

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Development Review Specialist
 JL Joel Lawson, Associate Director Development Review
DATE: April 14, 2022
SUBJECT: BZA Case 20684 – to construct a two-story rear addition at 428 11th St., S.E.

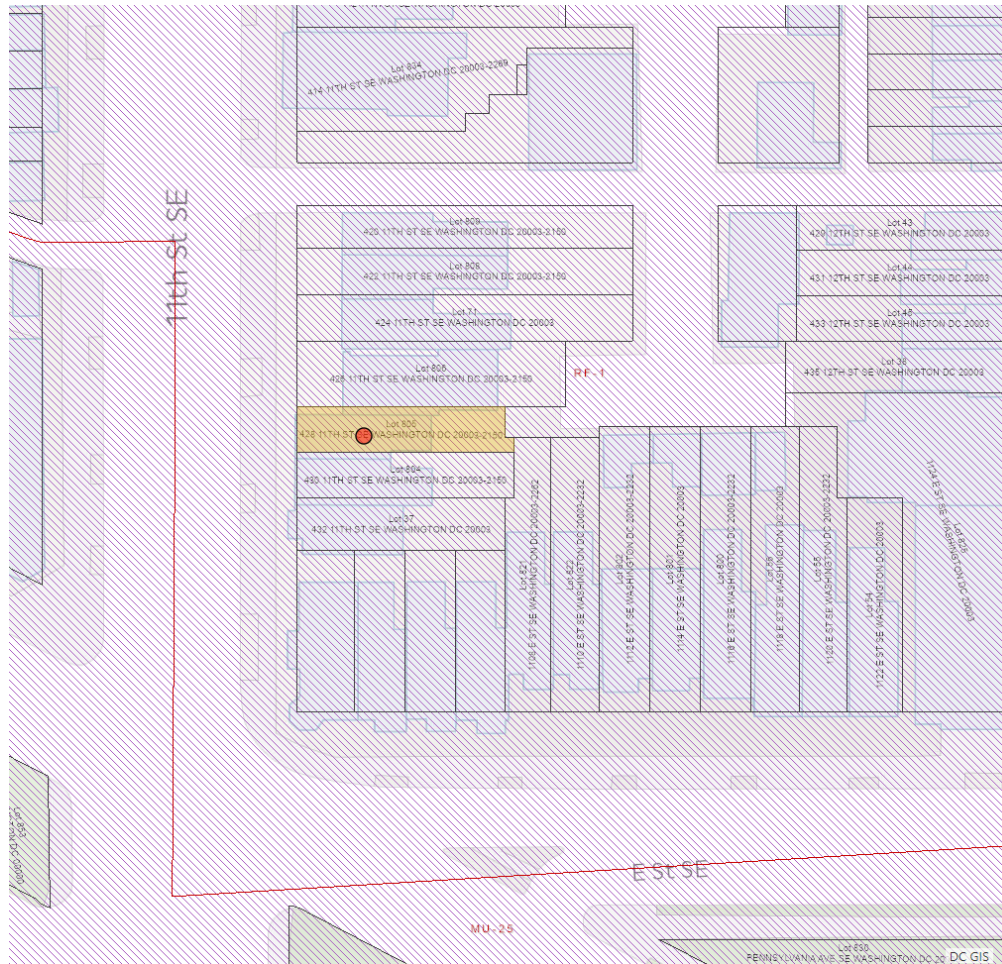
I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle E § 304.1 - Lot Occupancy (60% maximum allowed by right; 70% by sp.ex.; 59% existing; 70% proposed)
- Subtitle E § 205.4 - Rear Addition (10 ft. extension beyond adjoining buildings allowed; 12 feet extension beyond adjoining house to the south proposed)
- Subtitle E § 306.1 - Rear yard (20 ft. min. required; 25 ft. existing; 17.2 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	428 11 th Street, N.E.
Legal Description:	Square 0992 Lot 0805
Ward / ANC:	Ward 6 / ANC 6B
Zone:	RF-1, low to moderate density zone allowing one family dwellings and flats by right.
Historic District	Capitol Hill Historic District
Lot Characteristics:	1,183 square foot rectangular lot abutting an 11 foot stub of a public alley to the rear (east)
Existing Development:	The lot is improved with a two-story row dwelling.
Adjacent Properties:	There are row dwellings to the north and south on the block and across the alley to the east. Directly across 11 th Street to the west is a multi-family residential building.
Surrounding Neighborhood Character:	The surrounding neighborhood is primarily low density residential with some commercial uses along Pennsylvania Avenue S.E.
Proposed Development:	The Applicant proposes to construct a 131 square foot two-story rear addition.



III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Area E § 201.1	1,800 sq.ft. min.	1,183 sq.ft.	No change	Existing non-conformity
Lot Width E § 201.1	18 feet min.	16 feet	No change	Existing non-conformity
Height E § 303.1	35 ft. max.	22.75 feet	No change	None required
Lot occupancy E § 304.1	60% max. 70% by Special Exception	59%	70%	Relief requested
Rear yard E § 306.1	20 ft. min.	25 ft.	17.2 ft.	Relief requested
Rear addition E § 205.4	Rear wall shall not extend more than 10 feet beyond rear wall of adjoining building	N/A	12 feet beyond house to the south	Relief requested

IV. SUBTITLE E § 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 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 §§ 306.1 and 205.4.

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 proposal is for an addition to a 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 light and air available to neighboring properties should not be unduly affected by the proposed rear addition. The Applicant provided shadow studies in Exhibit 5 that show the masses of the adjoining houses to the north and south are such that there should not be undue impacts on their light and air as a result of this proposed rear addition.

There is currently an open court between the subject property and the house to the south at 426 Eleventh Street SE providing light and air between the houses.

On the north side, the house at 426 11th St SE is set back from the street and the rear wall currently is about 23 feet beyond the rear wall of the subject house at 428 11th. With the proposed addition, the rear wall of the adjacent house at 426 11th would continue to extend approximately 11 feet beyond the proposed rear wall of the subject house at 428 11th. The proposed addition would briefly extend along the party wall of these two houses and the rear of the house at 426 11th is set back from the south property line creating an open court that would provide light and air between the windows on the side wall of the house and the proposed rear addition.

Both adjoining property owners, whose light and air would possibly be impacted by the addition, have filed letters of support in Exhibits 34 and 35.

The open rear yard of the subject property that abuts the alley would also continue to provide light and air to these properties.

- (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. On the rear façade of the new two-story addition there would be windows and doors that would have views of the subject property's rear yard but should not unduly impact the neighboring properties. On the south elevation, there would be new windows installed in the existing massing that would be separated from the adjacent house to the south by a court, but there would be no windows proposed in the new extension of the rear addition. On the north elevation, the plans show no windows. The house to the north has windows on the south side wall of the house that is slightly set back and these existing windows would face the proposed side wall of the addition where there would be no windows so there would not be undue privacy impacts.

Both adjoining property owners, whose privacy of use and enjoyment would possibly be impacted by the addition, have filed letters of support in Exhibits 34 and 35.

- (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 11th Street SE because it is entirely at the rear of a row dwelling. The proposed addition should not visually intrude upon the character, scale and pattern of other buildings along the small stub of the alley where it would be slightly visible. The design and massing of the two-story addition would not substantially intrude upon the pattern of the rear facades of the adjoining houses along 11th Street SE. The project has been reviewed and approved by the Historic Preservation Office. The Capitol Hill Restoration Society filed a letter of support in Exhibit 33.

- (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 adequate photos and plans to represent the relationship of the addition to adjacent buildings and public ways.

- (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 70%.

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.

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

The property would continue the current, permitted residential 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.

B. General Special Exception Standards – Subtitle X § 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;*

The project with the requested zoning relief would be in harmony with the purpose and intent of the RF-1 zone. The zoning regulations allow for relief from these development standards by special exception in the RF-1 zone, and this project has demonstrated that it meets the applicable review criteria. The project would not result in a use or building form inconsistent with the intent of the zone.

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

As noted above in Section V-A, the proposed addition should not have an undue adverse effect on the use of neighboring property. Both adjoining property owners have filed letters of support into the record in Exhibits 34 and 35.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The project has been reviewed and approved by the Historic Preservation Office. No other agencies had filed a report into the record at the time of this report.

VI. ANC COMMENTS

The ANC had not filed a report or recommendation at the time of this report.

VII. COMMUNITY COMMENTS

Both adjoining neighbors filed letters of support in Exhibits 34 and 35. The Capitol Hill Restoration Society filed a letter of support in Exhibit 33.