

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Development Review Specialist
 Joel Lawson, Associate Director Development Review
DATE: October 27, 2022
SUBJECT: BZA Case 20802 - request for special exception relief to allow an addition to an existing row building at 639 A Street SE.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitles E § 5201 and U § 301, respectively, and Subtitle X § 901.2 from the following:

- E § 5003.1, Maximum Building Area (the greater of 30% of the required rear yard or 450 square feet permitted, 436.9 square feet existing, 575.9 square feet proposed); and
- U § 301.1(e), Use Permissions, Subtitle U § 301.1(e), pursuant to Subtitle X § 901.2 (an accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception).

II. LOCATION AND SITE DESCRIPTION

Address	639 A Street SE
Applicant	Jennifer Fowler, architect, on behalf of 639A, LLC, owner.
Legal Description	Square 870, Lot 113
Ward / ANC	6 / 6B
Zone	RF-1 - provides for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted by right.
Historic District	Capitol Hill Historic District
Lot Characteristics	Rectangular lot measuring 19.86 feet in width and 136.08 feet in depth. The property is bounded by A Street SE to the north, an improved 30-foot wide public alley to the south, and adjoining lots to the east and west.
Existing Development	The property is developed with a two-story row building and one-story accessory building.
Adjacent Properties	The adjacent properties are developed with row buildings in residential use.

Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with the Eastern Market Metrorail station approximately three blocks to the south.
Proposed Development	The Applicant is proposing to construct a new two-story accessory building for use as a second dwelling unit.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed ¹	Relief:
Lot Width E § 201	18 ft. min.	19.86 ft.	19.86 ft.	None Required
Lot Area E § 201	1,800 sq. ft. min.	2,703 sq. ft.	2,703 sq. ft.	None Required
Height E § 303	35 ft. max.	20 ft. 4 in.	20 ft. 4 in.	None Required
Lot Occupancy E § 304	60% max.	48.3%	59.9%	None Required
Front Yard E § 305	Existing range of setback	Within range	Within range	None Required
Rear Yard E § 306	20 ft. min.	72.92 ft.	70 ft.	None Required
Side Yard E § 207	None required, but 5 ft. min. if provided	0 ft.	0 ft.	None Required
Acc. Bldg. Height E § 5002	22 ft. max. / 2 stories	12 ft. / 1 story	22 ft / 2 stories	None required
Acc. Bldg. Max. Bldg. Area E § 5003	Greater of 30% of the req. rear yard or 450 sq. ft.	520 sq. ft.	747 sq. ft.	SE requested
Acc. Bldg. Rear Yard E § 5004	7.5 ft. min. from alley centerline	14.5 ft.	12.5 ft	None required
Parking C § 701	1 space	1 space	1 space	None Required

IV. ANALYSIS

a. Subtitle E, Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 Not relevant to this application.

5201.2 *For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards 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 under Subtitle E § 5003 up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) *Yards, including alley centerline setback;*

¹ Information provided by the Applicant, Exhibit 4 dated June 14, 2022.

- (c) *Courts; and*
- (d) *Pervious surface.*

The Applicant is requesting special exception relief pursuant to Subtitle E § 5003 for a new accessory building that exceeds the maximum building area. The lot occupancy for the property would be 59.9% and would not exceed 70%.

5201.3 Not relevant to this application.

5201.4 *An applicant for special exception under this section shall demonstrate that the proposed addition, new building, 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 proposed accessory building would meet the accessory building development standards in Subtitle E, Chapter 50 with respect to height and alley centerline setback and the property would not exceed the permitted lot occupancy. The accessory building would not encroach on the required twenty-foot (20 ft.) rear yard for the principal building. Based on the above, the light and air available to neighboring properties should not be unduly affected.

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

The proposed accessory building would have windows on the north (rear yard) and south (alley) facing elevations; however, no windows are proposed for the side elevations of the accessory building that would be on the shared property lines with 637 and 631 A Street, SE. Doors on the north and south facing elevations would provide access to the rear yard of the property and the alley, respectively. The Applicant is not proposing a deck or porch on the accessory building. The privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 proposed accessory building would not be visible from A Street, SE but would be visible from the alley at the rear of the property. The alley features a number of other accessory buildings. To the west, in the square, are alley dwellings fronting on Brown's Court. The Applicant is proposing to face the accessory building with brick, which is consistent with the character of the area. The proposed accessory building should not substantially visually intrude on the character, scale, or 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 provided plans and elevations (Exhibit 6) and photographs (Exhibit 5).

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.*

No special treatment is recommended.

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 Applicant is proposing a lot occupancy of 59.9%, which would not exceed the maximum permitted lot occupancy of 70% in the RF-1 zone.

b. Subtitle U, Chapter 3 MATTER-OF-RIGHT USES (RF)

Special Exception Relief from Subtitle U § 301.1(e)

(e) An accessory building constructed as a matter-of-right after January 1, 2013, and that is located within a required setback shall not be used as, or converted to, a dwelling unit for a period of five (5) years after the approval of the building permit for the accessory building, unless approved as a special exception;

c. Subtitle X, Chapter 9 SPECIAL EXCEPTIONS

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 proposed accessory building and the subject property would conform to the height and bulk regulations apart from maximum building area, for which the Applicant has requested relief. The use of an accessory building for a second principal dwelling unit is a permitted use in the RF-1 zone. Therefore, the proposed new two-story accessory building is 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

The principal building would contain one dwelling unit and the accessory building would contain the second principal dwelling unit, as permitted in the RF-1 zone. The proposed accessory building would not be located in the required rear or side yard of the principal building and would conform to the alley centerline setback regulations.

The second unit would be accessed via a door from the alley. The Applicant is not proposing windows along the shared property lines with 637 and 641 A Street, SE. The Applicant is proposing three

windows and two french door on the north rear yard facing elevation. The Applicant is also proposing three windows on the south façade, that would overlook the alley.

Based on the above information, the proposal should not affect adversely the use of neighboring properties.

(c) Will meet such special conditions as may be specified in this title.

No special conditions are specified.

V. OTHER DISTRICT AGENCIES

Comments from other District Agencies had not been filed in the record at the time this report was drafted.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 6B submitted a report at Exhibit 27 recommending that the requested special exception relief be granted.

VII. COMMUNITY COMMENTS TO DATE

Letters in support of the subject application from adjacent neighbors were at Exhibits 12, 13, and 28.

Attachment: Location Map

Figure 1: Location Map, 639 A Street SE

