

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 21, 2017

**SUBJECT:** BZA Case 19481 - request for Special Exception relief under Subtitle E § 5201 to replace an existing shed at 1241 Independence Ave., S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

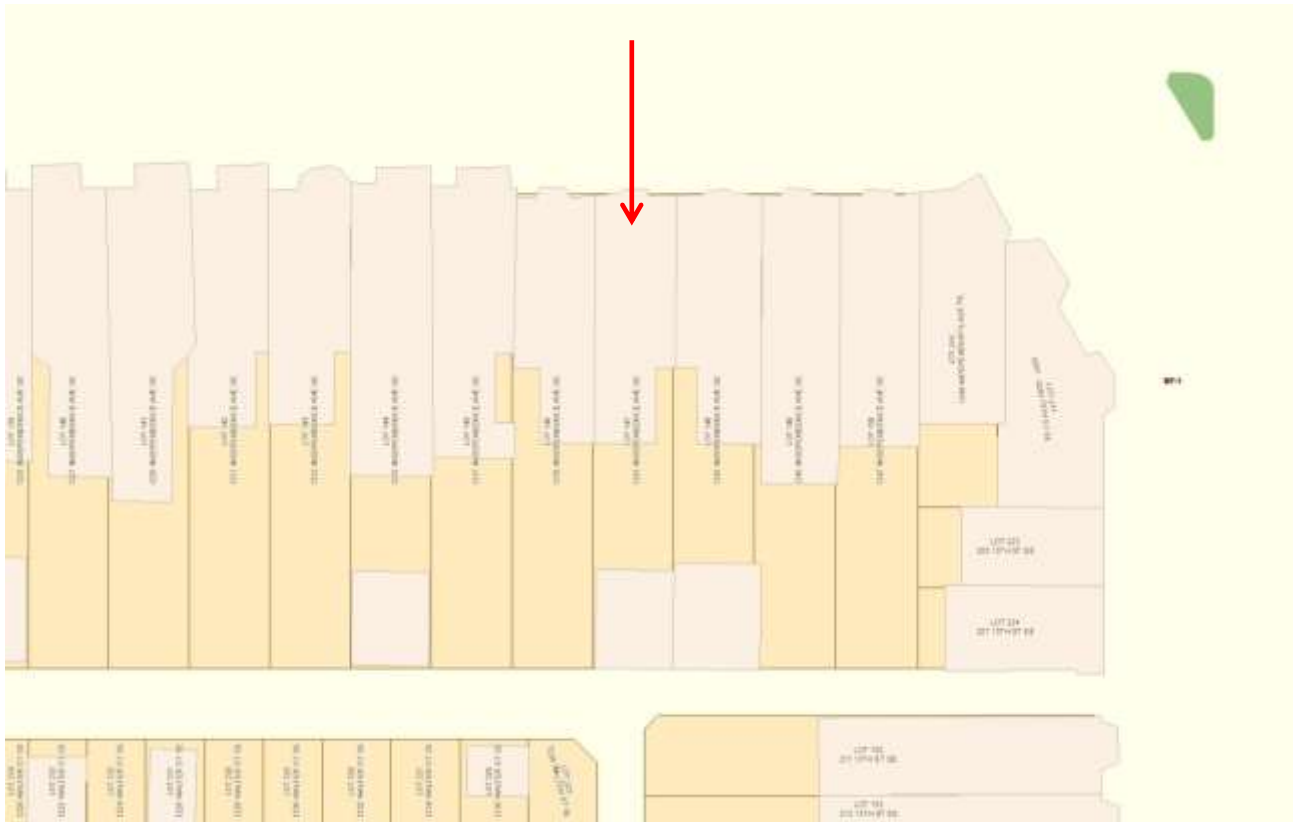
The Office of Planning (OP) recommends **approval** of the following Special Exception pursuant to Subtitle E § 5201:

- Subtitle E § 304.1 Lot Occupancy (60% maximum allowed, 69% proposed)

OP advised the Applicant that relief from Subtitle C § 202.2 for an addition to a non-conforming structure may also be required.

**II. LOCATION AND SITE DESCRIPTION**

Address:	1241 Independence Ave., S.E.
Applicant	Stephen Dalzell
Legal Description:	1015 0147
Ward / ANC:	Ward 6/ ANC 6B
Zone:	RF-1
Historic District	Capitol Hill Historic District
Lot Characteristics:	1700 SF rectangular lot
Existing Development:	Row dwelling
Adjacent Properties:	Row dwellings
Surrounding Neighborhood Character:	The surrounding neighborhood is residential in character and the predominant building type is row dwelling.
Proposed Development:	The Applicant proposes to remove an existing shed and replace it with a slightly smaller shed in the same location attached to the rear of the house. The Applicant also plans to remove a trellis and install a new one that would not count toward lot occupancy and therefore does not require any relief.



**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-F-1 Zone (Subtitle E)</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed <sup>1</sup></b>	<b>Relief</b>
Height	35 feet	30 feet	30 feet	None required
Lot Width	18 feet min.	17 feet	No change	Existing non-conformity
Lot Area	1800 SF min.	1700 SF	No change	Existing non-conformity
Rear Yard	20 feet min.	1'2"	No change	Existing non-conformity
Lot Occupancy	60% max.	70.6%	68.5%	Relief required

**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:*

<sup>1</sup> Information provided by applicant.

- (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 allowed under Subtitle E, Section 304.1.

*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 proposal is for an addition to a building with only one principal dwelling unit on the lot.

*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 to neighboring properties should not be unduly affected by the proposed changes to the house. The new shed would be in the same location as the existing shed and would be slightly smaller than the current shed. The proposed pergola would be more open than the existing structure and the overall lot occupancy would be reduced.

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

The neighboring properties' privacy should not be compromised by the proposed new shed and pergola. The mechanical shed has no windows and is essentially the same as the existing conditions.

- (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 rear shed and pergola would not be visible from the street or the alley as there is an existing garage and fencing along the alley which screens any visibility of the pergola and shed located behind the house at ground level.

- (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 (Exhibits 4 and 5) included with the submission.

- (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 68.5%, which is below the maximum of 70% and reduced from the existing lot occupancy of 70.6%.

*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.

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

The use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

*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 addition is within the maximum height and number of stories permitted as a matter-of-right in this zone.

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

No other comments from other District agencies had been filed at the time of this report.

## **VI. COMMUNITY COMMENTS**

ANC 6B filed a report in support of the proposed application (Exhibit 24).