

**MEMORANDUM**

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

**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** November 22, 2017

**SUBJECT:** BZA Case 19617: Request for special exception relief pursuant to Subtitle E § 5201.1 to allow a rear extension of a residential building more than ten feet beyond the rear wall of an adjacent residential structure.

**I. RECOMMENDATION**

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

- E § 205.4, Rear Wall Extensions (10 feet permitted; 20 feet, 1.25 inches existing; 32 feet, 1.25 inches proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	753 Morton Street, N.W.
Applicant	Aaron Cobet
Legal Description	Square 2894, Lot 49
Ward, ANC	Ward 1, ANC 1A
Zone	RF-1
Lot Characteristics	Rectangular lot with rear public alley access
Existing Development	Two-story row house
Adjacent Properties	One-family row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Two-story rear addition

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	27.5 feet	27.5 feet	None Required
Lot Width E § 201	18-foot min.	18 feet	18 feet	None Required
Lot Area E § 201	1,800 square-foot min.	2,452 sq. feet	2,452 square ft.	None Required
Lot Occupancy E § 304	60% max.	31%	37%	None Required
Rear Yard E § 306	20-foot min.	85.4 feet	73.4 feet	None Required
Rear Wall Extension E § 205.4	10-foot max.	20 feet, 1¼ in.	32 feet, 1¼ in.	<b>Required</b>

### IV. ANALYSIS

#### Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 *The Board of Zoning Adjustment may approve as a special exception in the RF 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 requests relief from E § 205, Rear Yard, to permit the rear wall of an attached building to extend more than ten feet into the rear yard beyond the furthest rear wall of an adjoining principal building on an adjoining property.

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 application proposes an addition to a one-family residential building.

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;*

Light and air would be minimally impacted by the proposed addition. The existing structure on the subject property currently extends slightly more than twenty feet from

the rear wall of the row house to the west, seventeen feet of which is set back 4.3 feet from the common lot line because of the open court on the subject property. The presence of the open court on the subject property would allow for more light and air into the rear yard of the row house to the east, reducing the impact the proposed building addition would have on that property. The proposed addition would extend 3.75 feet back from the rear wall of the adjoining row house to the east, minimally affecting that property.

Adjoining property owners on each side of the subject property submitted letters to the file in support of the application.

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

The rear wall of the proposed building addition would have no windows or doors along either of its sides, with all new openings facing north into the rear yard only. The existing 4.3-foot wide open court on the west side of the subject property would be retained for the length of the new addition, maintaining the existing level of privacy for that neighbor. To the east the proposed addition would extend back less than four feet from the rear wall of that row house to the east, minimally impacting the neighbor.

- (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 building addition would be designed to be two-stories, consistent with the existing structure and most of the other row houses within the same block of Morton Street. It would be faced with Hardie Plank lap siding, similar in appearance to many of the other row house rear facades along the same side of the alley from which it would be visible. The combination of a sliding-glass kitchen door on the first floor and double-hung bedroom windows on the second would lend a residential appearance to the proposed construction, while making it generally compatible with the other row houses along the same 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; and*

The applicant submitted plans, photographs and elevation drawing sufficient to represent the relationship of the proposed addition to adjacent buildings and public ways.

- (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 37 percent, less than the maximum 60 percent permitted as a 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.*

OP makes no recommendations for special treatment.

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

The proposed addition onto the one-family row house would not result in the introduction or expansion of a nonconforming 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 subject application would permit a two-story building addition onto an existing two-story row structure at a height of 27.5 feet, less than the maximum three-stories and 35 feet permitted within the RF-1 zone. It would not result in the introduction or expansion of a nonconforming building height or number of stories.

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

DDOT, in a memorandum dated October 13, 2017, stated that it had no objection to the application.

## **VI. COMMUNITY COMMENTS**

ANC 1A, at its regularly scheduled meeting of October 11, 2017, voted to support the application.

The adjoining property owner to the east submitted a letter to the file in support of the application.

The adjoining property owner to the west submitted a letter to the file in support of the application.

Attachment: Location Map

