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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 31, 2012
SUBJECT: BZA Case 18303 - Expedited request pursuant to 11 DCMR § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 520 T Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, Lot Occupancy (60 percent permitted, 69.6 percent proposed);
- § 404.1, Rear Yard (20 feet required, 7.5 feet proposed); and
- § 2001.3, Enlargement or Addition to a Nonconforming Structure.

II. LOCATION AND SITE DESCRIPTION

Address	520 T Street, N.W.
Legal Description	Square 3093, Lot 36
Ward	1
Lot Characteristics	Unusually shaped lot with no alley access
Zoning	R-4 – row houses and flats
Existing Development	Row dwelling, permitted in this zone
Historic District	LeDroit Park
Adjacent Properties	Row houses

III. PROJECT DESCRIPTION IN BRIEF

Applicants	Karen Hoerst and David Rosenblatt
Proposal	Construction of a rear deck
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18303

EXHIBIT NO. 28

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IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. and 3 stories max.	< 40 ft. and 2.5 stories	< 40 ft. and 2.5 stories	None required
Lot Width § 401	18 ft. min.	16.7 ft.	16.7 ft.	None required
Lot Area § 401	1,800 sq.ft. min.	941 sq.ft.	941 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	63.3%	69.6%	Required
Rear Yard § 404	20 ft. min.	10 ft., 2 in.	7 ft., 6 in.	Required

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The Applicants are requesting special exception relief under § 223 from the requirements of §§ 403, 404 and 2001.3.

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, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

Light and air to neighboring properties would not be unduly affected. The deck would be constructed behind existing privacy fencing to the south, east and west. Lattice fencing would be provided approximately three feet above the height of the existing privacy fence along the rear lot line to ensure privacy to the abutting property to the south, which is at a lower elevation. The lattice fencing would be similar to the lattice fencing screening the deck from the subject property on the adjoining lot to the east, and would allow for the flow of light and air between the two properties.

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

Privacy of use and enjoyment of neighboring properties would not be unduly compromised. The proposed deck would not be visible to adjoining properties because each yard is separated from the subject property by privacy fencing, screening the proposed deck from neighboring properties to east and west. The deck would be separated from the rear lot line by the proposed staircase leading down from the deck to the rear yard. Lattice fencing extending approximately three feet above the height the existing privacy fence at the rear would increase the privacy of the property 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; and

The proposed deck would not substantially visually intrude upon the character, scale and pattern of houses. It would extend out from the main level of the dwelling, be similar to other decks within the square and be minimally visible from the public alley to the east.

- (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.*

The applicant submitted plans, photographs and elevation drawings in support of the application.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 69.6 percent, less than the maximum 70 percent permitted within the R-4 district.

- 223.4 *The Board 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 treatments.

- 223.5 *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 result in the introduction or expansion of a nonconforming use.

The Historic Preservation Office approved the application administratively.

VI. COMMUNITY COMMENTS

ANC1B, at its regularly scheduled meeting of January 5, 2012, voted to support the application.

The LeDroit Park Civic Association wrote a letter, dated January 26, 2012, in support of the application.

VII. AGENCY COMMENTS

The District Department of Transportation (DDOT) informed the OP by email that it had no comments.

Attachment: Zoning and Vicinity Map

