

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 21, 2021
SUBJECT: BZA Case 20371 - request for special exception relief pursuant to Subtitle E § 5201 to allow for a three-story rear enlargement to an existing two-story single-household row house.

I. RECOMMENDATION

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

- Rear Wall Extension, E § 205.5 (10 feet max. permitted beyond farthest rear wall of adjoining residential buildings; proposed 12.2 feet beyond adjoining rear walls, 2.2 ft. in excess.)
- Rear Yard, E § 306.1 (20 feet minimum required; 26 ft. existing, 13 ft. proposed)
- Lot Occupancy E § 304 (60% max permitted; 53% existing, 69.4% proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	1507 E Street S.E.
Applicant:	Charles and Coreil Dickinson
Legal Description:	Square 1076 Lot 0038
Ward / ANC:	6/6B
Zone:	RF-1
Lot Characteristics:	Rectangular shaped interior lot measuring 17 feet by 57 feet. The lot is bounded by E Street to the north, residential row homes to the east and west, and a 10-foot public alley to the south.
Existing Development:	Two-story residential row building.
Adjacent Properties & Surrounding Neighborhood Character:	The surrounding neighborhood character is predominately residential row buildings.

Proposed Development:	The proposed addition will expand the first and second floor levels and add a 3rd floor level. The lot occupancy would increase from 53.6% (519.8 sf) to 69.4% (672.2 sf). The addition will extend 12ft-2in. beyond the existing footprint, including beyond the existing neighbors to the east and west. Therefore, the proposed rear addition will extend 2 ft. beyond the 10 ft. maximum allowed by-right.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Height E § 303	35 ft. max.	23.75 ft.	34.2 ft.	None required
Lot Width E § 201	18 ft. min.	17 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	969 sq. ft.	No change	None required
Lot Occupancy E § 304	60% max.	53.6%	69.4%	Special exception relief
Front Yard E § 305	Setback must be in range of existing front setbacks	Front setback is in range of existing front setbacks	No change	None required
Rear Yard E § 306	20 ft. min.	26.08 ft.	13.92 ft.	Special exception relief
Rear Wall Extension E § 205	Addition may not extend more than 10 ft. past farthest rear wall of any adjoining building	Existing rear wall aligns with both abutting houses east and west.	Proposed rear wall would extend 2ft 2ins feet more than permitted beyond adjoining rear walls	Special exception relief
Side Yard E § 307	None required, but 5 ft. min. if provided	n/a	No change	None required
Parking C § 701	1 parking space per dwelling unit	1 parking space	No change	None required

IV. ANALYSIS

Subtitle E: 5201: Special exception relief from certain required development standards

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of

this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) **Lot occupancy** up to a maximum of seventy percent (70%) for all new and existing structures on the lot;
- (b) **Yards**, including alley centerline setback;
- (c) **Courts**; and
- (d) **Pervious surface**.

The rear wall of the proposed addition would exceed the maximum permitted 10 feet beyond the abutting rear walls of neighbors by an additional 2 feet, the rear yard would be reduced to 13.9 feet, 6.1 feet less than the minimum required and the lot occupancy would increase to just under 70%.

5201.2 *These sections are not applicable to this application.*

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

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

The applicant submitted a light study as Exhibit 29 indicating the anticipated shadows with and without a matter of right addition and the proposed.

The proposed three-story addition should not unduly block light and air available to the properties to the east and west, as the row has a north-south orientation. Shadows would be limited to the afternoon hours for the property to the east (1509 E Street). The proposed three-story horizontal extension is within the maximum permitted height for the zone. The owner of 1509 E Street provided a letter of support for the addition (Exhibit 30).

Shadowing on the property at 1505 E Street, to the west, should not be unduly increased the shadow study indicates that light would be reduced for a brief period during the morning hours. The applicant stated to OP that contact was made with the owner of the property at 1505 E Street.

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

The proposed rear addition would extend 12 ft. 2 in. beyond the existing rear wall and seven feet beyond the covered porch at 1509 E Street SE. The elevation facing this property is shown with windows on the first and second floor. The addition will be set back 4.5 ft. from the property line, more than the three feet required. The combination of the covered porch and the existing privacy fence along the shared property line would minimize views to maintain privacy of use and enjoyment of the rear yard of the neighbor's property. French doors at the third-level bedroom to a Juliet balcony will allow for light and air for this room, with views to the rear yard of the subject and abutting properties. However, this is not unanticipated for a third-floor addition, which is permitted in this zone.

Windows are not proposed on the west elevation adjoining 1505 E Street. Therefore, the proposed addition may decrease privacy somewhat, but not unduly compromise the privacy of use and enjoyment of abutting neighbors.

Homes across the alley front on 15th Street. The neighbor that would most likely be affected (506 15th Street) submitted a letter in support at Exhibit 11.

(c) The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and;

The three-story proposed addition would be primarily located at the rear of the subject property, the bulk of which would not be visible from the street since the lot is an interior lot. The third story addition, including a mansard with dormer windows would be visible from the front but would be similar in massing and character to other homes with similar recent third-floor additions. Therefore, OP does not believe that the addition as viewed from the E Street frontage would be a visual intrusion to the character of the pattern of houses along the street.

The applicant submitted a surveyor's plat, architectural plans, and photographs to illustrate the proposed addition and surroundings. (Exhibits 2,5,6).

5201.5 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 of the proposed addition is recommended.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The proposed addition would not introduce or expand a non-conforming use in the RF-1 zone or increase the lot occupancy beyond that permitted in this section.

V. OTHER DISTRICT AGENCIES

Comments from other district agencies were not filed when OP's report was submitted to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

The ANC 6B's report had not been added to the record at the writing of this report.

VII. COMMUNITY COMMENTS TO DATE

At the writing of this report, there were four letters in support of the application filed to the record (Exhibits 11, 12, 13, 30).