



KGRW & Associates, LLC

Development Services | Planning | Architecture | Interiors

Statement of Explanation:

- 1. Existing and Intended Use of the Structure**
- 2. Basis for Granting Special Exception**

Emmert Residence
16 Quincy Pl, NW
Washington, DC 20001

Zone District: RF-1

Existing and Intended Use

The Owner would like to have a covered outdoor space that is accessed from the main living level, which is one floor above the rear yard. From the covered space would be a small open deck area, and stairs down to the rear garden. Currently, there is a small deck outside the rear of the main level, with no covered area. The proposed Covered Porch will provide this outdoor space, with additional architectural elements to provide privacy/buffer to surrounding properties. This includes architectural screening to buffer the views from the proposed mid-rise building that will be built to the south of the property and have views directly towards the Owner's rear outdoor space. The proposed architectural screening will allow for filtered natural light and breezes while providing a degree of privacy. The combination of covered porch and open deck will provide shading from the sun when desired while having some area where the warmth of the sun when desired. The proposed spiral stair allows for a compact way to move from the main level outdoor space to the landscaped garden area below.

Special Exception Sought:

For Relief from Subtitle E, Section 306.1: seeking relief from a minimum rear yard of twenty feet (20') to be reduced to seventeen feet (17'). (It would be 14.8' if Spiral Stair is included—DC zoning interpretation given to us said that stairs to main living levels do not count against the setback/yard minimum requirements.)

For Relief from Subtitle E, Section 205.4 (if needed, see further explanation in Basis paragraphs below): to reduce the required Rear Yard to allow the proposed addition to the row building to extend beyond ten feet (10') from the farthest rear wall of any adjacent property to a distance of 14 feet beyond the rear wall of the adjacent neighbor (16.2' if including spiral stair).

For Relief from Subtitle E, Section 207 (if needed, see further explanation in Basis paragraphs below): for reduction and elimination of Side Yard as it pertains to the



extension/addition from the existing rear portion of the rowhouse (from existing 2.8' to 0') potentially related to requirements of subsections 207.2 and 207.4.

Basis for Granting Special Exception

Subtitle E, Section 306.1 specifies that the minimum rear yard of twenty feet (20') shall be provided in the RF-1 zone. The proposed deck and covered porch would decrease the rear yard by only 3' to 17'. Per discussion with DC zoning interpretation on phone call, the spiral stair would not count against the rear or side yard setbacks because it is an uncovered stair that connects to the existing main level. While the definition and rules of measurement of Lot Occupancy refers to Building Area (Subtitle B, Sections 100 and 312), and its definition and rules of measurement specifically exclude stairs that are connecting to the main level, the definitions and rules of measurement of Rear and Side Yards (Sections 318 and 319) do not explicitly address stairs being included or excluded. Per the interpretation we received, the stair does not count. If, however, it is determined in this process that the spiral stair needs to count in the rear yard, then we would ask for 14.8' rear yard instead of 17'.

Subtitle E, Section 205.4 (if needed). This section states that the rear wall of a row building shall not be constructed to extend farther than ten feet (10') beyond the farthest rear wall of any adjoining principal residential building on any adjacent property. The proposed covered porch will extend 14' beyond the adjacent rear wall of the property to the east (not including spiral stair—see discussion in paragraph immediately above). Per same discussion with DC zoning interpretation on phone call, we were advised that a covered porch would not count as being part of the rear wall of a row building in Section 205.4—that subsection only applies to insulated space (ie, walls that enclose interior space), not covered porches with slatted walls. So, we do not believe we need relief from Section 205.4, but if it is determined in this process that relief from Section 205.4 is needed, then we are requesting 14' from the rear of the adjacent property's rear wall (or 16.2' if needed to include spiral stair).

Subtitle E, Section 207 (if needed). While row buildings may have a zero setback (0') for Side Yards per Section 207.1, and there are no minimum sizes for Courts per Table E. 203.1, Section 207.2 does say that any side yard provided shall be a minimum of five feet (5'). The existing rear portion of the row building has an existing side yard width of 2.8' (while the front portion of the row building has zero side yard/party wall condition.) Section 207.4 specifies that if there is a non-conforming side yard (ie, if 2.8' is less than 5' from 207.2), then you can extend from that non-conforming side yard, except that:

- a. The width of the existing side yard may not be reduced or eliminated
- b. The width of the resulting side yard must be at least 3 feet (3')

In this case, the proposed porch does reduce the side yard only as it applies to the extension from the rear portion of the row building. The proposed Covered porch angles from the existing 2.8' side yard width to zero (0') side yard. However, in same phone call for DC Zoning's interpretation, we were advised that there should not be any relief needed for Sections 207.2 and 207.4, because the ruling dimension for side yards with a



row building is zero feet (0'), and the condition with the rear portion of the existing row building and any proposed covered porch would not be subject to these subsections (and would actually be considered a Court which has no minimum size requirements for row buildings). If, however, it is determined in this process that relief from Section 207.2 and 207.4 is needed, we are requesting that the proposed side yard of the Covered Porch (and stair) be allowed to angle from 2.8' to 0' per the proposed drawing.

Subtitle E, Section 5201 addresses certain required development standards for which Special Exception Relief may be sought. Per Section 5201.1(b), "Yards, including alley centerline setback" is one category of the allowable development standards for which special exception relief may be sought. In this case, special exception relief is sought for minimum rear yard requirements (and if needed, side yard requirements).

Per Section 5201.4, certain criteria must be demonstrated in support of the special exception sought. This case addresses each of the criteria:

- (a) Light and air available to neighboring properties shall not be unduly affected:
 - a. The subject property is in an infill property where the rear of the house and the neighboring houses face south, so the rear yards get a prolonged amount of direct sunlight.
 - b. The proposed addition of the Covered Porch will not block a significant amount of light for the neighbor to the east. The Applicant/Owner has contacted this neighbor and provided images of the proposed project. He has not received any feedback except for an acknowledgement of receiving the information. The neighbors also do not currently live there. See attached Neighbor Notification Summary and back up information.
 - c. The proposed addition will minimally block any light to the neighbor to the west, as the addition on that side of the property is a small increase from the existing house. The applicant/Owner has contacted this neighbor and provided images of the proposed project. The response from the neighbor has been positive, and the Applicant/Owner altered the design to incorporate a suggestion of the neighbor. See attached Neighbor Notification Summary and back up information.
 - d. The proposed Covered Porch will have negligible impact to the flow of air to adjacent properties as the porch/deck is a combination of open deck and slatted screen walls that allow for air flow.
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised:
 - a. The proposed Covered Porch has a slatted screen wall to the east and the west to provide some measure of privacy between the subject property and adjacent yards. In fact, there would be more privacy between the neighbor to the east than exists now with the current existing deck that is open to the neighbor's yard. Per paragraph b and c above and accompanying attachments cited, the neighbors to both sides have been contacted. The addition of the slatted wall to the west side was in response to the neighbor's suggestion.



- b. The property adjoins an abandoned alley that adjoins an open space/parcel to the south (which is slated to be developed in the future as a mid-rise building), so the proposed porch and slatted screen walls seeks to create some privacy from those future residents, and no current residents to the south are present and therefore not adversely affected, either.
- (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:
 - a. There is currently an abandoned alley/parcel to the south, and the proposed project being on the rear yard side will not be visible from the street.
 - b. The new Covered Porch / Deck would be in character, scale and pattern of houses and their accessory structures along the alley. The scale of the project is intimate in the space and size created, and it will be an attractive enhancement to the character of the rear yards.
- (d) In demonstrating compliance with paragraphs (a), (b), and (c), of this subsection, the applicant shall use graphical representations, such as plan, photographs, or elevation and sections drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways:
 - a. Please see package of drawings and photo images that show the appropriate scale and architecture of the screened porch and steps and its relationship to surrounding neighbors, alley, and street.

Subtitle X, Chapter 9 provides the general criteria for approval of Special Exceptions. The criteria is listed in Section 901.2. The proposed Special Exception sought meets these criteria:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulation and Maps:
 - a. The subject property is within a zone district that is surrounded by similar RF-1 zoned properties.
 - b. Many of these residences have porches or elevated decks that are accessed from their main living levels. The enjoyment of outdoor space, including covered and open outdoor spaces, is common to residents within this zone.
 - c. The proposed structure, as noted above under the Subtitle D Section 5201 discussion, is in scale and character with the scale of the surrounding houses within the zone.
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps:
 - a. Per Section 5201 discussion above, the Proposed structure will not adversely affect the use and enjoyment of neighboring properties.
- (c) Will meet such special conditions as may be specified in this title:
 - a. We believe the design of the proposed structure does not require any further special conditions as it is compatible in scale and character within the community.



Conclusion

For the above reasons, we believe that Special Exception sought for reducing the rear yard from 20' to 17' meets all the criteria set forth in the Zoning Regulations (or 14.8' if spiral stair must be included in rear yard calculation). In addition, if it is determined that additional rear yard requirements of Section 205.4 apply, we believe the Special Exception should then include provision for the proposed addition, which would grant 14' instead of 10' in Section 205.4 (16.2' if spiral stair included). Finally, if it is determined that Side Yard requirements of Section 207.2 and 207.4 apply, then we believe that the Special Exception should then include provision for the proposed addition, which would reduce the side yard back to the zero feet (0') setback.

We would request for this Special Exception application to be granted.

