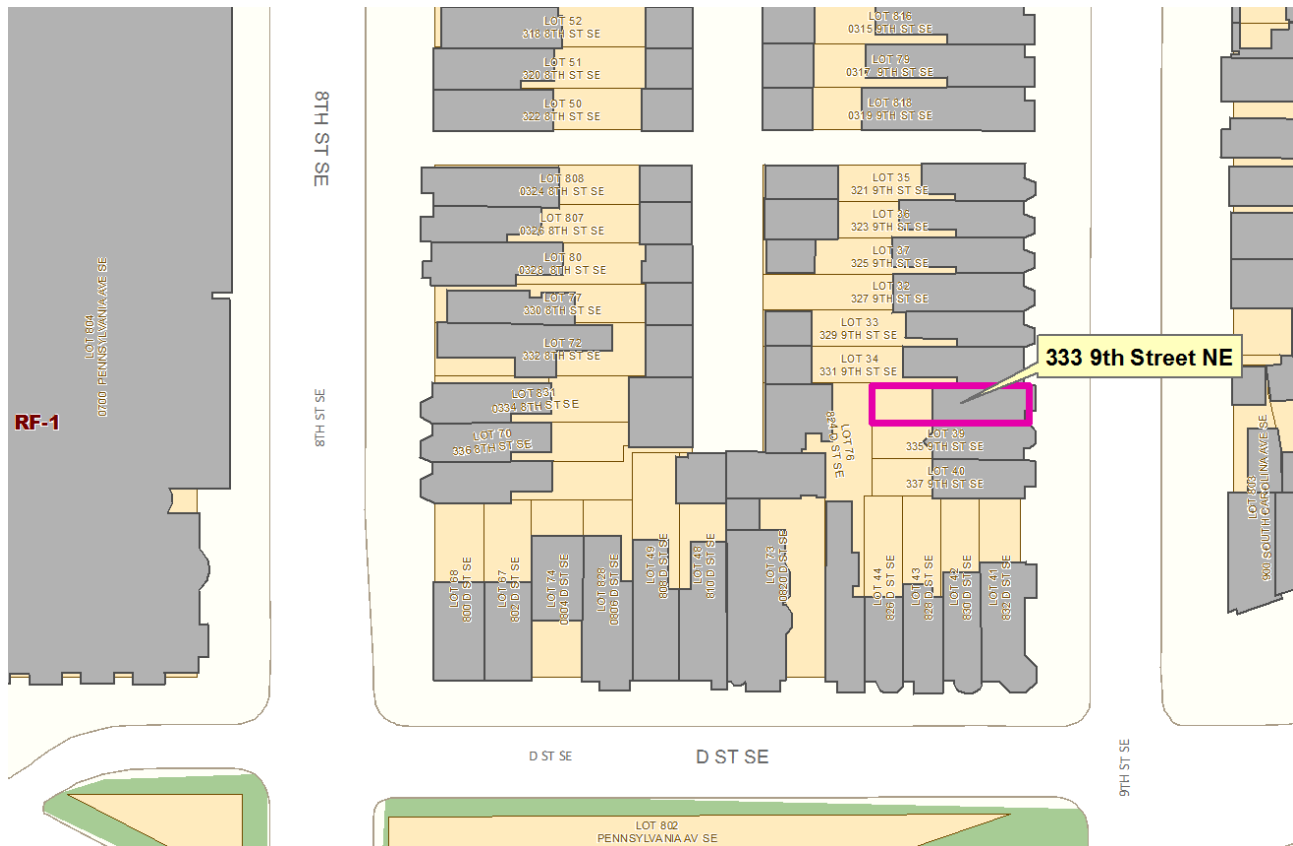


Figure 1. Location Map