

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
J Joel Lawson, Associate Director Development Review
DATE: October 8, 2016

SUBJECT: BZA Case 19338 - request for special exception relief under Subtitle E § 5201

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle E § 304.1 Lot Occupancy (60% maximum; **67.7% proposed**).

II. LOCATION AND SITE DESCRIPTION:

Address	543 Tennessee Avenue, N.E.
Applicant	Douglas and Stephanie Lett
Legal Description	Square N-1053, Lot 0052
Ward / ANC	Ward6/ANC6A
Zone	RF-1: These areas are developed primarily with row dwellings.
Lot Characteristics	The lot is flat, primarily triangular in shape, and at the intersection of Tennessee Avenue, F Street and 15 th Street . (Exhibit 3)
Existing Development	The property is developed as single-family, end-unit of a 20-unit row, fronting on Tennessee Avenue.
Adjacent Properties	The property lines abut three streets including F Street, N.E and Tennessee Avenue, N.E. to the north and 15 th Street, to the east. A residential row home (541 Tennessee Avenue) abuts the property to the south.
Surrounding Neighborhood Character	The neighborhood is located at the eastern edge of the Capitol Hill Historic District, which is developed primarily with row dwellings, flats and small apartment buildings.
Proposed Development	Application of Douglas and Stephanie Lett, for a special exception under Subtitle E § 5201, to add a two-story, 8-foot long, rear addition (sunroom) to the existing one-family dwelling on the lot, as part of the home’s overall renovation.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone (Subtitle E)	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 303	35ft.; 3 stories max.	26 ft. 2 stories	16.75 ft. 2-story (rear addition)	None required
Lot Width (ft.) § 302	18 ft. min.	16 ft.	No change	No change
Lot Area (sf.) § 302	1,800 sf. min.	1,692 sf	1,692 sf	No change
Lot Occupancy § 304.1	60 % max.	60.6 %.	67.7%	Requested (S.E.)
Rear Yard (ft.) § 306.1	20 ft. min.	47 ft. 3 ins.	37 ft. 3 ins.	None required
Side Yard (ft.) § 307	8 ft. min.	Varies (in excess of 8 ft.)	No change	Existing nonconformity

IV. OP ANALYSIS:

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 has requested relief from the maximum 60% lot occupancy prescribed under Subtitle E, Section 304.1. [Exhibit 5](#) records the self-certification indicating the necessary relief.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a building with only one (1) principal dwelling unit; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The two-story addition is proposed to a principal single-family residence on the lot.

¹ Information provided by applicant.

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 proposed two-story addition at the rear of the home would replace an existing one-story addition, which would not extend beyond the rear elevation of the abutting neighbor at 541 Tennessee Avenue, N.E. Further, there are no windows on the abutting neighbor's north elevation, so light and air would not be unduly affected.

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

Proposed windows would only face 15th Street, N.E. ([Exhibit 7](#) - Sheets A 4, A5). Existing privacy of the neighbor to the south should not be unduly compromised. The abutting neighbor at 541 Tennessee Avenue, N.E. submitted a letter in support of the proposed addition as part of Exhibit 12 of the record.

- (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 would not be out of character with the pattern of homes as viewed from the public right of way, including along 15th Street, where the addition would be most visible. The material use would include Hardie Plank siding and trim, consistent with additions to homes in the neighborhood.

- (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 provided the necessary photos and plans with the submission (Exhibits 6, 7).

- (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 no greater than 67.7 %, which is within the limits of this provision.

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 does not recommend any special treatment for the protection of the abutting neighboring property.

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 a permitted, conforming structure in the RF-1 District.

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 proposed two-story addition at 16 feet 9 inches feet is well within the permitted height and story permitted as a matter-of-right.

901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

(c) Subject in specific cases to the special conditions specified in this title.

Based on the satisfaction of the forgoing criteria under § 5201, the applicant's proposal of a two-story addition at the rear of the home at 543 Tennessee Avenue would be in harmony with the intent of the Regulations and should not affect the use of neighboring property. No conditions are recommended in this case.

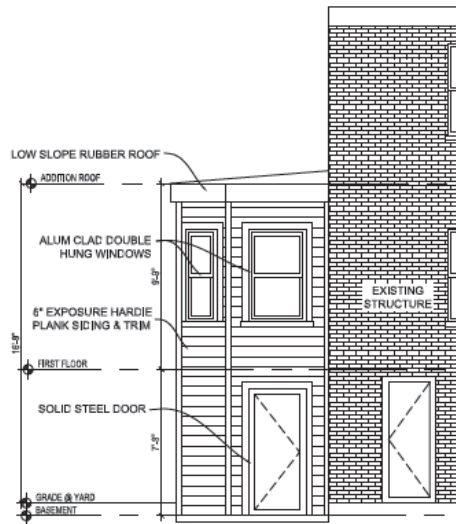
V. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from the District Department of Transportation have not been received at the writing of this report.

VI. COMMUNITY COMMENTS

The applicant provided information of their intention to meet with the ANC 6A on October 14, 2016, as shown in Exhibit 33 of the record.

Letters in support of the addition are included in the record under Exhibits 12 and 32.



1 ELEVATION
A-5 SCALE: 1/4"=1'-0"



Area of Proposed Addition



2 FACADE FACING F STREET NE
C-4