



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
JL Joel Lawson, Associate Director for Development Review

**DATE:** September 8, 2017

**SUBJECT:** BZA #19562 – 1362 East Capitol Street, NE – Request for special exception relief under Subtitle F § 5201 in order to construct a rear two story plus cellar addition

### **I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requested special exception pursuant to Subtitle E §§ 205.5 and 5201:

- F § 205.4 Rear Yard / Depth of Rear Addition (10' beyond adjacent house permitted as a matter-of-right, additional depth permitted as a special exception, approximately 5' beyond adjacent house existing, 16' 8.25" proposed).

### **II. LOCATION AND SITE DESCRIPTION**

Applicant	Clayton and Stuart Hall, Owners
Address	1362 East Capitol Street, NE
Legal Description	Square 1035, Lot 81
Ward / ANC	6, 6A
Zone	RF-1, moderate density rowhouses and flats
Historic District or Resource	Capitol Hill Historic District
Lot Characteristics	Rectangular lot – 16.2' X 135.6'; 15' public alley at rear; Existing garage at the alley.
Existing Development	Two story plus cellar one-family rowhouse
Proposed Development	Construct a two story plus cellar addition to the rear of the existing dwelling; Depth of the addition would be approximately 6' 2.6" beyond existing decks.
Adjacent Properties	Similar two story plus cellar rowhouses on each side.
Surrounding Neighborhood Character	Neighborhood is mostly rowhouses with a few apartment buildings and institutional uses.

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant proposes to construct an addition at the rear of the existing dwelling. In order to construct as proposed, the applicant has requested rear yard / depth of rear addition special exception relief.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18'	16.2'	No change	Existing Nonconforming
Lot Depth	n/a	135.6'	No change	Existing Nonconforming
Lot Area E § 201	1,800 sf	2,196.2 sf	No change	Conforming
Height E § 303	35'	27.6'	No change	Conforming
Lot Occupancy E § 304	60%	55.5% 1,218.5 sf	59.1% 1,298.5 sf	Conforming
Rear Yard E § 305	20'	50.8'	40.7'	Conforming
<b>Rear Yard / Depth of Rear Addition E § 205.4</b>	<b>Addition may not extend more than 10' past rear wall of adjacent house</b>	<b>~5' past house to the east</b>	<b>16' 8.25" past the house to the east</b>	<b>Requested</b>
Court Dimensions E § 203	No requirement	4.9'	4.9'	Conforming

### IV. ANALYSIS

#### *Subtitle E § 5201      ADDITION TO A BUILDING OR ACCESSORY STRUCTURE*

*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 applicant seeks special exception relief for rear yard / depth of rear addition.

*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.*

Relief is being sought for the residential building on this property.

*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;*

The light and air available to nearby properties should not be unduly impacted. The addition would be only about 6' deeper than the adjacent house to the west, which would likely cause some additional shadow, but not an undue amount. The addition would be 16' 8.25" beyond the rear wall of the house to the east, and 10' beyond that neighbor's deck. But the proposal would maintain the dogleg on that side, allowing adequate light and air access to that house.

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

The privacy of nearby properties should not be unduly impacted. The addition would have on each floor one new window facing the court and the adjacent property to the east. The new windows would have a similar relationship to the adjacent property as the existing windows that face the court, and the degree of privacy should not be unduly compromised. The design proposes no rear decks on the new addition, only windows and a landing at the ground floor. Owners of both adjacent properties have submitted letters in support of the proposal.

- (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 proposed addition should not intrude upon the character of the alley and, because of the garage at the rear of the lot, would be largely shielded from view. The scale of the addition would be comparable to other rear additions on this block of East Capitol.

- (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 application includes plans, elevations and photographs to represent the proposed addition.

*(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%).*

The proposed lot occupancy would be 69.8%.

*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 recommends no special treatments.

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

The existing and proposed use as a single family dwelling is a permitted use.

*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 height of the building would not increase as a result of this application.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing OP has not received comments from other agencies.

## **VI. HISTORIC PRESERVATION**

The project has received conceptual approval from the Historic Preservation Review Board (HPRB).

## **VII. COMMUNITY COMMENTS**

The record includes letters of support from the adjacent property owners (Exhibits 12 and 13).

## VIII. AERIAL PHOTO

