

EMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 3, 2020
SUBJECT: BZA Case 20144: Request for special exception relief pursuant to Subtitle E § 5201.1 to permit a rear addition to a principal structure and a second-floor addition to a one-story detached garage

I. RECOMMENDATION

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

- E § 205.4, Rear Wall Extension beyond Adjoining Residence (10 feet permitted; none existing; 13.25 feet proposed);
- E § 404.1, Lot Occupancy (60% permitted; 57% existing; 69.75% proposed);
- E § 5004.1, Accessory Building Rear Yard (12 feet from alley centerline required; 5 feet existing; 5 feet proposed); and
- E § 202.2, Enlargements or additions to Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION

Address	1832 15 th Street, N.W.
Applicant	David Barth and Lisa Kays
Legal Description	Square 919, Lot 56
Ward, ANC	Ward 2, ANC 2B
Zone	RF-2
Historic District	Greater U Street
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Two-story row house with one-story detached garage at the rear
Adjacent Properties	North: Two-story row house with a one-story detached garage South: Two-story row house with a two-story detached garage East & West: Two and three-story row houses & apartment buildings
Surrounding Neighborhood Character	Two and three-story row houses, three-story apartment buildings and churches

Proposed Development	Two-story plus basement row house rear addition and second-floor office addition to existing one-story garage
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Principal Bldg. Height E § 403	35-foot max.	27 feet	27 feet	None Required
Accessory Bldg. Height E § 5002	20-foot max.	11 feet	19 feet	None Required
Lot Width E § 201	18-foot min.	18.242 feet	18.242 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,824.2 sq.ft.	1,824.2 sq.ft.	None Required
Rear Wall Extension Beyond Adjoining Residence § 205	10-foot max.	None	13.25 feet	REQUIRED
Lot Occupancy E § 304	60% max. (70% by SE ¹)	57%	69.75%	REQUIRED
Rear Yard E § 406	20-foot min.	65.505 feet	50.255 feet	None Required
Accessory Bldg. Setback from Alley Centerline E § 5004	12-foot min.	5 feet on 1 st floor	5 feet on 2 nd floor	REQUIRED
Parking C § 701	1 space	1 space	1 space	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 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;*
- (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 subject application requests relief from lot occupancy and yards.

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

- (a) *An addition to a residential building;*

¹ Section E 5201.3(e) states, “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%).”

- (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 application proposes an addition to a residential row house building, and an enlarged accessory structure, an existing garage accessory to the row house.

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;*

Shadow studies submitted as a part of the application (exhibits 81A and 81B), compare shadows of the existing, proposed and matter-of-right² scenarios for the summer solstice, winter solstice and the spring and fall equinoxes. Comparisons of the matter-of-right scenario, which the applicant could construct without BZA approval provided the lot occupancy was reduced to no more 60 percent³, to the proposed, for which relief is requested, are depicted, with the greatest amount of additional shadow on the adjoining property to the north at twelve noon and three o'clock in the afternoon during the winter solstice (see Exhibit 81B, sheets SS-1.08 and SS-1.09), especially on the roof of that neighbors detached garage. No shadows would result from the proposed addition onto the neighboring property to the south.

A minimum twenty-foot rear yard is required, and the application proposes a rear yard of slightly more than fifty feet, more than twice the minimum required in the RF-2 zone. Even when considering the 18 foot, 6.5-inch-deep accessory garage building in the rear yard, the rear yard would be of sufficient depth that there should be no undue impact on either light or air.

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

The subject property is improved as a row house located between two other row houses, with windows on the rear of the of the subject dwelling facing into the rear yard. These windows, especially those on the first and second floors of the subject property, allow for views into the rear yard of the subject property, and to a lesser extent, into the rear yards of the adjoining properties to the north and south, as do the other houses along the street. The proposed building addition, which would extend out 13.25 feet from the existing rear wall of the subject property, would have no windows or other openings on the sides. Therefore, although the new rear windows of the row house would continue to allow for views across the rear yards of the adjacent properties, the extent of the views into those yards from the subject property would be reduced by 13.25 feet, the depth of the addition, potentially increasing the privacy of those neighbors.

The second-floor addition to the existing garage would be located closer to the rear public alley than otherwise permitted. However, the rear lot line of the subject property adjoins a ten-foot wide alley, across from which is an intersecting east-west alley and

² Provided the lot occupancy does not exceed 60 percent, such as through the demolition of the detached garage, the applicant could, as a matter-of-right, add a ten-foot deep building extension onto the rear of the dwelling.

³ The subject application requests special exception relief from Section E 304.1 to increase the lot occupancy from 60 to 69.75 percent.

parking pads or garages at the rear of 1512 through 1516 T Street. Therefore, the use of neighboring properties would not be unduly compromised.

- (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 building additions would not be highly visible from the street but would be visible from the public alley system at the rear of the subject property. Along the same side of the public alley abutting the subject property are three other properties that would continue to extend further back on their lots than the proposed rear addition to the subject property, one of which also includes a rooftop deck. These structures, in combination with existing deciduous trees in the rear yards of some of the other properties, would obscure the visibility of proposed addition from T Street. The second-floor addition to the accessory garage would be similar to one under construction at 1828 15th Street. Therefore, the proposal would not be out of character, scale or pattern of houses along either the street or alley frontage.

- (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 submitted plans, photographs, elevation and section drawings and shadow studies sufficient to represent the relationship of the proposed additions from public ways. The shadow studies depict minimal differences (marked in blue) between the applicant's proposal and a ten-foot rear addition to the subject property.

- (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 is to increase the lot occupancy to 69.75 percent, less than the maximum 70 percent the Board may approve 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 subject application would not result in the introduction or expansion of 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 subject application would not result in the introduction or expansion of nonconforming height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated December 28, 2019, indicated that it had no objection to the application. (Exhibit 84)

No other District agency comments were submitted to the file as of the date of the filing of this report.

VI. COMMUNITY COMMENTS TO DATE

No comments have been submitted to the file by ANC 2B as of the date of this report.

The Dupont East Civic Action Association, in a letter dated November 26, 2019, indicated that it approved a resolution to challenge the proposed development at its public membership meeting of November 18, 2019. (Exhibit 59)

Two requests for party status in opposition to the application were submitted to the file. (exhibits 31 and 32)

Thirty-four letters were submitted to the file in opposition to the application. (Exhibits 33-43, 50-53, 58, 60-64, 66-69, 71-78, 85 and 85A)

Three letters were submitted to the file in support of the application. (Exhibits 45, 55 and 56)

One set of comments was submitted to the file. (Exhibit 80)

Attachment: Location Map

