

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 14, 2014

SUBJECT: BZA Case 18854 - request for special exception relief under § 223 to construct a deck addition to an existing single-family row dwelling at 1613 44th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404 Rear Yard (20 feet required, 26.1 feet existing, 16.5 feet proposed).

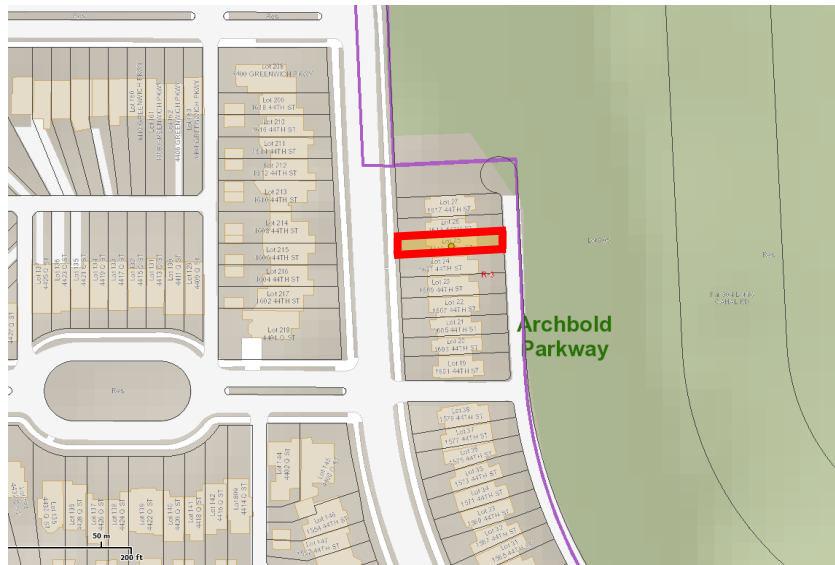
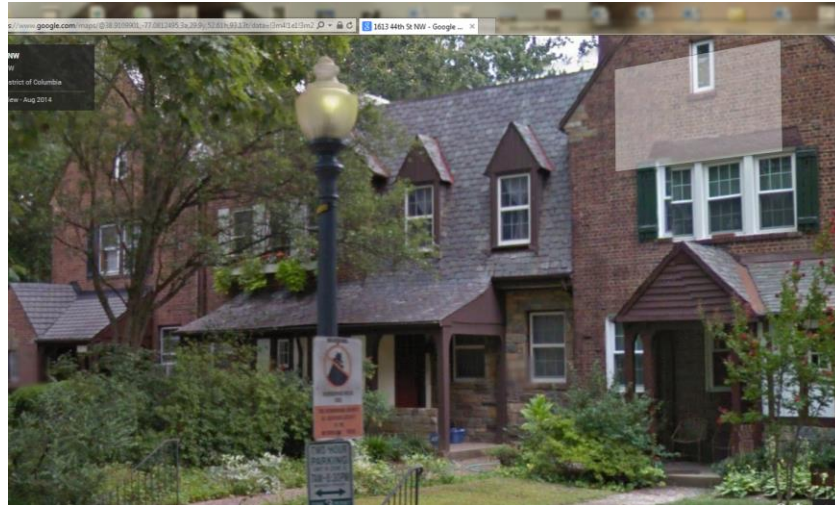
The Applicant also request relief from § 401 Lot Area (2,000 square feet required, 1,825 square feet existing, 1,825 square feet proposed) as well as § 401 Lot Width (20 feet required, 18.5 feet existing, 18.5 feet proposed); the Zoning Administrator has determined that this relief is not required for an addition to an existing building.

II. LOCATION AND SITE DESCRIPTION:

Address:	1613 44 th Street NW (the "Subject Property")
Legal Description:	Square 1327, Lot 25
Ward:	3
Lot Characteristics:	The lot is rectangular and measures 18 feet in width along the 44 th Street frontage and 100 feet in depth. A 15 foot public alley is located to the rear.
Zoning:	R-3
Existing Development:	One-family row dwelling, permitted in this zone.
Historic District:	Foxhall Village Historic District
Adjacent Properties:	Adjacent properties include single-family row dwellings. Glover Archbold Park is located to the east of the Subject Property.
Surrounding Neighborhood Character:	The surrounding neighborhood is primarily comprised of single-family rowhouses.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Conrad J. DeWitte Jr. (the "Applicant")
Proposal:	The Applicant proposes to construct a rear deck, accessible from the sun room on the first floor of the house. The deck would not include stairs from the deck to the ground.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats



Subject Property

V. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	26 ft.	26 ft.	None required
Lot Width (ft.) § 401	20 ft. min.	18.25 ft.	18.25 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	2,000 sq.ft. min.	1,825 sq.ft.	1,825 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	44%.	54%	None required
Rear Yard (ft.) § 404	20 ft. min.	26.1 ft.	16.5 ft.	Relief required
Side Yard (ft.) § 405	NA	0	0	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.

One-family row dwellings are permitted in this zone. The Applicant has requested special exception relief under § 223 from the requirements of § 404, 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 would be 6 feet 9 inches above grade, (not including the railing), and would not block the light and air to the adjacent property or cast any shadows on the adjacent property. The extent of the proposed deck addition would be similar to deck additions made previously to adjacent houses. Further, the owners of the neighboring properties at 1615 44th Street, NW and 1611 44th Street support the proposal.

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

The deck would be at similar height and size as other rear decks along the alley and would not allow additional views into the adjacent rear yards. The adjacent property has a similar deck which has views into the rear yard of the subject property. Therefore, privacy would not be unduly

¹ Information provided by applicant.

compromised as it would be similar for nearly all the buildings along the alley.

- (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 addition would not be visible from 44th Street, NW. Stairs and decks on other rowhouse units along the alley are of similar heights and materials and are similarly visible from the alley; therefore, the proposed deck would not introduce a dissimilar structure. The deck addition should not substantially intrude upon the character, scale and pattern of houses along 44th Street.

- (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 submitted plans, photographs, and elevation and section drawings to represent the extent of the addition.

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 application proposes a lot occupancy of 54%

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 recommends no special treatment of the design, lighting, materials or other features.

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

The proposed use is a single family dwelling, permitted in this zone.

VII. COMMUNITY COMMENTS

At its regularly scheduled meeting on September 10, 2014, ANC 3D voted to support the application. In addition, the owners of the neighboring properties at 1615 44th Street, NW and 1611 44th Street support the proposal.