

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Ron Barron, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: February 16, 2024
SUBJECT: BZA Case 21044: Request for special exception relief for a rear addition at (2918 Upton Street, NW).

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle D § 207 (ex. Rear Yard Extension), D § (10 ft. maximum, 15 ft. proposed)

OP will advise the applicant to provide additional shadow study information, showing the

II. LOCATION AND SITE DESCRIPTION

Address	2918 Upton Street, NW
Applicants	Theresa Roosevelt and Robert O’Loughlin
Legal Description	Square 2235, Lot 86
Ward, ANC	Ward 3; ANC 3F
Zone	R-2, low density residential
Historic Districts	None
Lot Characteristics	A regular lot with frontage on Upton Street NW and a rear lot line with public alley access. The front and rear lot lines (facing east and west, respectively) measure 27.4 ft. The side lot lines (facing north and south) measure 139.5 ft.
Existing Development	The lot is improved with a single, two-story semi-detached single-family residential structure with cellar.
Adjacent Properties	The subject property is abutted to the east and west by similar two-story brick semi-detached single-family residential structures. The property to the east received similar relief for a similar addition in BZA Case 20618.
Surrounding Neighborhood Character	The neighborhood is characterized by two-story attached and semi-attached rowhouses.

Proposed Development	The Applicant proposes to add a 15-foot-deep rear extension to accommodate additional living area. The property will maintain a single-family residential use.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202	40 ft. min.	27.4 ft..	27.4 ft.	Existing non-conforming
Lot Area D § 202	4,000 sq.ft. min.	3,822 sq.ft.	3,822 sq.ft.	Existing non-conforming
Height D § 203	40 ft. max.	28 ft.	35 ft.	None requested
Front Setback D § 206	In-line with neighboring houses	Conforms.	Conforms	None requested
Rear Yard D § 207	20 ft. min.	88.5 ft.	63.5 ft.	None requested
Rear Extension E § 207.4	10 ft. max.	n/a	0 ft. (east) 15 ft. (west)	Sp. Ex. Relief requested (5 ft.)
Side Yard D § 207	8 ft. min.	8.9 ft.	8.9 ft.	None requested
Lot Occupancy D § 210	40% max. by right max by sp.ex.	Not provided	28 %	None requested
Parking C § 701	1 min.	1	1	None requested

IV. OP ANALYSIS

The Applicant has requested relief from the dimensional limitations of Subtitle D § 207 to permit a rear addition that extends 5 ft in excess of the matter of right standards as follows:

- 207.4 *Notwithstanding §§ 207.1 through 207.3, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.*
- 207.5 *A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle D § 5201 if applicable.*

This section permits the rear wall of an addition to extend beyond the rear wall of any neighboring property a maximum of 10 ft. by-right. The proposed addition would extend 15 feet, or an additional 5 feet, beyond the rear wall of the adjacent property to the west. Subtitle D § 207.5 enables the Board to grant the requested relief as a special exception subject to the criteria in Subtitle D § 5201 and the general Special Exception requirements of Subtitle X, Chapter 9.

Subtitle D § 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:

...

(b) Yards, including alley centerline setback;

The Applicant is proposing a rear addition. While a greater than required rear yard would be maintained, the proposal would extend 5 feet more than the permitted 10 feet beyond the rear wall of the adjacent house to the west. The provisions of Subtitle D § 207.4 pertains to the regulations governing rear yards and relief is therefore permitted by special exception.

5201.2 & 5201.3 not relevant to this application

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;

The portion of the property for which the addition is proposed is southward facing. The proposed addition would extend 5 feet more than permitted by right, and would be about 5 feet lower in height than permitted by zoning. The applicant has provided shadow studies which show the potential impacts of the proposal. OP has advised the applicant to supplement the record with shadow studies that more clearly show the potential impact of a conforming rear addition compared to the proposal. The height of the addition would be proportional to the principal structure, and side yards and a considerable rear yard would be retained so the proposed addition would be unlikely to affect the available air flow.

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

The privacy and use of nearby properties should not be unduly impacted. While some windows are proposed on the west side of the addition, it would appear that they not should not result in undue impacts on privacy into the adjacent property and would not be substantially more intrusive than what would be allowable by-right. Any new views created by rear facing windows or the proposed deck would be mitigated by the size of the rear yard and substantial existing tree coverage.

(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 rear addition would not be highly visible from the street. While the addition would be visible from the alley, it would remain well back from the alley due to a deep rear yard. The addition would not be inconsistent with other buildings along that alleyway and would be at least partially

screened by existing fencing and vegetation.

- (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 has generally provided graphical representations addressing this criterion. As noted above, OP has suggested to the applicant a more detailed shadow study be provided to the record.

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 propose any special treatments.

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 proposed use as a single-family house is a conforming use in the R-2 zone. No other nonconformities would be created or expanded by granting the requested relief.

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;*

The relief requested, to extend a rear yard addition 5 ft. beyond what is permitted as a matter of right, would not be inconsistent with the general purpose and intent of the R-2 zone, as the house with the addition would retain side yards and a large rear yard, and would not exceed the height, use or lot occupancy provisions of the regulations. As a special exception, the proposal meets the criteria specific to the request.

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

As has been noted above, the proposed addition should not tend to adversely affect the enjoyment of use, privacy or character of neighboring property.

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

The proposed addition would meet the Section 5201 criteria specific to the request.

V. OTHER DISTRICT AGENCIES

DDOT reviewed the case and indicated to OP no objection to the approval of the application.

No other District agencies submitted comments at the time of writing.

VI. ADVISORY NEIGHBORHOOD COMMISSION

The ANC had not submitted a report at the time of writing.

VII. COMMUNITY COMMENTS

There are three letters in support from community members at Exhibits 27 through 29.

There are two requests for party status in opposition at Exhibits 31 and 32 from the owners of the two properties to the west of the subject site.

Location Map:

