

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 2, 2014

SUBJECT: BZA Case 18861 – OP supplemental report – special exception relief to construct a deck addition to an existing dwelling at 1330 5th Street NW pursuant to § 223.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2 Lot Occupancy (56% existing, 60% permitted, 69.9% proposed); and
- § 404 Rear Yard (27 ft. existing, 20 ft. required, 15 ft. 6 in. proposed).

At the BZA's November 18, 2014 public hearing, the Board requested a modification of the Applicant's proposal, which requested variance relief to construct a rear deck. The Applicant subsequently modified the deck design and is requesting special exception relief.

II. LOCATION AND SITE DESCRIPTION:

Address:	1330 5 th Street NW (the "Subject Property")
Legal Description:	Square 480, Lot 843
Ward:	6
Lot Characteristics:	The rectangular lot is 88 feet in depth and 20 feet wide along the 5th Street NW frontage. A 9.5 foot public alley is located to the rear of the property.
Zoning:	R-4
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	NA
Adjacent Properties:	Adjacent properties include rowhouse dwellings.
Surrounding Neighborhood Character:	The neighborhood is characterized by rowhouse dwellings. Multifamily buildings are located across 5th Street NW.



Subject Property

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Justin and Margaret Kitsch (the “Applicant”)
Proposal:	The Applicant proposes to construct a 13’8” x 11’6” elevated deck off the rear of the property on the 2 nd floor of the townhouse.
Relief Sought:	Single family row dwellings and rear decks are permitted in the R-4 district, but are limited to 60% lot occupancy by right and 70% lot occupancy by special exception. The owner proposes to cover 69.9% of the lot and therefore requires a special exception. Additionally, a minimum 20 foot rear yard is required, but the proposal would provide only 15 feet 6 inches and, therefore, requires relief.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	40 ft. max.	31.3 ft.	31.3 ft.	None required
Lot Width (ft.) § 401	20 ft. min.	18 ft.	18 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,760 sq. ft.	1,760 sq. ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	56%	69.9%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	27 ft.	15 ft. 6 in.	Relief required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required

V. OFFICE OF PLANNING 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).

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 addition would have a height of 14 feet (including the guard rail) and would not substantially block the light and air to the adjacent property. The proposed addition would extend 11 feet 6 inches into the rear yard. The property to the north is separated from the Subject Property by an open court. The structure to the south would extend further than the proposed deck and does not include windows on that portion of the structure.

Further, the proposed addition would have no effect on the properties to the west as those properties are separated from the Subject Property by a ten foot wide alley.

¹ Information provided by applicant.

- (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. As stated above, the property to the north is separated from the Subject Property by an open court. The structure to the south would extend further than the proposed deck and does not include windows on that portion of the structure. Properties to the west are separated from the Subject Property by a ten foot wide 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 deck should not be visible from 5th Street NW and should not intrude on the general character of the neighborhood. A roll-up door on the Subject Property should partially block the view of the deck from the alley.

- (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, elevations 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 69.9%.

- 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 makes no recommendations for special treatment.

- 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 permit the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 6E. An adjacent neighbor residing at 1330 5th Street NW submitted a letter to the record in support of the application.