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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 18, 2012

SUBJECT: BZA Case 18428 – Expedited request pursuant to DCMR § 3118 for special exception relief under § 223 to construct a deck to an existing single-family row dwelling at 2432 39th Place NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to 11 DCMR § 3104 1, § 223 to accommodate a rear deck addition to the subject row dwelling.

- § 403 (maximum lot occupancy of 60% allowed, 70% by special exception, 62% proposed),
- § 404 to allow a rear yard of 10 5 feet (20 feet required), and
- § 2001 3 (the proposed dwelling enlargement would extend the nonconforming rear yard)

OP also notes that the existing subject property is nonconforming in the following areas

- § 401 (minimum lot width of 20 feet required, 18 feet exists); and
- § 401 (minimum lot area of 1,800 feet required, 1,512 square feet exists)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18428
EXHIBIT NO. 23

II. LOCATION AND SITE DESCRIPTION

Address	2432 39 th Place NW
Legal Description	Square 1748, Lot 34 (Ward 3)
Lot Characteristics	1,512 square foot, rectangular-shaped, interior lot with rear alley access
Zoning	R-3 –single-family row dwellings permitted
Existing Development	Detached, single-family dwelling, permitted in this zone, with no off-street parking spaces
Historic District	n/a
Adjacent Properties	Single-family, row dwelling residences are located to the immediate north, south, and east To the west, across the alley is the R-5-A District with a mixture of semi-detached and detached single family homes as well as multi-family apartment dwellings
Surrounding Neighborhood Character	Low-density residential uses, including single-family detached and semi-detached residences and small apartment buildings.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Stuart and Mary Farrell
Proposal	Construct a new 144 square foot deck in the location of an existing landing at the rear
Relief Sought	§223 - to increase the allowable lot occupancy, and reduce the non-conforming rear yard

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width (ft) § 401	20 ft min	18 ft	18 ft	Existing Non-conforming
Lot Area (sq ft) § 401	2000 sq ft min	1,512 sq ft	1,512 sq ft	Existing Non-conforming
Lot Occupancy § 403	60% max , 70% with §223	52 6% 795 sq ft	62% 939 sq ft	Relief required
Rear yard (ft.) § 404	20 ft. min	17.5 ft.	17 5 ft 10 5 ft from end of stairs to rear property line	Relief 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

Single-family row dwellings are a permitted use in this zone The Applicant is requesting special exception relief under § 223 from the requirements of §§ 404 and 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

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

The proposed deck addition would not block any windows as it would align with neighboring decks to the east and west of the residence Therefore, as proposed it would continue to allow access to direct sunlight and air for both adjacent properties at various points during the day and should not unduly impact the available light and air to any of the neighboring properties.

¹ Information provided by applicant

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

The proposed deck should not compromise privacy for neighboring properties beyond which currently exists at the rear. The proposed deck would have a similar building location and height to the existing landing and would similarly correspond in size to the abutting neighbor's decks, as shown in the applicant's photo submissions.

New deck here



- (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 proposal has been designed so as not to intrude upon the visual character of houses as viewed from the alley. The proposed deck materials would also be consistent with that of other homes in the neighborhood.

- (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 provided a site plan, elevation details and photographs. Sufficient information has been provided to meet this requirement.

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 would be 62% which is below the 70% maximum permitted in the R-3 district.

VI. COMMUNITY COMMENTS

ANC 3B voted unanimously to support the applicant's request at its September 13, 2012 meeting.

The applicant has also submitted letters of support from adjacent neighbors to the north and south, and across the alley to the west.

Attachment:

1. Location Map and Aerial Photograph



Location Map



Aerial Photograph (2012)