

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Anne Fothergill, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: September 15, 2017
SUBJECT: BZA Case 19566 – 225 Tennessee Avenue, N.E.; Special Exception to permit construction of a rear addition that will extend more than ten feet beyond adjoining buildings

I. RECOMMENDATION

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

- Subtitle E § 205.4 - Rear Wall of Attached or Semi-Detached Building (10 foot extension beyond adjoining principal residential building permitted, 24 feet and 7 inches proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	225 Tennessee Avenue, N.E.
Legal Description:	Square 1039, Lot 66
Ward / ANC:	Ward 6, ANC 6B
Zone:	RF-1
Lot Characteristics:	The midblock rectangular lot is 2,496 square feet in area, and has 18.25 feet of frontage along Tennessee Avenue. The rear of the lot abuts a public alley.
Existing Development:	The property is currently developed with a two-story row dwelling having a lot occupancy of 29.9%.
Adjacent Properties:	The subject property is located in a residential area zoned for residential flats. The adjacent properties are two-story row dwellings.
Surrounding Neighborhood Character:	The surrounding neighborhood character is moderate density residential, and generally consists of two- to three-story row dwellings with some one-story and multi-family buildings.

III. PROJECT DESCRIPTION IN BRIEF

The Applicants propose to remove a small two-story rear addition and to construct a three-story addition at the rear of the house with inset covered porches on the 1st and 3rd floors. The rear addition would extend length of 24 feet and 7 inches beyond the adjacent properties, which exceeds the maximum ten feet that is permitted matter-of-right by the zoning regulations.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing¹	Proposed ¹	Relief
Height E § 303	35 feet maximum	31 feet	35 feet	None
Lot Width E § 201	18 feet minimum	18.25 feet	No change	None
Lot Area E § 201	1,800 SF min.	2,496 SF	No change	None
Floor Area Ratio	None prescribed	--	--	None
Lot Occupancy E § 304	60% maximum	29.9%	47.5%	None
Rear Yard E § 306	20 feet minimum	96.4 feet	71.86 feet	None
Side Yard E § 307	None required, but 5 feet min. if provided	N/A	N/A	None
Rear Wall Extension E § 205.4	≤ 10 ft. beyond the farthest rear wall of adjoining principal residential building	Equal to adjoining residential buildings	24'7" beyond adjoining principal residential buildings	Requested

V. ANALYSIS

Addition rear wall extension - Special Exception Relief from E 205.4 pursuant to E 205.5

Subtitle E § 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 proposed development would permit the expansion of an existing residential building into the rear yard, and qualifies for relief via a special exception.

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.*

The proposed development includes an addition to an existing residential building; therefore, special exception relief is applicable to this request.

¹ Information provided by Applicant

Subtitle E Section 205.5

A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

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 property is a long lot and would have a rear yard of approximately 72 feet upon completion of the addition, providing light and air to the adjacent properties. The Applicant has provided a sun study which shows that the light and air available to neighboring properties should not be unduly affected by the addition (see Exhibit 33). The Applicants have a deep lot and there is a public alley at the rear of the property and the houses across the alley have rear yards so the light and air to those properties should not be unduly affected. With the proposed addition, the lot occupancy would be 48%, below the permitted 60% for this zone.

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

The Applicant is not proposing windows on the south side elevation. There will be two small inset porches on the north corner of the rear of the house at the first and third level with one window on the north side. The privacy fences between this property and the adjacent properties will remain. There is a public alley at the rear of the property and the houses across the alley have rear yards so the privacy of those properties should not be affected. As such, the proposed addition should not compromise the privacy of use and enjoyment of neighboring properties.

- (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 is located at the rear of the house and would be not visible from the street. The design of the proposed rear three-story addition would allow the front of the façade to remain intact and maintain the existing scale and pattern along the street. As viewed from the alley, the addition should not substantially visually intrude upon the character, scale, and pattern of houses. A three-story addition to this building is allowed in this zone.

- (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 applicant has provided sufficient plans, photographs, and elevations.

- (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 is 48%, which is permitted matter-of-right.

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.

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

The existing structure is currently used as a single family dwelling unit, and will continue to be used as such upon completion of the proposed addition.

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 proposal would not introduce or expand a nonconforming height or number of stories. The height of the addition would be 35 feet and it would have three stories, as permitted by the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, no District Agencies had submitted comments.

VII. COMMUNITY COMMENTS

Three letters of support from neighbors, including one from the adjacent neighbor at 227 Tennessee Avenue NE, have been filed to the record (Exhibits 13, 31 & 32). The other adjacent property owner of 225 Tennessee Avenue NE does not live at the property but was shown the plans and had not provided comments at the time of this report (see Exhibit 30).