

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: January 29, 2021

SUBJECT: BZA #20379 – 514 9th Street, S.E. – Special Exception Pursuant to Subtitle E §§ 205.5 and 5201 and Subtitle X §901.2 from Subtitle E § 205.5, to construct a Second-Story Rear Addition to a Single-Family Residence in the RF-1 zone

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following relief, which was referred to the Board by the Department of Consumer and Regulatory Affairs (Exhibits 4, 10).

- A Special Exception from the rear addition requirements of Subtitle E § 205.4 per Subtitle E §§ 205.5 and 5201.3 – 5201.5 (Permitted: addition extending up to 10 feet beyond the farthest rear wall of any principal residential building on any adjacent property; Proposed: addition extending 12 ft. beyond the rear wall of the north-adjacent residence, i.e., 2 feet beyond what is permitted by-right).

II. LOCATION AND SITE DESCRIPTION

Address	514 9 th Street, SE	Legal Description	Square 0949, Lot 36
Zoning	RF-1 (Predominantly one or two-unit attached row houses on small lots)		
Ward, ANC	6, 6B	Historic District	Capitol Hill
Lot Character and Existing Development	1917 sq.ft. rectangular interior lot with 19 feet of frontage on the east side of 9 th St., SE. The existing brick rowhouse is primarily two stories, with a 14.3’ wide one-story rear clapboard addition that extends 4’ 4” past the rowhouse and addition to the south and 12 feet past the rear wall of the rowhouse to the north. There is a one-story garage at the rear with access from a 30-foot-side public alley.		
Adjacent Properties	The two-story brick rowhouse to the north, at 512 9 th Street, was part of the same row development as the applicant’s property but, unlike the applicant’s property, retains its original footprint and does not have either a rear addition or a garage. The two-story rowhouse to the south, at 516 9 th Street, is a two-story clapboard structure that has a two-story rear addition that extends to within 4’4” of the rear wall of the applicant’s one-story rear addition and does have a one-story garage.		
Neighborhood Character	The neighborhood character is varied, with residential rowhouses predominating in the RF-1 zone (see map, p. 5) , but with small-scale commercial structures one block to the west, in the MU-25 zone on 8 th Street’s “Barracks Row”, and with moderate and		

	medium-density commercial and residential buildings to the north and east in the MU-4 zone along Pennsylvania Ave.
Proposal	The applicant proposes to construct a 12-foot deep by 14.3-foot wide second story addition atop an existing one-story addition with the same footprint. It would have a bank of three windows on the rear-facing east side, two-windows on the south side facing the blank wall of the second story addition across a court at 512 9 th St., S.E. and no windows on the north side, facing the yard of 516 9 th Street (Exhibit 6, esp. page 1).

III. ZONING REQUIREMENTS¹

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Area E § 201	1800 s.ft. min.	1917 sq.ft.	Same	None Required
No of dwelling units/ land area E § 302.1	2 du	1 unit	Same	None required
Lot Width E § 201	18 feet min.	19ft.	Same	None required
Height E § 303	35' & 3 stories 40', S.E.	224.5 ft.	24.5 ft.	None required
Lot Occupancy E § 304	60% max. 70% SE	74.1%, 1 st floor incl current add'n. & 1-story garage; 44.3%, Existing 2 nd fl.	Same, 1 st floor 54% with/2 nd floor addition	Existing Non- Conformity, 1 st fl. due to garage. 2 nd floor would conform ²
Rooftop arch. elements E § 206.1	Maintain certain original features; no interference w/ solar/chimneys	No changes to front. No nearby solar or relevant chimneys	No change	None required.
Front Setback E § 305	W/n range of existing setbacks	Yes	No change	None required
Rear Yard E § 306	20 ft. min.	38.9'	No change	None required
Side Yard E § 207	None required	None	None	None required
Parking C§701	1 space (alley)	1	1	None required
<i>Rear Addition</i> E § 5201	<i>< or =10' past adjacent rear wall</i>	<i>12' past 1st fl. wall to north</i>	<i>12' past 2nd fl. wall to north</i>	Special Exception
Pervious Surface C§ 204	0	Not provided	Not provided, but same.	None required

¹ Figures provided by applicant or DCRA unless otherwise noted.

² Zoning Administrator has confirmed to OP that 2nd floor lot occupancy is now and would remain within by-right limits.

IV. ZONING ANALYSIS

The applicant has requested relief from the dimensional limitations of Subtitle E, § 205.4 to build an addition that would extend 2 feet beyond the by-right 10 feet past the rear wall of the north-adjacent property. Subtitle E § 205.5 enables the Board to grant the requested relief as a special exception.

205.4 *Notwithstanding §§ 205.1 through 205.3, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjoining property.*

205.5 *A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjoining property **if approved as a special exception** pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.*

Relief is needed for the proposed addition. The criteria for determining whether relief is appropriate are included in Subtitle E, §§ 5201.2 – 5201.6, which are listed below, with emphasis in bold added by OP.

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 “10-foot rule” is a subset of the regulations governing rear yards.

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 addition would expand the second floor of an existing single-family 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 addition extends two-feet beyond the by-right limits on the second floor. The additional two-feet is not likely to have an undue effect on the light and air available to non-adjacent properties to

the east or west or on the property to the south, beyond the rear wall of which the proposed addition would extend only 4'4". The additional two-feet may have some impact on the light available to the back yard and second floor of the adjacent property to the north in the winter months, but the additional two feet beyond the 10-feet permitted by-right on the second floor would not seem likely to have an undue effect.

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

The privacy and use of nearby properties should not be unduly impacted if the relief is granted. While the second-floor addition would have windows on the south side, these would be across a court from the house to the south, which does not have windows on the north side of its second floor. There would be no windows facing the property to the north. The rear yard of the property to the east would be over 90 feet away.

*(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 9th Street. While it would be visible on-angle from the rear alley, it is not inconsistent with the appearance of other rowhouses in the block that have also constructed rear additions. The design has been given first round approval by the Historic Preservation Review Board.

*(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 graphical representations addressing 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%)**.*

Although the existing lot occupancy on the first floor, including the one story garage, is 74.1%; the existing second floor lot occupancy is 44.3%; and with the proposed addition, the lot occupancy on the second floor would be 54% and not require relief.

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 propose any special treatments.

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

The proposed use as a single-family house is a conforming use in 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.

The proposed height and number of stories of the building would be conforming.

V. OTHER DISTRICT AGENCY COMMENTS

The Historic Preservation Review Board has given concept approval to the proposed design. There were no comments submitted by other District agencies at the time OP completed this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

ANC 6B has submitted a report in support of the application (Exhibit 27).

VII. COMMUNITY COMMENTS TO DATE

The file contains a letter of support from the owner of the south-adjacent property at 516 9th Street, SE (Exhibit 26). There were no other community comments on file when OP completed this report.

The applicant has submitted a statement of public outreach (Exhibit 24) noting efforts to contact the owner of the property to the north at 512 9th Street, SE, but there were no comments on file from the owner or renter of that property at the time OP completed this report.

VIII. LOCATION AND ZONING MAP

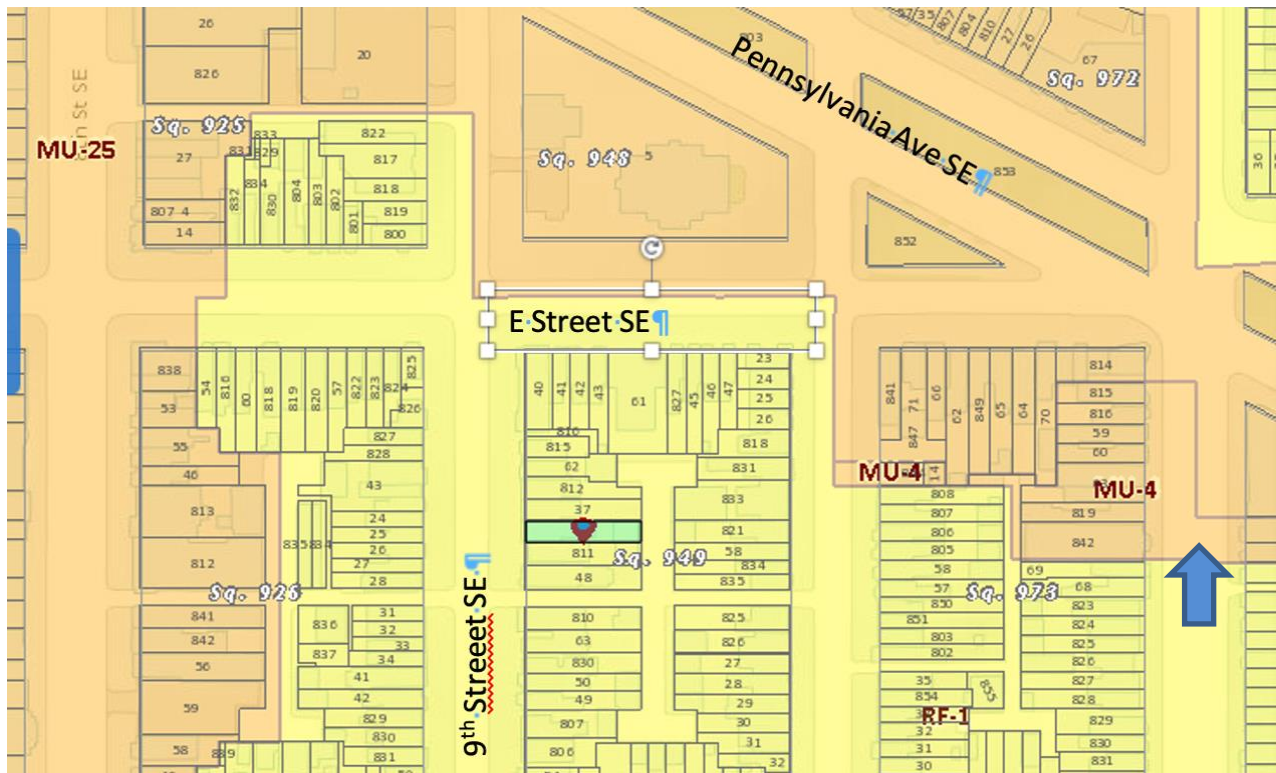


Figure 1. Location and Zoning Map. Applicant's property is highlighted in light blue with red dot.