

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review
DATE: August 30, 2012

SUBJECT: BZA Case 18393 - request for special exception relief under § 223 to construct an addition to an existing two-family flat at 149 D Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to construct a second level rear deck addition, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, lot occupancy (60% permitted by right; 70% by special exception; 64% proposed).

Although not requested by the applicant, OP staff notes that the lot is slightly nonconforming with respect to lot area (§ 401.3).

II. LOCATION AND SITE DESCRIPTION:

Address:	149 D Street SE (See Attachment 1.)
Legal Description:	Square 0734, Lot 0074
Ward:	6B
Lot Characteristics:	The property is generally rectangular in shape with an angled rear property line. The public alley terminates at the western property line.
Zoning:	CAP/R-4 – detached, attached, semi detached, single family dwellings and flats.
Existing Development:	Attached row dwelling flat, which is permitted in this zone.
Historic District:	Capitol Hill Historic District
Adjacent Properties:	Attached and semi-detached row houses.
Surrounding Neighborhood Character:	Attached and semi-detached row houses; five-story apartment building on the north side of D Street; four-story office building on the north side of D Street to the west; and two-story commercial on the south side of D Street to the west.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18393

EXHIBIT NO. 26

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Marina Martin, property owner
Proposal:	Construct a second level rear deck addition to an existing dwelling, which will exceed the maximum allowed lot occupancy under § 403.2. The deck would extend 8.375 feet in depth and 18.542 feet in width. It would rise approximately 9 feet above grade to a total height (at the top of the railing) of 13 feet. A spiral stairway is proposed to connect the deck to the rear yard at grade. The existing vehicle parking spaces would be maintained in the rear yard.
Relief Sought:	§ 223.1 – to increase allowable lot occupancy to permit a nonconforming addition to a two-family flat.

IV. ZONING REQUIREMENTS

CAP/R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	28.5 ft.	28.5 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	18.72 ft.	18.72 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,768 sq. ft.	1,768 sq. ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	60% max.	56%	64%	4%
Rear Yard (ft.) § 404	20 ft. min.	41.8 ft.	31 ft.	None required
Side Yard (ft.) § 405	None required	N/A	N/A	None required
Court § 406	15 ft. min.	18.72 ft.	18.72 ft.	None 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.

A flat is a permitted use in the R-4 district. The proposed addition requires special exception review under § 223 from the requirements for maximum lot occupancy (§ 403).

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:

¹ Information provided by applicant.

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

The proposed composite wood deck would be supported by steel posts and framing and the deck floor would include glass panels to facilitate the passage of light through the structure. The deck also would include cable guard rails, which would allow for the passage of light and air through the structure. Therefore, it does not appear that the proposed deck would unduly impact the light and air available to the neighbors.

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed deck would not extend beyond the existing privacy fencing at the property. The adjoining rear yard to the west is developed and used as a patio and parking pad. The adjoining rear yard to the east is developed with the rear landing and stairs for the adjacent row house.

- (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 be visible from D Street SE, Second Street SE, or North Carolina Street SE; it would, however, be visible from the alley that provides access to 1st Street SE. The proposed design, steel framing, cable rail, and composite decking with glass panels, is of a contemporary residential design that would not substantially visually intrude upon the character, scale and pattern of the alley. Historic Preservation staff expressed no concerns with the proposed deck.

- (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 submission provided sufficient information about this proposal.

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 of 64 percent is 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.

No special treatment is recommended.

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

No nonconforming use would be established under this proposal.

VI. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 6B's Planning and Zoning Committee reported voting 7-0-0 at its July 10, 2012, meeting to recommend support of the subject application to the full ANC, which will meet September 11, 2012.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation has no objection to the special exception relief requested by the Applicant.

Attachments:

1. Location map

