

D. Existing and Intended Use of the Structure

The house located at 520 T St NW (Sq: 3093, Lot: 0036) is currently used as a single family home. This application for a special exception and variances is to permit the construction of a deck addition in the rear yard. The intended use of the structures is as a single family home.

E. Special Exception Sought

- 1. Special Exception pursuant to §223.1 to allow a deck addition to a Single Family Structure that does not comply with §403.2, maximum lot occupancy requirement and §404.1, minimum rear yard setback requirement (§3104.1).**

The proposed addition to the single family home located at 520 T St NW would consist of a wooden deck, 9 feet wide and 6.5 feet deep, and 5 feet 1 inches above ground level, as indicated in the attached drawings, elevations and plat. The current rear yard setback is nonconforming – it is 13.5 feet deep at its deepest point, and 6 feet 7 inches deep at its shallowest point. Thus, it would be impossible to construct any deck addition in the rear yard without violating the rear yard setback requirement. Due to the placement of two air conditioning units installed by previous owners of the property, it would not be possible to create a useable rear yard space by installing stairs alone, as the resulting rear yard would be so small as to be unusable (see attached photos). This addition would be consistent with the character of the R-4 district and the purpose and intent of the zoning regulations, in that it would promote the recreational use of outdoor space not previously accessible to the residents, and would not have negative impacts on the adjacent properties or public space.

- a. §223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.**

The proposed deck will not have an adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property. The deck, railing and lattice fencing will not unduly affect light and air available to neighboring properties (§223.2(a)) as the structure will be constructed behind an existing fence and will have a height, including railings of 8 feet, 1 inches. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised (§223.2(b)), as each neighboring property is separated by tall fences, and the deck itself will be shielded to the south by a lattice privacy fence. The deck will not be visible from the adjacent streets (T St, 5th St, and Florida Ave NW). To the extent that the deck is visible from the adjacent alley, it will not visually intrude upon the character, scale and pattern of houses, (§223.2(c)) as several neighboring properties include similar rear deck additions (as shown in the attached color photo showing the deck and privacy fence located on the adjacent property directly to east of the property in question.

- b. §223.3 the lot occupancy of all new and existing structures on the lot shall not exceed . . . seventy percent (70%) in the R-3, R-4, and R-5 Districts.**

The existing structure (596.1 square feet) and the proposed deck (58.5 square feet) will have a total square footage of 654.6, covering 69.6% of the lot (941 square feet). Therefore, the lot occupancy of all new and existing structures will not exceed 70%.

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