

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: March 31, 2022

SUBJECT: BZA #20689 – 119 6th Street, S.E. – Special Exceptions from side yard requirements to construct a two-story rear addition to a single-family residence in the RF-3 zone

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the following requests:

- A Special Exceptions from the minimum side yard width requirements of Subtitle E § 207.4 pursuant to Subtitle X § 901.2 and Subtitle E §5201 (3 ft. minimum, 1 ft. existing; 1 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address	119 6 th Street, S.E.	Legal Description	Square 0842, Lot 13
Zoning	RF-3 (Predominantly one or two-unit row houses on small lots near the U.S. Capitol)		
Ward, ANC	6, 6B	Historic District	Capitol Hill
Lot Character and Existing Development	Rectangular interior lot without alley access. Non-conforming for lot area (1,463 sq.ft.) and lot width (25.42 ft.); occupied by a detached residential building. Developed with a two-story detached house occupying 58.68% of lot.		
Adjacent Properties	The property to the south (121 6 th Street, S.E.) is a single-family detached house as is the house to the north (117 6 th Street, S.E.). To the rear is a two-story row house on 5 th Street. To the west, across 6 th Street is a two-story, end of row rowhouse and alley.		
Neighborhood Character	The immediate Capitol Hill neighborhood character is primarily residential with predominately two and three-story rowhouses and detached houses as well as moderate-density apartment buildings. The Eastern Market metro station is three blocks to the southeast. The area is within the Capitol Hill Historic District and Special Exceptions are subject to review by the Architect of the Capitol.		
Proposal	The applicant proposes to enclose, within the existing 9.3-foot deep by 16.6 foot wide footprint, an existing first-floor rear porch and to construct a second-floor rear addition atop all of what is now the first-floor porch. Because the existing side yard is now, and would remain, non-conforming at 1-foot wide, the applicant is requesting special exception relief.		

III. ZONING REQUIREMENTS AND ANALYSIS¹

Item	Required / Permitted	Existing	Proposed	Relief
Lot Area & Width E-201.1	4,000 sq.ft. min. 40 ft. min. (detached house)	1,463 sq.ft. 25.42 ft.	Same Same	Existing non-conformity
Lot Occ. E-504.1	60 % max. MoR 70% SE	57.68%	Same	Conforming
Front Setback E-505.1	In line with row	in line w/ row	Same	Conforming
Height E-503.2	35 ft., 3 stories max.	18.93 ft. 2 stories	Same	Conforming
Parking C-702.3	0	n/a	n/a	Conforming
Rear Yard E-506.1	20 ft.	6.73 ft.	Same	Existing non-conformity ²
Rear Additions E-205.4	≤ 10' past farthest rear wall of residence on adjacent property	0	9.3 ft. deep. Enclosing existing porch & 2 nd story deck	Conforming
Side Yard – N. E-207	Not required. If provided, 5 ft. min; or 3 ft. min. if extension of existing non-conformity	1 ft.	Same	Special Exception Requested
Side Yard S. E-207	Not required. If provided, ≤ 5'	7.7 ft.	Same	Conforming
Pervious Surface E-204.1	None required for a lot of this size	Not provided	Not provided	N/A

A. General Special Exception Criteria of Subtitle X, § 901.2

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

It is. The proposed additions would be not inconsistent with the intent of the RF-3 zone, which is to provide for one or two unit row houses on small lots near the U.S. Capitol while maintaining appropriate surroundings and uses near the Capitol precinct. The proposal would enclose an existing first floor porch and second floor deck within the porch's existing footprint. It would not be visible from any street. While the side yard on the north would be narrower than the matter of right requirement, it would maintain the existing sidelines of the house and the existing distances from adjacent properties.

¹ Figures provided by applicant unless otherwise noted.

² Per Zoning Administrator under E -205 (Exhibit 40).

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed enclosures/additions would not appear to adversely affect the use of neighboring property. The property would continue to be used as a single-family house. The side of the house where the special exception is requested would have no windows and the proposed enclosure may provide for greater privacy than the existing open porch and open deck. The construction would extend less than 10-feet past the two-story portion of the house to the north and would be significantly less deep than the first-floor addition of that house.

On the south side construction would be less deep than the adjacent house and there would be no additional windows – only a door on the side of the first floor. Any increase in shadowing from the new construction should not be significantly greater than from the existing covered porch and roof deck. There would be no negative impact on any adjacent house’s privacy. As with the property to the north, the enclosures may increase privacy.

iii. Would the proposal meet the relevant special conditions?

It would, as is analyzed below.

B. Criteria for Special Exception for Side Yard Relief Pursuant to Subtitle E § 5201 and E § 5202

The criteria for reviewing a special exception for the width of the rear yard are included in Subtitle E, §§ 5201.2 – 5201.6 and 5202, which are listed below with emphasis in bold added.

E-5201

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 request is for side yard relief.

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 addition would expand a residential rowhouse.

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;*

It should not. The impact of enclosing the existing 9.3-foot by 16.6-foot porch, constructing an identically dimensioned room above the porch, and maintaining the existing non-conforming side yard should not be undue, as noted above.

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

The enclosed addition should not unduly impact the privacy and use of nearby properties. As noted above, privacy may actually be increased by replacing an open porch and open deck with additions that would have no windows facing the property to the north, and only a first floor door facing the property to the south.

*(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 rear addition would continue the line of the existing house north and south exterior walls. Given the relatively narrow space between the applicant's house and those to the north and south, the angle at which the addition could be seen from 6th Street would be narrow. With no alley, the addition would not be visible from any other 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; and*

The applicant has provided graphical representations that is sufficient to demonstrate compliance with the criteria in paragraph (a), (b) and (c). However, OP has suggested the applicant provide to the record elevations of the proposed north and south sides of the addition for greater clarity.

(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%).

N/A.

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 conditions.

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

The existing single-family dwelling use is a conforming use in the RF-3 zone and would not change.

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 height and number of stories of the building would remain conforming.

E-5202

5202.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:

(a) Compatible with the present and proposed development of the neighborhood;

(b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and Subtitle E-33

(c) In accordance with the plan promulgated under the Act.

5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

The property is approximately four blocks east of the boundary of the U.S. Capitol precinct. The application has been referred to the Architect of the Capitol (AOC). At the time OP completed this report, the case file did not contain a response from the AOC.

5202.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

OP does not recommend the Board require any special treatments or conditions.

IV. OTHER DISTRICT AGENCY COMMENTS

There were no District agency comments at the time OP completed this report.

V. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

At Exhibit 19 is a report from ANC 6B in support of this application.

VI. COMMUNITY COMMENTS

There were no filings from members of the public at the time OP completed this report.

Attachment: Location Map

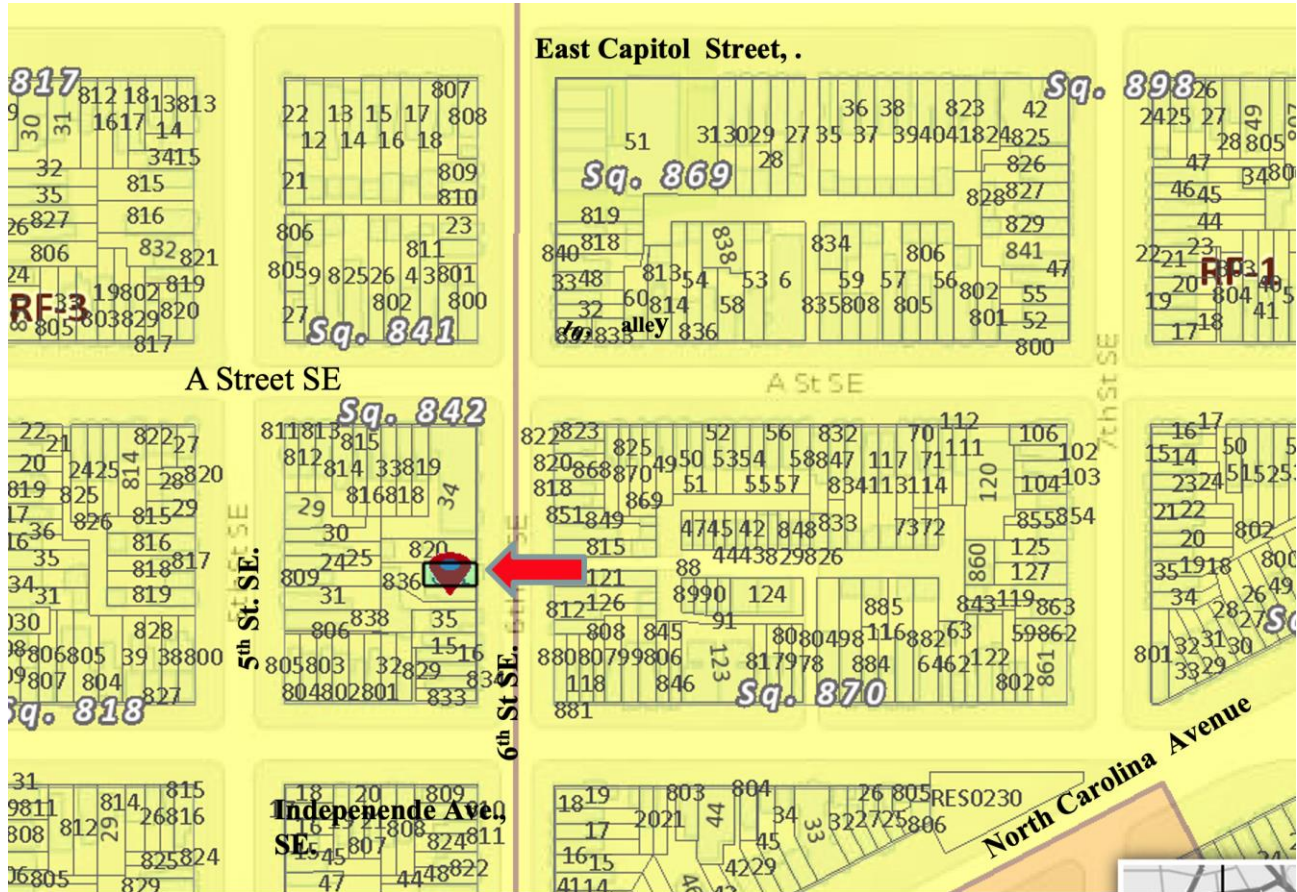


Figure 1. Location (Red Arrow) and Zoning Map

