

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: January 27, 2014

SUBJECT: BZA Case 18932 - Special exception relief under § 223 to construct a deck to an existing row house dwelling located at 34 V Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Percentage of Lot Occupancy (60% required, 55.5% existing, 67.3% proposed); and
- § 406.1, Courts (6’ minimum in width is required, 4.8’ existing to be extended a length of 16’).

It appears relief from §2001.3 (b) Additions or Enlargements to Nonconforming Structures is required as the existing row dwelling is nonconforming in terms of open court width and the proposed addition does not conform to the current applicable open court width requirements and furthers the existing nonconformity.

II. LOCATION AND SITE DESCRIPTION:

Address:	34 V Street NW
Legal Description:	Square 3117 Lot 828
Ward/ANC:	5/5E
Lot Characteristics:	The rectangular lot is 1,667 sf in area and has a frontage of 16.66 feet on V Street NW. The rear of the lot is also approximately 16.66 feet in width and abuts a 15-foot wide public alley.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Predominantly row dwellings. Crispus Attucks Park is to the rear of the Property, beyond the 15’ public alley. The Prospect Hill Cemetery is located northeast of Square 3117.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Christopher Bulka and Andrew Hebbler by Jennifer Fowler
Proposal:	The Applicant requests an approximately 105 sf, one-story deck (8'-10" in height) with steps to grade.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	37 ft.	37 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.66 ft.	16.66 ft.	Existing nonconformity; None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,667 sq.ft.	1,667 sq.ft.	Existing nonconformity ; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	60% max.	57.7%	67.6%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	41'-8" ft.	31'-8"	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Open Court Width (ft.) §406.1	6' minimum	4.17'	4.17" for an additional 10' in length	Relief Required

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 requests special exception relief under § 223 from the requirements of §403 Lot Occupancy and § 406 Courts. Additionally, it appears that relief from §2001.3 Additions or Enlargements to Nonconforming Structures is required as the nonconforming existing open court width will be lengthened with the proposed addition.

¹ Information provided by the Applicant.

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 rear deck will not substantially affect the light and air available to neighboring properties. The neighbor to the east's deck extends well beyond the Applicant's 10-foot long deck, so the light and air on their deck will not be impacted by the proposed deck. With regard to the neighbor to the west, the proposed deck will extend past the rear wall of the western neighbor's residence; however light and air will not be affected, as the deck is of a modest size, small deciduous trees are located in the neighbor's rear yard which provide some barrier, and a privacy fence surrounds the western neighbor's rear yard. A letter of support by the eastern neighbor was submitted to the record. The Applicant has made the western neighbor aware of the deck proposal and has indicated that the neighbor has not objected.

To the south lies, a 15' public alley and Crispus Attucks Park, which is an open, landscaped area interior of the Square. Due to the modest size of the deck and the separation from other homes across the alley and park, light and air will not be affected. Additionally, the deck will not be visible to the properties on Square 3118 to the north.

(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. Due to the modest size of the proposed deck, the eastern neighbor's larger deck, the western neighbor's privacy fence, vegetation and at-grade uses, the proposed deck should not unduly compromise the privacy of use and enjoyment of the 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 deck will not substantially visually intrude upon the character, scale and pattern of houses along the street or alley frontage. The deck will not be visible from V Street NW. The deck will be visible from the public alley at the rear of the property as well as from Crispus Attucks Park; however, the wooden deck of 8'-10" in height is in keeping with the character of the alley will not substantially intrude upon the scale of structures along the alley, as there are other wooden decks of a similar height and scale.

(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 has provided graphical representations, including site plans, plans, elevations, and photographs to demonstrate the relationship of the proposed addition 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 57.7% and with the additions, will be 67.7% which is more than the 60% required by right. Relief is requested by the Applicant.

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 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 existing residential use is permitted in the R-4 District. The proposed deck is an extension of the existing residential use and thus conforms district use requirements.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant enclosed a letter of support from adjacent property owner to the east located at 42 V Street NW. The Applicant provided plans via certified mail to the neighbor to the west who, according to the applicant, verbally supported the request but has not signed a letter of support.

Ward/ANC: The property is within ANC-5E. The Applicant intends to present the request to ANC-5E on January 20, 2015.

Attachment: Location Map



Location Map