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**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
Joel Lawson, Associate Director Development Review  
**DATE:** September 3, 2013

**SUBJECT:** BZA Case 18626 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 522 24<sup>th</sup> Street, N.E.

**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% maximum, 60.4% proposed); and
- § 406.1, Courts (6 feet required, 1.5 feet proposed).

This application was certified by the Zoning Administrator and does not identify the need for relief from § 2001.3 for nonconforming structures. However, the existing structure is nonconforming due to a narrow court along the southern property line. OP believes that relief from § 2001.3 is necessary and recommends approval of this relief.

**II. LOCATION AND SITE DESCRIPTION:**

BOARD OF ZONING ADJUSTMENT  
District of Columbia

|                       |                                                                                                                                                                                                                                                                                                                      |                       |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Address:              | 522 24 <sup>th</sup> Street, N.E.                                                                                                                                                                                                                                                                                    | CASE NO. <u>18626</u> |
| Legal Description:    | Square 4516, Lot 62                                                                                                                                                                                                                                                                                                  | EXHIBIT NO. <u>22</u> |
| Ward:                 | 7, 7D                                                                                                                                                                                                                                                                                                                |                       |
| Lot Characteristics:  | The rectangular lot is 1600 square feet in area, with 16 feet of frontage along 24 <sup>th</sup> Street. There is a 15 foot wide building restriction line along the front of the property, which would not be impacted by proposed development. The rear of the lot is accessible from a 16 foot wide public alley. |                       |
| Zoning:               | R-4 – semi detached single family dwellings and row dwelling                                                                                                                                                                                                                                                         |                       |
| Existing Development: | Row dwelling, permitted in this zone.                                                                                                                                                                                                                                                                                |                       |
| Historic District:    | N/A                                                                                                                                                                                                                                                                                                                  |                       |
| Adjacent Properties:  | Surrounding properties are primarily developed as row dwellings. In general, the lots have approximately the same area and street frontage as the subject property.                                                                                                                                                  |                       |

Board of Zoning Adjustment

District of Columbia

CASE NO. 18626

EXHIBIT NO. 22



### III. PROJECT DESCRIPTION IN BRIEF

|                |                                                                                                                                   |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Applicant      | Christa Bowen                                                                                                                     |
| Proposal:      | The applicant proposes to construct a one-story rear deck. The deck would be 13 feet by 15 feet, with a total of 195 square feet. |
| Relief Sought: | §223 - Additions to a One-Family Dwellings or Flats                                                                               |

### IV. ZONING REQUIREMENTS

| R-4 Zone                | Regulation       | Existing        | Proposed <sup>1</sup> | Relief:                |
|-------------------------|------------------|-----------------|-----------------------|------------------------|
| Height (ft.) § 400      | 40 ft. max.      | 0 ft. (deck)    | 9 ft. (deck)          | None required          |
| Lot Width (ft.) § 401   | 18 ft. min.      | 16 ft.          | 16 ft.                | Existing nonconforming |
| Lot Area (sq.ft.) § 401 | 1800 sq.ft. min. | 1600 sq.ft.     | 1600 sq ft            | Existing nonconforming |
| Floor Area Ratio § 401  | None prescribed  |                 |                       | None required          |
| Lot Occupancy § 403     | 60% max.         | 48.2% (approx.) | 60.4%                 | Required               |
| Rear Yard (ft.) § 404   | 20 ft. min.      | 37 ft.          | 22 ft.                | None required          |
| Side Yard (ft.) § 405   | None required    | 0 ft.           | 0 ft.                 | None required          |
| Court § 406             | 6 ft. min.       | 1.5 ft.         | 1.5 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 § 406, Courts.

*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 applicant proposes to construct a one story deck along the rear of the existing row dwelling. The deck would measure 13 feet by 15 feet, and would be 195 square feet in area. The deck would extend the existing 1.5 wide court the length of the deck, an additional 15 feet. The lot occupancy would be increased slightly to 60.4%, where 60% is the maximum by-right lot occupancy in the R-4 District.

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

The rear of the row dwelling features an enclosed sleeper porch, which predates the zoning regulations. At the time it was constructed, a narrow 1.5 foot wide court was left open along the southern property line. This development pattern is prevalent in the neighborhood. Given that the deck would remain open and the court width would be maintained, light and air available to neighboring properties would not be unduly affected.

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

The proposed addition would be similar to other decks that have been constructed in the neighborhood. It would be nine feet above grade and open to the sky, while maintaining the existing court along the southern property line. While the rear setback would be reduced, it would still comply with zoning regulations, having a setback of 22 feet. Given the openness of the structure, 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 framing plan, 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 60.4 percent, which is less than the maximum of 70 percent permitted in 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.

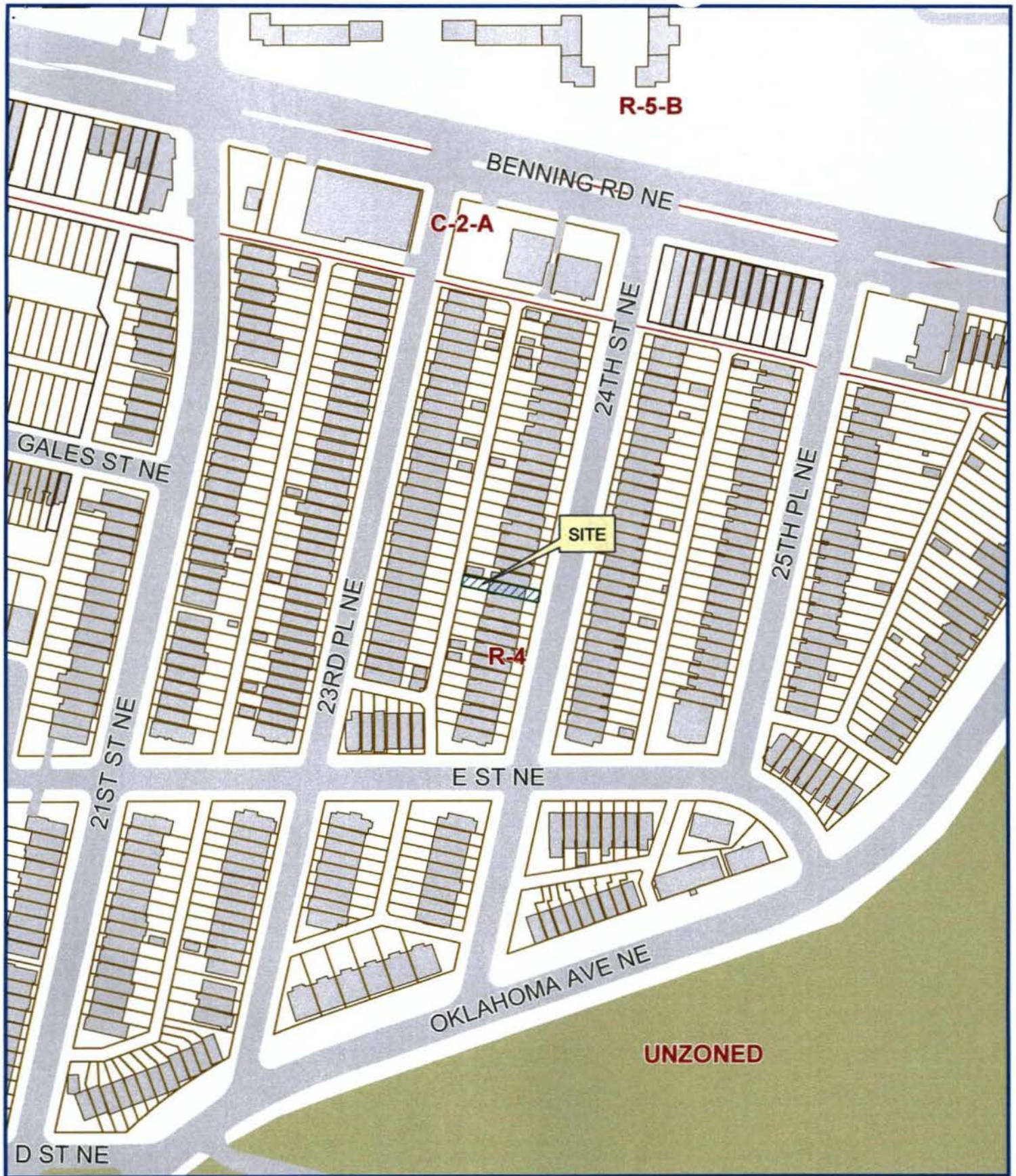
- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

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

## **VI. COMMUNITY COMMENTS**

As of the writing of this report, this request has not been discussed at an ANC meeting and comments have not been received from adjacent neighbors.

Attachment: Location Map



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DC Office of Planning

## BZA Case 18626 - 522 24th Street, N.E.

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.

