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**MEMORANDUM**

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**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** *W* Brandice Elliott, AICP, Case Manager

Joel Lawson, Associate Director Development Review

**DATE:** November 27, 2012

**SUBJECT:** BZA Case 18447 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing attached dwelling at 1139 Abbey Place, N.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 403, Lot Occupancy (60% required, 62% proposed); and
- § 404, Rear Yard (20 feet required, 18 feet proposed).

**II. LOCATION AND SITE DESCRIPTION:**

Address:	1139 Abbey Place, N.E.
Legal Description:	Square 0773, Lot 0193
Ward:	6
Lot Characteristics:	Rectangular lot with public alley access
Zoning:	R-4 – row dwellings
Existing Development:	Row dwelling, permitted in this zone
Historic District:	None
Adjacent Properties:	Predominantly row dwellings

**III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Pablo Peruzzi
Proposal:	Construction of a new 7'-6" x 16' wood deck
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18447

EXHIBIT NO. 23

Board of Zoning Adjustment

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#### IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 ft. max.	N/A	8.17 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16 ft.	16 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	1800 sq.ft. min.	1038 sq.ft.	1038 sq.ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	60%	62%	Required
Rear Yard (ft.) § 404	20 ft. min.	25.67 ft.	18 ft.	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 Applicant is requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy and § 404, Rear Yard.

This request consists of the addition of a 7'-6" x 16' wood deck to an existing row dwelling. The application originally included a proposed deck that would be 14'-7" in length, creating courts on either side of the structure. After discussing the request with OP, the proposed deck has been revised to extend the length of the dwelling, for a total length of 16 feet, which eliminates the courts that would have been created by the smaller structure. This revision also slightly impacts the lot occupancy, increasing the proposed calculation from 60.7 percent to 62 percent.

Currently, the property has a rear yard of 25'-8", which is greater than the requirement of 20 feet. The proposed deck would extend approximately two feet into the required rear yard. The uncovered deck would be open on the ground level, allowing adequate area for one parking space.

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 impact of the deck on adjacent property owners would be marginal given that the structure is open on all sides and would encroach minimally into the required rear yard. Further, the deck would be in character with existing decks in this area. As a result, the proposed structure should not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

<sup>1</sup> Information provided by applicant.

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

The deck would be eight feet above grade, but similar to other decks that have been constructed on the adjacent row dwellings. In addition, the proposed deck is largely open, minimizing its impact on nearby properties. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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 applicant submitted drawings illustrating that the deck would be consistent with the design of the dwelling and in character with the neighborhood. The deck would be visible only from the public alley and would be consistent with existing decks noticeable from the alley. As a result, the proposed deck would not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

(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 has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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 62 percent, which is less than the maximum of 70 percent permitted with the R-4 district with a special exception.

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.*

The Office of Planning has no recommendations for special treatments for this application.

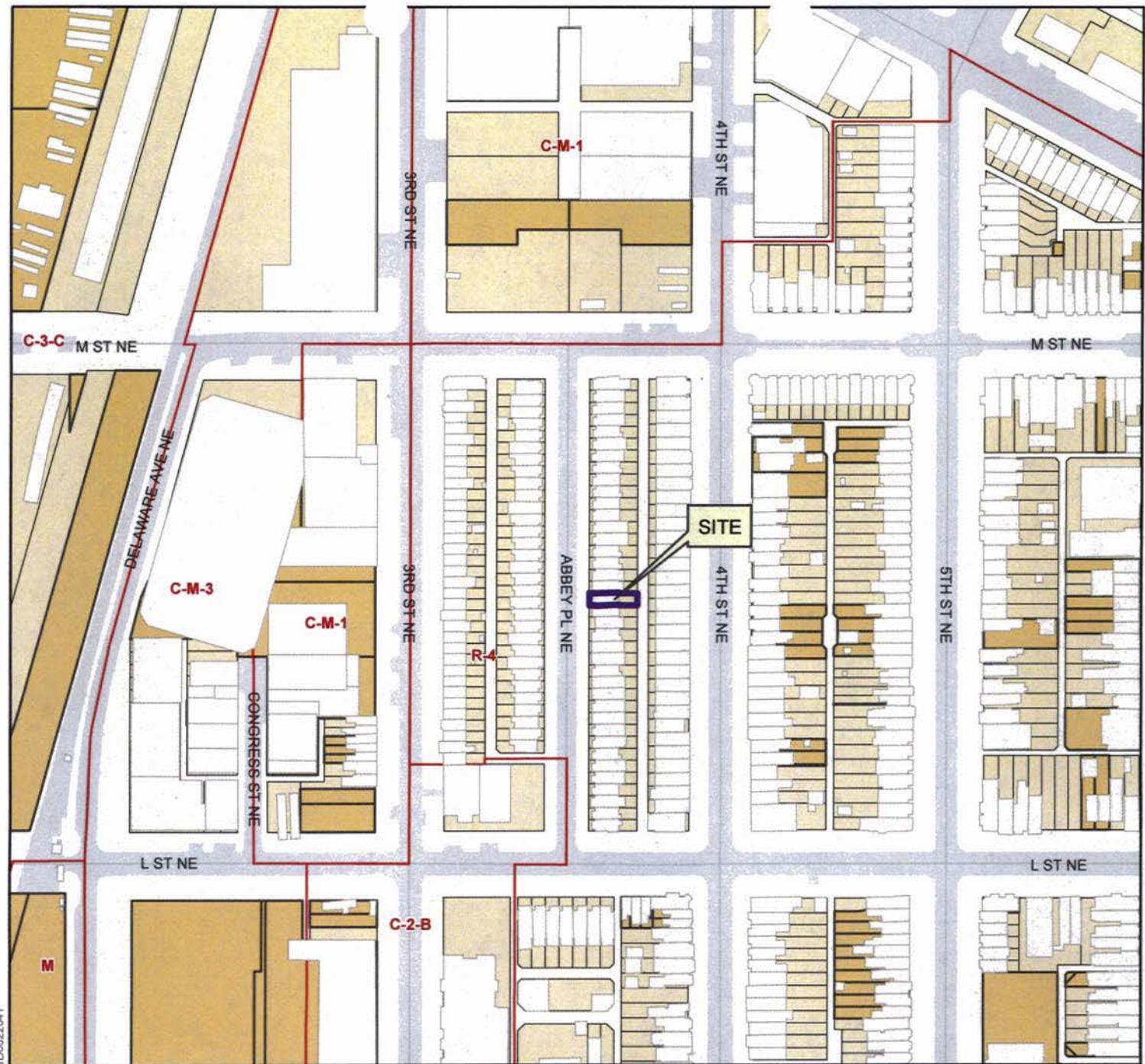
223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

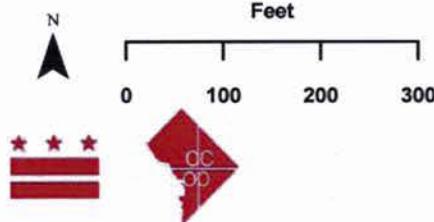
## VI. COMMUNITY COMMENTS

Comments have not been received from adjacent neighbors concerning this request.

Attachment: Location Map



## 1139 Abbey Place, N.E. - BZA Case 18447



Government of the District of Columbia  
Office of Planning ~ November 7, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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