

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, Case Manager
JS for
Joel Lawson, Associate Director Development Review

DATE: December 28, 2018

SUBJECT: BZA Case 19890 - request for special exception relief pursuant to Subtitle E § 5201.1 to allow a one and two-story rear addition

I. RECOMMENDATION

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

- E § 304.1, Lot Occupancy (60 percent permitted, 52.2 percent existing; 68.6 percent proposed); and
- E § 205.4, Rear Yard Extensions (10 feet permitted, none existing; 14 feet, 11 inches proposed)

II. LOCATION AND SITE DESCRIPTION

Address	910 6 th Street, N.E.
Applicant	Heather and Nathan Gonzales
Legal Description	Square 831, Lot 39
Ward, ANC	Ward 6, ANC 6C
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Two-story row house
Adjacent Properties	North, East and West: Row houses South: Surface parking lot
Surrounding Neighborhood Character	Moderate density residential and institutional uses with commercial uses along H Street, NE
Proposed Development	One and two-story rear addition

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	25 feet	25 feet	None Required
Lot Width E § 201	18-foot min.	16 feet	16 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,568 sq.ft.	1,568 sq.ft.	None Required
Lot Occupancy E § 304	60% max. 70% with SE	52.2%	68.6%	REQUIRED
Rear Yard E § 306	20-foot min.	37.7 feet	26.8 feet	None Required
Parking C § 701	1 space per dwelling	1 space	1 space	None Required

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 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.**

Relief is requested to permit an increase in lot occupancy and to permit a rear building addition that extends more than ten feet beyond an adjacent structure.

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 requested to permit an addition to a 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;**

Although the proposed addition would extend back 42 feet from the rear wall of the house, and 14 feet 11 inches from the rear wall of the adjacent row house to the north, a 26.8-foot rear yard, in excess of the 20 feet required, would be provided, minimizing the impact this addition would have on the neighboring property. To the south is a property developed as a surface parking lot, which would be unaffected by the proposed addition.

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

Privacy, use and enjoyment should not be adversely affected. The proposed building addition would have no windows facing into the rear yard to the north, and the addition itself would serve to screen the rear yards to the north of the subject property from the surface parking lot. The building addition would not compromise the use of the adjacent parking lot to the south.

- (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 addition, as viewed from the surrounding streets and public alley would not adversely affect the character, scale and pattern of houses. It would provide a building wall, as viewed from I Street, that would serve to screen the rear yards of the houses to the north of the subject property from the surface parking lot.

- (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 photographs, plans and elevation drawings sufficient to represent to the relationship between the proposed addition and adjacent buildings and views from 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 application proposes a lot occupancy of 68.5 percent, less than the maximum 70 percent permitted by special exception.

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 subject application would not permit the introduction or expansion of a conforming 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 not result in the introduction or expansion of nonconforming height or number of stories.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies as of the date of the filing of this report.

VI. COMMUNITY COMMENTS TO DATE

Two letters were submitted to the file in support of the application, including the adjacent property owner to the north. (Exhibits 11 and 12)

ANC 6C, at its regularly scheduled meeting of December 10, 2018, voted to support the application. (Exhibit 29)

Attachment: Location Map

