

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** May 12, 2022

**SUBJECT:** BZA Case 20718: request for Special Exception relief from the lot occupancy and court requirements to allow construction of a 3-unit residential building.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle F § 5201 and Subtitle X § 901:

- F § 202.1 Court (11.7 feet. min. required; 7.2 feet proposed)
- F § 304.1 Lot Occupancy (60% permitted; 63% proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address	1722 Swann Street NW
Applicants	9 Tree LLC
Legal Description	Square 152, Lot 91
Ward, ANC	2 / ANC 2B
Zone	RA-2: The RA-zone permits all types of urban residential development, predominantly moderate-density residential.
Historic Districts	Dupont Circle HD
Lot Characteristics	Long rectangular lot with unremarkable topography.
Existing Development	The lot is currently undeveloped.
Adjacent Properties	The lot currently abuts rowhomes.
Surrounding Neighborhood Character	The character of Swann Street includes three-story row dwellings
Proposed Development	The lot would be developed with a new three-story plus basement and penthouse building, with three residential units.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

RA-2 Zone	Regulation	Existing	Proposed	Relief
Height F § 303	50 ft. max.	N/A	44 ft.	None required
Lot Width F § 302	-	20 ft.	20 ft.	None required

<b>RA-2 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Area F § 302	-	1,830 sq. ft.	1,830 sq. ft.	None required
FAR § 302	1.8 FAR	-	1.8 FAR	None required
Rear Yard F § 305	15 ft. min.	N/A	26 ft.	None required
Side Yard F § 306	N/A	N/A	N/A	None required
Parking C § 701	0 min.	N/A	2 spaces	None required
GAR § 307	0.4	N/A	0.4	None required
<b>Lot Occupancy F § 304</b>	60% max.	3 % existing due to encroaching wall	63 %	<b>Relief requested</b>
<b>Court open F § 202.1</b>	4 in/ft of height but not less than 10 ft. = 11.7 ft min.	N/A	7.2 ft.	<b>Relief requested</b>

**IV. OP ANALYSIS**

**Subtitle F § 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 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) *Green Area Ratio.*

The proposed project is a new residential building for a total lot occupancy of 63% which is within the limits of the criteria. [Exhibit 22 Sheet #3](#)

*5201.2 & 5201.3 Does not apply.*

*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;*

1724 Swann Street NW - The adjacent house to the west was built in 1895 with a porch and a 28-foot front setback, unique to this row of Swann Street. All other houses on the block share the same front setback as the proposed house. Based on Historic Preservation staff

recommendation, the proposed building has a 7-foot wide court at the entrance, which reduces the massing at the front, as it sets back from # 1724 Swann. (See Exhibit 22). This court helps maintain light and air to the home on 1724 Swann Street. Further, the new construction's rear wall does not extend beyond the rear of #1724, which would minimize potential air and available light impacts.

1720 Swann Street NW, to the east – The abutting property at #1720 should not be unduly impacted as the proposed building would align with the prevailing street pattern and also would align with the rear wall of # 1720 Street.

The proposed 63% lot occupancy should not significantly impact light and air. The new construction would meet all other yard and bulk requirements.

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

Privacy of use and enjoyment of property by the adjacent neighbors should not be significantly impacted. The rear yard of the new construction at 26 feet 3 inches would exceed the requirement of 15 feet, and there are no windows on the party wall along the front yard so that privacy is maintained to the residence at #1724 Swann Street. Windows on the rear façade would face towards the rear yard of the subject property, customary to row buildings.

*(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 proposal would be consistent with surrounding properties on Swann Street so as not to visually intrude upon the character, scale, and pattern of houses on this row of Swann Street. The new construction is subject to review by the Historic Preservation Review Board. The applicant worked with HP staff to ensure that setbacks and massing of the new building are not inconsistent with the Dupont Circle Historic District.

*(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 revised drawings and elevations with the required information as Exhibit 22.

*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 does not recommend additional treatment for protection of 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.*

All other bulk and yard requirements have been satisfied.

## **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;*

Lot Occupancy: Relief from the lot occupancy is partly due to an encroachment of the existing party wall (#1720) onto the subject property, including more than one-half of the wall's thickness, or for about 70 square feet (or approx. 3% lot occupancy, as stated by the Applicant). Therefore, the proposed new construction on the site would satisfy the lot occupancy for a matter-of-right project, without the encumbrance of the party wall. The lot occupancy would be in harmony with the intent of the regulations as it is within the scale anticipated by the Regulations.

Court: The resulting stepped building appearance and court are recommendations by the Historic Preservation Office staff. The court is intended to allow light and air for the adjacent building at 1724 Swann Street, which is set back 28 feet from the street. It also serves as a transition between that building and the subject property, which would have an even front alignment with other homes of the row. The court provision is intended to ensure light and air and as proposed it would satisfy the intent.

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

The lot occupancy of the new construction would be within the matter-of-right, without the 3% the encroachment by 1720 Swann Street. Similarly, the proposed court width is intended to both reduce the massing at the front of the building against #1724 Swann and to provide light - as #1724 is set back 28 feet from the front property line. Granting the requested relief from both requirements should not adversely affect the use of neighboring property, including to the most affected residence at #1724 Swann.

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

There are no special conditions to be satisfied under Subtitle F § 5201.

## **V. OTHER DISTRICT AGENCIES**

At the writing of this report, there were no District agencies' report included in the record. The application will be heard by the HPRB on May 25, 2022 (HPRB- #22-276)

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

At the writing of this report, the ANC's comments were not submitted to the record.

## **VII. COMMUNITY COMMENTS**

At Exhibit 24 is a request for party status in opposition from the neighbor to the east.



**Location Map:**

