

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Development Review Specialist
JL Joel Lawson, Associate Director Development Review
DATE: January 28, 2022
SUBJECT: BZA Case 20614 - request for Special Exception relief to enclose a first story rear porch at 133 Kentucky Ave., S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Special Exceptions pursuant to Subtitle E § 5201 and Subtitle X Chapter 9:

- Subtitle E § 304.1 - Lot Occupancy (60% maximum allowed, 67.7% existing and proposed)
- Subtitle E § 205.4 - Rear Addition (extend 10 ft. beyond adjoining building allowed; 15 ft. 1 in. proposed)

II. LOCATION AND SITE DESCRIPTION:

Address:	133 Kentucky Ave., S.E.
Applicant	Phil and Kjersten Drager
Legal Description:	Square 1014 Lot 0025
Ward / ANC:	Ward 6 / ANC 6B
Zone:	RF-1
Lot Characteristics:	1,692 sq.ft. rectangular lot
Existing Development:	Row dwelling
Adjacent Properties:	Row dwellings
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character and the predominant building type are row dwellings
Proposed Development:	The Applicant proposes to enclose a porch at the rear of the first floor of the house. The rear addition with the first floor open porch and enclosed second story was approved by the BZA in 2016 (BZA 19341). With this proposal, there would be no increase to the footprint and the second floor above would remain unchanged. The proposed enclosed first story would expand 15 feet beyond the rear wall of the house to the south.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-F-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35 feet	25 ft.	No change	None required
Lot Width E § 201	18 feet min.	16 ft.	No change	Existing non-conformity
Lot Area E § 201	1800 SF min.	1,692 sq.ft.	No change	Existing non-conformity
Lot Occupancy E § 304	60% max.	67.7%	No change	Relief requested
Rear Yard E § 306	20 feet min.	37.17 ft.	No change	None required
Rear addition E § 205.4	Rear wall shall not extend more than 10 feet beyond rear wall of adjoining building	15 ft. 1 in. (upper floor)	15 ft. 1 in. (both floors)	Relief requested

IV. OP ANALYSIS

Subtitle E Section 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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 Applicant has requested relief from the lot occupancy allowed under Subtitle E § 304.1 and from the rear yard requirements for rear additions of Subtitle E § 205.4

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a building with only one (1) principal dwelling unit; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The proposal is for an addition to a building with only one principal dwelling unit on the lot.

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 light and air to neighboring properties should not be unduly affected and the two adjoining neighbors who would be the most impacted have submitted letters of support for the project. There

is an open court on the north between the subject property and the adjacent property and that open court would remain to allow for light and air between the properties. The project would enclose the porch on the lower level but the massing would remain the same with no expansion and, as such, the light and air availability should not be unduly affected.

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

The neighboring properties' privacy should not be compromised by the new addition and the two adjacent neighbors have submitted letters of support for the project. There would be an open court on the north side of addition between the houses. The project would enclose the existing rear first floor porch and the enclosure would have some windows on the north and rear elevations but no windows on the south elevation. The massing would remain the same with no expansion and the privacy should not be unduly compromised by the enclosure.

(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 proposed first floor rear porch enclosure with its appropriate massing, design and materials would be in keeping with character and scale of the neighboring houses and block. The house currently has an open porch and the proposed enclosure of the rear addition would not be inconsistent with the pattern of the row houses as viewed from 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; and

The applicant provided the necessary photos and plans with the submission.

(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%).

The proposed lot occupancy would be 67.7%, which is below the maximum of 70% permitted by special exception.

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 recommend any special treatment for the protection of the abutting neighboring property.

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

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

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 addition is within the maximum height and number of stories permitted as a matter-of-right in this zone.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

(c) Subject in specific cases to the special conditions specified in this title.

The project is consistent with the criteria of Subtitle E § 5201. The proposed addition at the rear of the home at 133 Kentucky Avenue, S.E would be in harmony with the intent of the Regulations and would not adversely affect the use of neighboring property.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No other comments from other District agencies had been filed at the time of this report.

VI. ANC COMMENTS

At Exhibit 23 is a report from ANC 6B in support of the application.

VII. COMMUNITY COMMENTS

Both adjoining property owners wrote letters in support of the project (Exhibit 18 and 19).