

**MEMORANDUM**

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

**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** October 4, 2019

**SUBJECT:** BZA Case 20122 - request for Special Exception relief to construct a rear deck at 1021 Cook Drive, S.E.

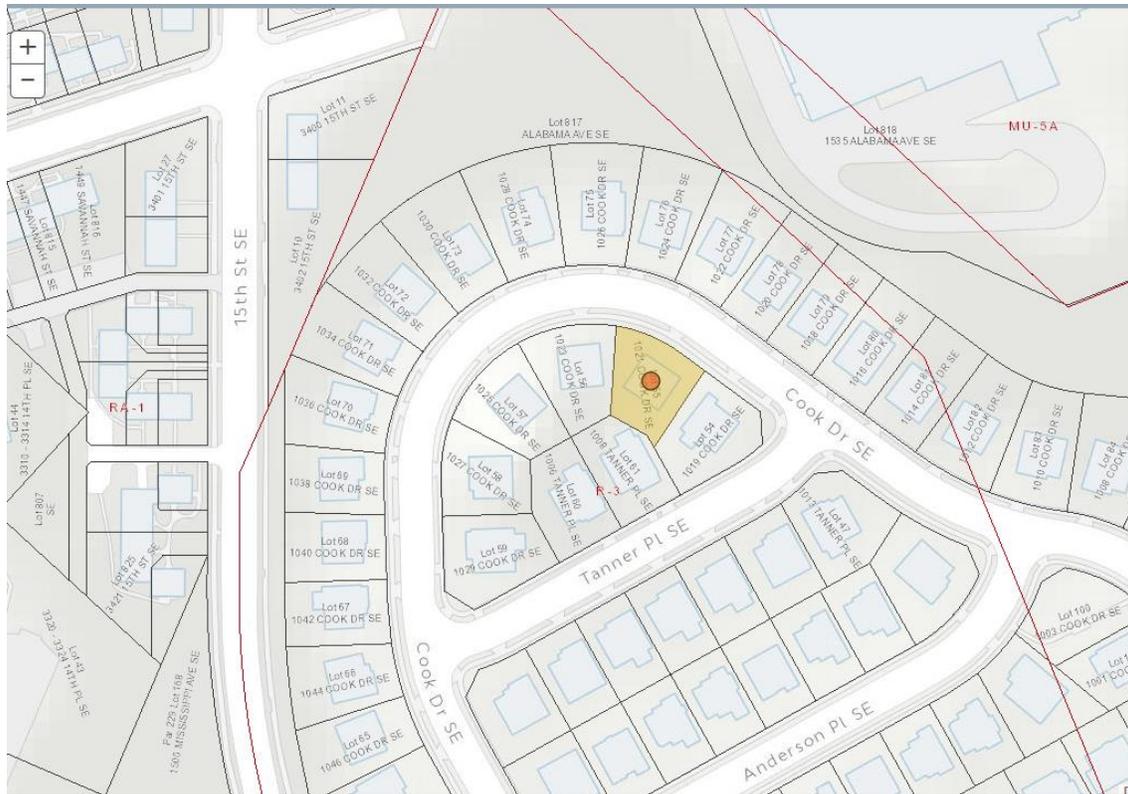
**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle D § 306.2 Rear Yard (20 foot minimum required, 12.5 feet proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address:	1021 Cook Drive, S.E.
Legal Description:	Square 5912 Lot 0055
Ward / ANC:	Ward 8 / ANC 8E
Zone:	R-3
Historic District:	N/A
Lot Characteristics:	7,862 SF lot
Existing Development:	Detached structure
Adjacent Properties:	Detached structures
Surrounding Neighborhood Character:	The surrounding neighborhood is generally residential in character and the predominant residential building type are detached structures.



**III. PROJECT DESCRIPTION IN BRIEF**

The Applicant proposes to construct an approximately 250 SF deck off the first floor rear of the house with steps to grade.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

R-3 Zone (Subtitle D)	Regulation	Existing	Proposed	Relief
Lot Width	40 feet min.	104.5 feet	No change	None required
Lot Area	4,000 SF min.	7,862 SF	No change	None required
Rear Yard	20 feet min.	25 feet	12.5 feet	<b>Relief required</b>
Lot Occupancy	40% max.	23%	27.4%	None required
Height	40 feet	33 feet	No change	None required

**V. 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 minimum rear yard requirement allowed under Subtitle D, Section 306.2.

*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 a rear deck 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 available to neighboring properties should not be unduly affected by the proposed rear deck on the house. The uncovered deck would extend off the first floor and would have an open picket railing. The subject property is a detached house with side yards between the adjacent properties and there would be a proposed 12.5 foot rear yard between the new deck and the rear property line of the abutting property, which would provide light and air between the properties.

- (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 240 SF rear deck. There would be conforming side yards between the subject property and the adjacent houses, and there would be more than ten feet between the new deck and the property line of the abutting property at the rear.

- (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 deck would not visually intrude upon the character and scale of the house and the pattern of houses along the street. The deck would be located at the rear of the house and there is no rear alley. Neighboring properties have similar decks in terms of size and design.

- (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 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 27.4% lot occupancy conforms with the regulations.

*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 house with the proposed rear deck is within the maximum height permitted as a matter-of-right in this zone.

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

At the time of this report, no other agencies had filed comments.

## **VII. COMMUNITY COMMENTS**

At the time of this report, no community comments had been filed into the record.