

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 9, 2021

**SUBJECT:** BZA Case 20484 -to permit construction of a rear stairway addition at 2805 M Street NW

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief:

**Rear Yard**, Subtitle G § 405.2, pursuant to Subtitle G§ 1201.1 (15 feet minimum required; 4 ft. 2 in. existing; 1 foot proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	2805 M Street NW
Applicant	2805 M Street LLC
Legal Description	Square 1212 Lot 0201
Ward, ANC	Ward 2, ANC 2E
Zone	MU-4
Historic District	Georgetown Historic District; CFA Jurisdiction
Lot Characteristics	The rectangular lot of even grade measures 95 ft. x 54 ft. It is located on the corner of M Street NW and 28 <sup>th</sup> Street NW
Existing Development	The property is developed with a semi-detached two-story/basement, historic structure currently under renovation of its office and retail spaces.
Adjacent Properties	The adjacent property to the east is a commercial structure, and to the north at the rear, across a 5-foot wide easement there is a semi-detached residential structure.
Surrounding Neighborhood Character	The property is among commercial properties fronting M Street and residences on 28 <sup>th</sup> Street north of the property.
Proposed Development	The applicant states that the building was partially destroyed by a vehicular accident and the building’s renovation must now include improved life and safety access to the second level. The existing rear yard due to the stair is 4 feet where 15 feet minimum is required. The renovated structure is proposed to reduce the rear yard to 1 foot.

<b>Zone- MU-4</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Rear Yard G § 405	15 ft. min.	4 ft.	1 ft.	<b>SE Required</b>

### III. OFFICE OF PLANNING ANALYSIS

The Zoning Administrator confirmed that an enlargement into the non-conforming rear yard needs to comply with the special exception conditions for the new addition. (Exhibit 29A)

#### **Special Exception Relief: G § 405.2 pursuant to provisions of Subtitle G § 1201.1**

##### *Subtitle G § 1201.1*

*(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building.*

The existing building is used as a commercial building. No residential uses exist or are proposed.

*(b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall.*

The existing structure has windows, but the rear yard relief for the proposed stairs would not affect existing fenestration.

*(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards.*

The existing stairs are already in the sight lines of habitable rooms of the residence at 1210 28<sup>th</sup> Street (at the rear of the subject property). The improved structure would not alter the current condition. The primary entrances to the office and retail uses are located at the building front and the new stairs are intended primarily for service use including trash removal, as well as emergency egress. They are not anticipated to be used for customary ingress and egress for clients.

*(d) Provision shall be included for service functions, including parking and loading access and adequate loading areas;*

The property does not have on-site loading and parking. The proposed stair structure does not alter the building's footprint or parking and loading requirements.

*(e) Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.*

The application was submitted to the relevant agencies including to DDOT (Exhibit 18), the National Park Service (NPS) (Exhibit 26). The proposal received approval from the Historic Preservation Review Board (HPA 19-073) and the Old Georgetown Board (OG 19-029).

**Special Exception Relief: X § 901**

- i. Is the special exception in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The existing 4-foot rear yard is nonconforming, and this historic structure was built prior to the 1958 and amended ZR 16 regulations. The building’s interior renovation does not involve changes to the building’s enclosed footprint. The proposed open stairway would reduce the existing 4 feet rear yard to 1 foot for a length of just under 17 feet.

The reduction of the rear yard by 3 feet for the unenclosed stair structure weighed against the requirement to accommodate safety ingress and egress for the second floor should not adversely impact the intent of the regulations. The existing non-conforming rear yard would be maintained for the remainder of the length of the building at the rear, and no expansion of habitable space is proposed.

- ii. Would the special exception appear to tend to affect adversely, the use of neighboring property?*

As an unenclosed structure, the proposed stairs should not adversely impact light and air to the structure located across the 5-foot easement at the rear, which abuts the side of a residential property fronting 28<sup>th</sup> Street (1210 28<sup>th</sup> Street). The access provided by the easement should not be hindered by the new stairway.

**IV. HISTORIC PRESERVATION**

The Applicant received approval from the Historic Preservation Review Board in Case No. HPA 19-073 and the Old Georgetown Board in Case No. OG 19-029.

**V. OTHER DISTRICT AGENCIES**

At the writing of this report, there were no comments from other District agencies.

**VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 2E held its regularly scheduled public meeting on June 1, 2021 and submitted to the record that they had no comment regarding the proposal. (Exhibit 30)

**VII. COMMUNITY COMMENTS TO DATE**

There are no community comments in the record to date.

