

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 7, 2014

SUBJECT: BZA Case 18834 - request for special exception relief under § 223 to construct a deck addition to an existing single-family dwelling at 4429 Faraday Place, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

With regard to the Applicant's proposal to add a proposed rear deck to a single-family detached dwelling, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 404.1, rear yard (20 feet required, 10 feet proposed)

OP notes the Property is nonconforming in terms of § 401.3 Minimum Lot Dimension, as 3,000 sf is required and 2,850 sf exists. The lot size is not affected by the Applicant's request.

II. LOCATION AND SITE DESCRIPTION:

Address:	4429 Faraday Place NW
Legal Description:	Square 1582 , Lot 217
Ward/ANC:	3/3E
Lot Characteristics:	The rectangular lot is 2,850 sf in area and has a frontage of 38 feet on Faraday Place. The rear of the lot is approximately 38 feet in width and abuts a 16' wide public alley.
Zoning:	R-2 – detached and semi-detached single-family dwellings.
Existing Development:	Single-family detached dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Single-family detached dwellings with a public alley to the rear/north of the residence
Surrounding Neighborhood Character:	Residential, with large landscaped front yards and shallow rear yards facing a public alley

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Mara Rudman represented by Maria Wilson
-----------	---

Proposal:	The Applicant wishes to construct a 8'-10" tall wooden deck at the rear of the dwelling. The proposed 180 sf deck improvement is part of an overall basement/2-story rear renovation.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

V. ZONING REQUIREMENTS

R-2 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	36 ft.	36 ft.	None required
Lot Width (ft.) § 401	30 ft. min.	38 ft.	38 ft.	None required
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	2,850 sq.ft.	2,850 sq.ft. ²	Existing non-conforming
Floor Area Ratio § 401	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	40 % max.	22%.	33%	None required
Rear Yard (ft.) § 404	20 ft. min.	26 ft.	10 ft.	Relief Required
Side Yard (ft.) § 405.8 ³	5 ft. min.	7 ft.	7 ft.	None Required

VI. 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 detached dwellings are a permitted use in this zone. The Applicant requests special exception relief under § 223 from the requirements of §404.1 Rear Yard.

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 will not substantially affect the light and air available to neighboring properties. The 8'-10" elevated deck of ~180sf is of a modest size and has little impact in terms of lot occupancy, as houses on this block are situated with deep front yards. The residence to the east has a rear enclosed multi-story addition that may closely parallel the depth of the Applicant's addition. The deck will not unduly affect the light and air to neighboring properties due to its modest size.

¹ Information provided by the Applicant.

² Existing non conformity not affected by the requested addition.

³ The main residence structure was constructed prior to 1958; thus per §405.8 the required side yard is no less than 5 feet.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised because the deck is relatively small, elevated, and side yards meet the required regulations. The western adjacent property includes an approximately 6-to-7-foot tall privacy fence at the property boundary. With regard to the adjacent property to the east, the proposed deck will separate neighboring rear yard uses since it is elevated approximately 8'-10" from the at-grade rear yard uses of eastern adjacent property, where there is no elevated deck.

- (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 deck addition will not substantially visually intrude upon the character, scale and pattern of houses along the street and alley frontage. On both the north and south sides, the 16-foot public alley is lined with wooden and chain link privacy fences, one-story detached brick and wooden garages, wooden decks and rear additions of one, two and three stories. As there are similar deck additions visible along the public alley at the rear of the property, the proposed deck will not substantially visually intrude upon the character, scale and pattern of houses along the alley way.

- (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, elevations, sections, a survey and photographs to demonstrate the relationship of the proposed deck 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 lot occupancy of the existing structure is 22% and with the proposed deck addition and planned basement addition, will be 33% which is less than maximum permitted.

- 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.*

OP does not recommend special treatment for the proposed deck addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

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

The Applicant seeks relief from the rear yard requirements resulting from a basement expansion and proposed deck addition. The Applicant's request does not expand a nonconformity.

VII. COMMUNITY COMMENTS

Adjacent neighbors: Letters of support from the nearby owners of 4433 (adjacent to the west) and 4405 Faraday Place, NW, as well as 4422 and 4418 Garrison Street NW (both located across the alley from the Applicant's property) were received.

ANC Ward 3 E: The property is within ANC-3E. ANC-3E heard the request at their September meeting and recommends approval of the proposed deck.

Attachment: Location Map



Location Map