

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
JS for
 Joel Lawson, Associate Director Development Review

DATE: December 2, 2014

SUBJECT: BZA Case 18899 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 5025 Kimi Gray Court, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (40 percent permitted, 44.9 percent feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	5025 Kimi Gray Court, S.E.
Legal Description	Square 5318, Lot 193
Ward	7E
Lot Characteristics	Rectangular lot with no alley access
Zoning	R-5-A – moderate density residential
Existing Development	Row dwelling, permitted in this zone
Adjacent Properties	Predominantly residential

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Ron Rogers
Proposal	Construction of a 22-foot wide by six-foot deep deck in the rear yard of a one-family row dwelling
Relief Sought	§ 223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-5-A Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	As prescribed by the PUD	22 feet	22 feet	None required

Lot Area § 401	As prescribed by the PUD	2,145 SF	2,145 SF	None required
Floor Area Ratio	0.8 max	1.12	1.12	None required
Lot Occupancy § 403	40% max.	37.6%	44.9%	Required
Rear Yard § 404	20-foot min.	29.5 feet	23.5 feet	None required

The subject property is included in the Eastgate Family Housing Planned Unit Development (ZC Order 05-24), as modified under Order Nos. 05-24A and 05-24B. Although located within a PUD, the Zoning Administrator found relief pursuant to § 223 appropriate for this application, and the Office of the Attorney General informed OP that it concurs with this determination.

The aggregate FAR approved for the Eastgate Family Housing PUD as a whole is 0.8, and the existing FAR of the subject lot is 1.12 per the approved plans. The proposed deck would not contribute to FAR as it would not be enclosed and would not extend more than six feet from the exterior wall of the dwelling, as defined by § 199 of the Zoning Regulations.

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.

223.2 The addition or accessory structure shall not have a substantially adverse effect 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 application is for the construction of a rear deck with no roof or walls, minimizing the impact it would have on light and air.

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

The proposed deck would extend out six feet from the rear wall of the dwelling. Although the rear yard would be reduced by six feet, it would still be in excess of the minimum twenty feet required in the R-5-A, minimizing the impact the proposed deck would have on neighboring properties.

- (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 deck, which would not be visible from any public way, would be residential in appearance and similar to other existing decks within the square.

- (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 elevations sufficient to represent the relationship of the proposed 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 proposed lot occupancy of 44.9 percent is less than the maximum seventy percent permitted in the R-5-A by 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.*

OP makes no special treatment recommendations.

- 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. AGENCY COMMENTS

The District Department of Transportation, in a memorandum dated November 6, 2014, indicated that it had no objection to the application.

VII. COMMUNITY COMMENTS

No comments were received from ANC 7E.

The Glenncrest Resident Association, Inc., at its meeting of September 16, 2014, approved of the application.

The adjoining property owners to the east and west submitted letters to the file in support of the application.

