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D.C. OFFICE OF ZONING**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment 2012 MAR 13 PM 1:59

FROM: W Arthur Jackson, Case Manager

Joel Lawson, Associate Director Development Review

DATE: March 13, 2012

SUBJECT: **BZA Case 18326** - request for special exception relief under § 223 to allow construction of a two-story deck addition to the existing end row dwelling located at 2032 17th Street NW**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of special exception relief requested pursuant to § 223 from § 403.2 (60% lot occupancy allowed, 70% lot occupancy proposed) for the proposed rear deck. In response to neighbor concerns the applicant eliminated the upper level of the proposed two-level deck.

II. LOCATION AND SITE DESCRIPTION:

Address:	2032 17 th Street NW
Legal Description:	Square 0150 Lot 0158
Ward:	1C
Lot Characteristics:	A rectangular interior lot with an area of 1,120 square feet (0.03 acre) bounded by 17 th Street NW along the eastern (front) boundary, a concrete alley 8-feet wide along the southern (side) boundary that extends from 17 th Street and a continuation of the same alley that is 10-feet wide along the western (rear) property boundary.
Zoning:	R-5-B – row dwellings and flat uses are allowed as a matter of right in this district.
Existing Development:	The property is developed with a four-story row dwelling that was constructed in approximately 1900 and is occupied by a flat use. The dirt rear yard is not fenced at this time (refer to Figure 1).
Historic District:	Strivers' Section
Adjacent Properties:	Three- to four- story row dwellings.
Surrounding Neighborhood Character:	Moderate density residential (refer to Exhibit 1).

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Valerie and Atalia Portnoi, owners of record.
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18326

EXHIBIT NO. 27

Board of Zoning Adjustment
District of Columbia

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EXHIBIT NO. 27



Proposal:	Originally to replace the previous rear porch with a new two-story wooden deck on masonry piers. Each level of the deck would be 12 x 16-feet. Doors in the rear façade of the dwelling would allow direct access to each deck level from the adjacent floor. A metal circular stair would provide access from the lower deck to the rear yard.
	The application indicates that the current lot occupancy is 53%. The proposed addition would increase it to 70% which is greater than the 60% allowed in the R-5-B district under § 403.2. <i>The remaining 16 x 21-foot rear yard would be sufficient space to accommodate the single 9 x 19-foot parking space required for the existing flat use under § 2101.1.</i>
Relief Sought:	§223 – for non-conforming lot occupancy.

IV. ZONING REQUIREMENTS

R-5-B District	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	50 feet, No story limit	Unknown 4 stories	SAME	None required
Lot Width (ft.) § 401	None prescribed	16 feet	SAME	None required
Lot Area (sq. ft.) § 401	None prescribed	1,120 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	60 % max.	53 %.	70 %	+ 10%
Rear Yard (ft.) § 404	15 feet min.	33 feet	21 feet	None required
Side Yard (ft.) § 405	None required	None required	None required	None required
Parking § 2101.1	1 per 2 dwellings	0 space	1 space	None required

OP believes relief is also required from §§ 2001.1 (a) and (b) (2) because the proposed deck addition would exceed the allowable lot occupancy *and* create a new nonconforming aspect of the property (lot occupancy).

V. OP ANALYSIS

Consistency with § 233

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 and flat uses are permitted in this district.

Figure 1



¹ Based on architectural plans submitted by the applicant.

The applicant is requesting special exception relief under § 223 from §403 (lot occupancy). Granting the requested relief would also satisfy the §§2001.1 (a) and (b) (2) provisions.

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;*

The air and light available to neighboring properties would not be unduly impacted by the proposed two-story deck addition. The subject property and neighboring lots to the north have an east-west orientation, so the shadows cast by the four-story dwelling on the subject property would generally subsume any shadows cast by the proposed deck addition.

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

Generally it does not appear that the privacy and enjoyment of neighboring properties would be unduly compromised. Views from the proposed deck to the south and west would be the same as from the rear façade windows. Although the rear facade windows on the second and third floors of the neighboring property at 2034 17th Street NW may be more visible from the subject property than they are now, this could be mitigated by the addition of privacy screens.

The applicant indicated to OP that the neighboring property owner has been contacted to discuss the proposed addition.

(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*

State Office of Historic Preservation (SHPO) comments are summarized in the Agency Comments section below.

(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.*

Sufficient graphical information was provided for this case.

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 70% lot occupancy would be consistent with this limitation.

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.*

In light of comments from the neighboring property owner (refer to Community Comments section below), the applicant agreed to reduce the deck to just the lower level. OP also suggests the addition of privacy screens to the deck design to preserve the privacy of the neighboring dwelling and filing a copy of the revised construction plans into the case file.

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

Approval of this request would not result in the introduction or expansion of a nonconforming use on the subject property.

OP determined that this application meets the standards for BZA approval.

VI. AGENCY COMMENTS

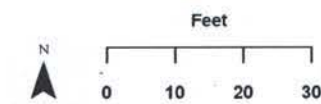
The SHPO reviewed this rear deck proposal and determined that it did not raise any concerns about negative visual impacts on the surrounding neighborhood.

The District Department of Transportation indicated in a memorandum dated March 12, 2012 that approval of this special exception would not impacts the local transportation network.

VII. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 1C considered this proposal during its regularly scheduled meeting on March 7, 2012. After the neighboring property owner complained about the upper level of the deck, the applicant agreed to limit the proposed deck addition to the lower level.

In light of the neighbor's concern, the ANC approved a resolution that only supported construction of lower level of the proposed deck.



BZA Application No. 18326



Government of the District of Columbia
Office of Planning ~ August 31, 2011

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