



2013 SEP 10 PM 3: 37

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 10, 2013
SUBJECT: BZA Case 18627 – Expedited review requested pursuant to § 3118 for special exception relief in accordance with § 223 for an addition to a one-family dwelling at 728 Whittier Street NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief in accordance with § 223 from §§ 405.8 (a minimum side yard of 8 feet is required, 3 feet is proposed) and 2001.3 (b)(2) (because the existing non-conforming side yard setback along the western property boundary would be extended further south) for a proposed deck addition to the existing two-story, one-family detached dwelling on the subject property.

Although relief from § 2001.3 (b)(2) was not identified by the Zoning Administrator, the applicant submitted a supplement adding this provision to the requested § 223 relief.

II. AREA AND SITE DESCRIPTION

Address:	728 Whittier Street NW
Legal Description:	Square 3165, Lot 0813 ¹
Ward:	5B
Lot Characteristics:	The subject 4,945 square-foot (0.11 acre) property has frontage along Whittier Street NW and a rear public alley 15-feet wide. An east-west building restriction line extends across the property a distance of 15 feet from the Whittier Street right-of-way.
Existing Development:	A two-story, one-family dwelling of masonry construction with a driveway in the rear yard that provides vehicular access from the adjacent alley to a basement garage. In the western side yard are exterior steps <i>up</i> to side entrance landing and <i>down</i> to the driveway in front of the basement garage (refer to Figures 1 and 2).
Zoning:	R-1-B – allows one-family dwellings as a matter of right.
Historic District:	None.
Adjacent Properties:	Predominantly two-story detached dwellings of similar construction.

¹ From DC land records. Lot and square information provided in the original application was incorrect

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18627

EXHIBIT NO. 24

Board of Zoning Adjustment

District of Columbia

phone 202-442-7600 fax 202-442-7638

www.planning.dc.gov



Surrounding Neighborhood Character:	Moderate-scale residential (refer to Figures 2).
-------------------------------------	--

III. APPLICATION IN BRIEF

Applicants:	Reggie A. Soscia (owner of record) and John R. Touchton
Proposal:	To construct a first floor deck addition that would wrap around the southern (rear) and western (side) dwelling facades. The proposed deck would bridge the driveway from the adjacent alley down to the basement garage. When permit plans were submitted to the Department of Consumer and Regulatory Affairs for review, the Office of the Zoning Administrator responded with a memorandum dated June 21, 2013 that referred this proposal for Board of Zoning Adjustment consideration. The memorandum stating that special exception approval is required in accordance with § 223 because the proposed addition would not comply with the minimum 8-foot side yard setback required in the R-1-B district under § 405.8 of the Zoning Regulations. According to the Notes and Computation appendix to this memorandum, the deck would set 3-feet back from the western property boundary. The applicant subsequently submitted this application for the referenced relief.
Relief Sought:	§ 223 – special exception relief from the required side yard setback.

IV. ZONING REQUIREMENTS

R-1-B District	Regulation	Existing	Proposed ²	Relief:
Side Yard (ft.) § 405	8 ft. min.	7 ft. 4 in. ³	3 feet	- 5 feet

Based on the submitted annotated plat, the existing dwelling is set back 7' - 4" from the western property boundary. As a result of this proposal, the non-conforming side yard setback that currently exists would be extended further south. Section 2001.3 of the regulations state:

§ 2001.3 Enlargements or additions may be made to the structure; provided:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and*
- (b) The addition or enlargement itself shall:*
 - (1) Conform to use and structure*

Figure 1



² Information provided by applicant.

³ Plat dimensions between western boundary and existing dwelling: 3' (deck setback) + 4'-4" (deck width) = 7'-4"

requirements; and

- (2) *Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

Although extending the non-conforming side yard further to the south would be inconsistent with the highlighted provision (refer to Figure 2), relief from § 2001.3 (b)(2) was not requested in the original application. OP shared this information with the applicant and the Zoning Administrator's Office.

The applicant subsequently submitted a supplement dated August 1, 2013 that: corrected the square and lot number of the subject property; and added special exception relief in accordance with § 223 from § 2001.3 (b)(2) to the original request. The OP analysis that follows reflects the amended application.

V. OFFICE OF PLANNING ANALYSIS

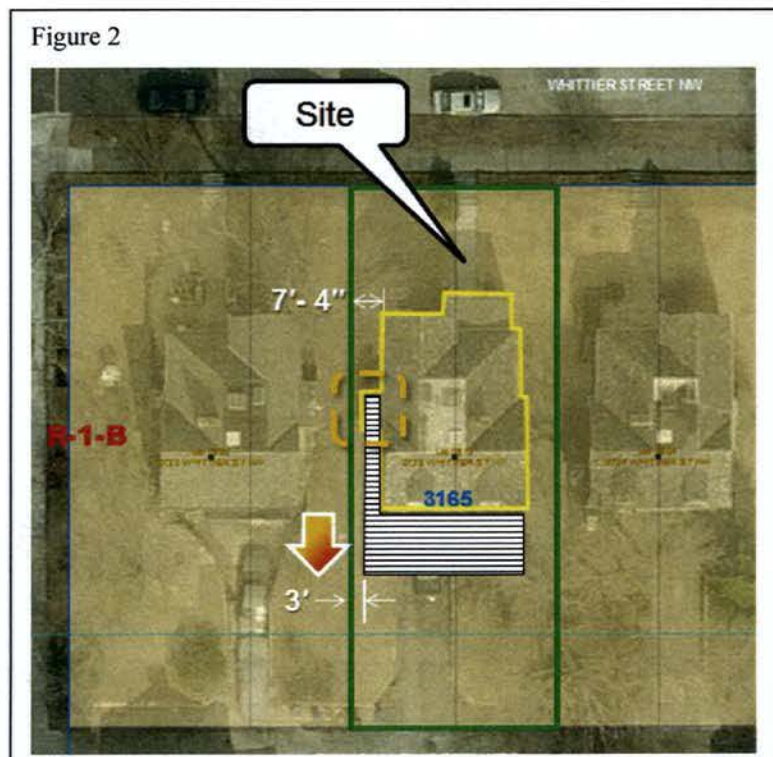
Special exception relief in accordance with § 223 from §§ 405.8 and 2001.3 (b) (2)

- 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.*

One-family detached dwellings are a permitted use in this zone district. The application now requests special exception relief under § 223 from § 405 because the proposed deck addition would have a non-conforming side yard, and from § 2001.3 (b)(2) because the proposed deck would extend the current non-conforming side yard setback further south.

- 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:*

Figure 2



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

The proposed first floor deck addition, that would be approximately 4-feet above the adjacent grade, would not impact the air and light available to the neighboring property.

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

OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised because exterior windows and doors currently exist along both the western (side) and southern (rear) dwelling facades

- (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 addition, as viewed from the street, would not visually intrude upon the character, scale, and pattern of houses along the 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*

Submitted plans and photographs were sufficient.

- 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 approximately 33% is less than the 40% allowed in the subject R-1-B district as a matter-of-right

- 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*

Granting this request would not introduce or expand a nonconforming use

Based on this analysis, the applicant meets the standards for special exception approval

VI. AGENCY REVIEW

In a memorandum dated July 25, 2013, the District Department of Transportation stated that this proposal would not adversely impact the District transportation network DDOT, therefore, expressed no objection to the approval of this request

VII. COMMUNITY COMMENTS

This application was forwarded to Advisory Neighborhood Commission (ANC) 1A for review and comment To date, no ANC resolution on this case has been added to the case record file