

MEMORANDUM37

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: November 24, 2021

SUBJECT: BZA Case 20537: Request for special exception relief pursuant to Subtitle E § 5201.1 to permit an increase in lot occupancy and a rear yard extension in excess of ten feet for the construction of a rear building addition and a two-story carriage house.

I. RECOMMENDATION

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

- E § 205, Rear Yard Extension Limitations (10-foot maximum permitted; 8.9 feet existing; 18 feet proposed); and
- E § 304, Lot Occupancy (60 percent maximum permitted; 40.2 percent existing; 70 percent proposed).

The applicant originally requested relief for a rear yard extension of 19.5 feet and a lot occupancy of 59 percent. On October 11, 2021 the application was revised to address concerns of neighbors, to reduce the rear yard extension to 18 feet, increase the lot occupancy to 70 percent and add a two-story carriage house. (see Exhibit 44)

II. LOCATION AND SITE DESCRIPTION

Address	1227 E Street, S.E.
Applicant	Margaret McCulloch
Legal Description	Square 1019, Lot 58
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Historic District	Capitol Hill
Lot Characteristics	Rectangular lot with no alley access
Existing Development	Two-story row house with cellar

Adjacent Properties	East: Two-unit building West: Row house with solar panels on the roof North: Across E Street, athletic fields associated with Watkins Elementary School South: 4-story apartment building
Surrounding Neighborhood Character	Moderate density residential, including locally serving retail and public school facilities
Proposed Development	Two-story rear addition with cellar and a two-story carriage house with parking and living space above at the rear of the lot.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	28.2 feet	28.2 feet	None Required
Lot Width E § 201	18-foot min.	13.8 feet	13.8 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,664.3 sq. ft.	1,664.3 feet	None Required
Lot Occupancy E § 304	60% max.	40.2%	70%	Required
Rear Yard E § 306	20-foot min.	61.3 feet	52.2 feet	None Required
Rear Yard Extension E § 205	10-foot max.	8.9 feet	18 feet	REQUIRED
Parking C § 701	1 space if provided	1 space	1 space	None Required

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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 subject application requests to increase the lot occupancy to 70 percent, the maximum permitted by this section, to construct a rear building addition extending 18 feet beyond the rear wall of an adjacent row building, more than the permitted 10 feet, and construct a two-story, 22-foot high, detached accessory carriage building at the rear of the property.

5201.2 & 5201.3 not relevant to this application

5201.4 An applicant for special exception 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, in particular:

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

The applicant submitted a shadow study (Exhibit 46) indicating minimal impact on the adjoining property to the west during the morning hours from spring to mid-summer, the property most affected by the proposal. A Comparative Solar Shading Study (Exhibit 47) concludes “[t]he increase in Shading Loss of 0.43% is less than the 5% maximum allowed by the Zoning Regulations” on the adjoining property to the west, which is improved with an array of solar panels on its roof.

The proposed rear yard would be 52.2 feet, more than twice the minimum required, and the building height would be 28.2 feet, less than the maximum of 35 feet permitted. The building to the rear is further separated from the subject property by a private surface parking lot in its rear yard that abuts the subject property. Therefore, light and air should not be unduly affected.

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

The revised drawings show a two-story plus cellar addition at the rear of the structure. The addition would extend 3.1 feet beyond the rear wall of the row house to the east, less than the maximum of 10 feet permitted, with no windows facing that property. On the west side of the subject property the addition would extend 18 feet beyond the rear wall of the adjoining row house, and approximately 12 feet beyond the two-story deck at the rear of that property. Although the proposed deck on the subject property would have a door for access on the second floor facing the adjoining property to the west, this access would be at the far (south) end of the addition and set back three feet off the common lot line, promoting the privacy of that adjoining property.

To the rear of the subject property is a four-story apartment building improved with a surface parking lot located between the apartment building and the subject property. The two-story carriage house proposed for the rear yard of the subject property would serve to further screen the views of the rear building addition to the row house at the cellar and first floor levels from the apartment building. Therefore, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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 proposed rear addition would not be visible from any public way.

(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.

The applicant submitted plans, photographs, elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings.

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.

OP makes no recommendations for special treatment.

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 subject application would not appear to result in the introduction or expansion of a nonconforming use, a lot occupancy beyond what is permitted by this section or an increase in height or number of stories beyond what is authorized by this section.

The Historic Preservation Office indicated that the proposal is anticipated to be reviewed by the Historic Preservation Review Board in either December 2021 or January 2022.

V. OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated October 22, 2021, stated it had no objection to the application. (Exhibit 39)

No other comments from District agencies were submitted to the record as of the date of the filing of this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

No comments from ANC 6B had been submitted to the record as of the date of the filing of this report.

VII. COMMUNITY COMMENTS TO DATE

Six letters have been submitted to the record in support of the application as of the date of the filing of this report. (exhibits 29-34)

One request for party status in opposition was submitted to file to the application (Exhibit 36), and then withdrawn (Exhibit 41).

Attachment: Location Map

