

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: November 24, 2021

SUBJECT: BZA Case 20569: Request for special exception relief pursuant to Subtitle D § 5201.1 to allow a two-story with basement, rear addition to an existing, semi-detached, two-story with basement principal dwelling unit in the R-1-B.

I. OFFICE OF PLANNING RECOMMENDATION

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

- D § Side Yard (2 side yards, 8 ft. minimum each required; 1 side yard, 8 ft. existing; 1 side yard, 8 ft., extension of 0 ft. side yard proposed)

II. LOCATION AND SITE DESCRIPTION

| | |
|----------------------|---|
| Address | 5182 Fulton Street, N.W. |
| Applicants | Lerch, Early & Brewer, Chtd. for J. Bradley Halligan |
| Legal Description | Square 1419, Lot 838 |
| Ward, ANC | Ward 3, ANC 3D |
| Zone | The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. |
| Historic Districts | None |
| Lot Characteristics | The rectangular lot has 3,148 square feet of area and 25 feet of frontage along Fulton Street. The rear of the lot has 25 feet of frontage along a 16-foot-wide public alley. |
| Existing Development | The lot is currently developed with a two-story with basement semi-detached building used as a single family dwelling. |
| Adjacent Properties | To the north and south are existing two-story semi-detached buildings used as dwellings. To the east are existing two-story detached buildings used as dwellings. To the west is a three-story commercial/office building providing neighborhood retail and having frontage on MacArthur Boulevard. |

| | |
|------------------------------------|---|
| Surrounding Neighborhood Character | The surrounding neighborhood character is predominantly residential, consisting of semi-detached and detached buildings. Low density commercial is provided along MacArthur Boulevard, where there are office, neighborhood retail, and residential uses. |
| Proposed Development | The applicant proposes to construct a two story plus basement rear addition to the existing principal building. |

III. ZONING REQUIREMENTS and RELIEF REQUESTED

| R-1-B Zone | Regulation | Existing | Proposed | Relief |
|-----------------------------|--|--------------------|--|------------------------|
| Lot Width D § 302 | 50 ft. min. | 25 ft. | No change | Existing nonconforming |
| Lot Area D § 302 | 5,000 sq.ft. min. | 3,148 sq.ft. | No change | Existing nonconforming |
| Height D § 303 | 40 ft. max. | 40 ft. | No change | None required |
| Lot Occupancy D § 304 | 40% max. | 31.5% | 39.5% | None required |
| Front Setback D § 305 | Within the range of front setbacks of residential buildings on the block | Not provided | No change | None required |
| Rear Yard D § 306 | 25 ft. min. | 55 ft. | 46 ft. | None required |
| Rear Yard Extension D § 306 | 10 ft. max. beyond the furthest rear wall of adjoining building | None | 10 ft. | None required |
| Side Yard D § 206 | 2 side yards, 8 ft. min. each | 1 side yard, 8 ft. | 1 side yard, 8 ft.; extension of 0 ft. side yard | Required |
| Pervious Surface D § 308 | 50% | Not provided | Not provided | None requested |
| Parking C §701 | 1 space min. | 2 spaces | No change | None required |

IV. OP ANALYSIS

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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 subject to the following table:

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

| Zone | Maximum Lot Occupancy |
|--|-----------------------|
| R-3, R-13, and R-17 R-20 - Row dwellings | 70% |
| R-20 - Detached and semi-detached dwellings All other R zones | 50% |

- (b) ***Yards, including alley centerline setback; and***
- (c) *Pervious surface.*

The applicant has requested relief from side yard, consistent with this section.

Sections 5201.2 and 5201.3 do not apply to this application.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal 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 proposes to construct a two-story rear addition to an existing two-story principal building. The addition would have a height of 32.5-feet to match the existing house, but which is less than the 40-feet permitted in the zone. The project would provide a compliant rear yard of more than the required 25-feet, and the rear addition would extend 9-feet beyond the rear wall of the adjoining building.

The lot is oriented generally east-west and it is anticipated that most shading would occur to the north. There is approximately 16-feet separating the subject building from the nearest building to the north, and due to the angle of the lots, shading would tend to impact the front portion of the lot to the north, where the house is, leaving the rear yard of that lot to be minimally impacted throughout the day. The owner of that lot has submitted a letter in support at Exhibit 16.

The addition should not cause an undue impact to air, as it would not impede circulation or access.

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

The proposed addition should not unduly compromise the privacy of use and enjoyment of neighboring properties. The addition would not include windows along the southern elevation. In addition, the decks along the rear would be pushed to the north elevation, leaving a gap between the southern edge of the decks and the adjoining building to the south, ensuring privacy between the addition and the neighboring property.

- (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 style of the proposed addition would be in keeping with the existing style of the building, using materials and colors that are compatible with those on the structure. The proposed addition would be minimally visible from Fulton Street via the side yard and would not substantially visually intrude

upon the character, scale, and pattern of houses along Fulton Street. The addition would be visible from the public alley, but heavily screened by existing landscape, grade, fencing, and structures along the alley. The addition would also be separated from the alley by a substantial rear yard. As such, the addition should not intrude upon the character, scale, and pattern of houses along the alley.

(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 has provided plans, photographs, and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 2, 5, and 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.

The Office of Planning does not recommend 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.

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 allow for the expansion of a single-family dwelling in the R-1-B zone, which is a permitted use. The addition would not expand lot occupancy beyond 40%, which is permitted in the zone, and would comply with the development standards regarding height and number of stories.

V. OTHER DISTRICT AGENCIES

As of the date of this report, comments from other Agencies had not been filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 3D has filed a report in support of the proposed addition at Exhibit 32 in the record.

VII. COMMUNITY COMMENTS TO DATE

As of the date of this report, seven letters of support have been submitted to the record, including a letter from the owner of the adjoining buildings (Exhibits 13-16, 29, 30 and 33).

Location Map:

