

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 18933 - Special exception relief under § 223 to construct a deck to an existing row house dwelling located at 1020 F Street N.E.

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, 74.8% existing, 69.7% proposed); and
- § 401.1, Rear Yards (20’ required, 15 existing, 17.9’ proposed).
- §2001.3 (b) Additions or Enlargements to Nonconforming Structures, as the existing residence (without the existing deck) slightly exceeds lot occupancy requirement (61.6%) and the proposed deck (which is smaller than the existing deck) increases the lot occupancy to 69.7%.

The existing lot is also non-conforming for lot area and lot width.

II. LOCATION AND SITE DESCRIPTION:

Address:	1020 F Street NE
Legal Description:	Square 960 Lot 43
Ward/ANC:	6/6A
Lot Characteristics:	The rectangular lot is 990 sf in area and has a frontage of 16.5feet on F Street NE. The rear of the lot is also approximately 16.5 feet in width and abuts a 10-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. Two blocks south of the H-Street Overlay District. Nearby parks include Sherwood Recreation Center/Anne M. Goding Elementary School to the west and Love Joy Park to the south.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Gunnar and Jennifer Gode, Owner
Proposal:	As part of construction of a new third floor on their two-story residence, the Applicant requests to build a new, smaller, one-story deck of 7'-10", replacing the existing deck.
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.	26.6 ft.	36.1 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.5 ft.	16.5 ft.	Existing nonconformity; None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	990 sq.ft.	990 sq.ft.	Existing nonconformity; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403.2	60% max.	74.8%	69.7%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	15 ft.	17.9'	Relief required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Open Court Width (ft.) §406.1	No court exists, so N/A	0'	0	None 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 § 401 Rear Yard. Additionally, relief from §2001.3 Additions or Enlargements to Nonconforming Structures is required as the lot occupancy, while reduced, continues to exceed the requirement.

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 adjacent residence (600 11th St. NW) to the east appears to have originally been built at nearly 100% lot occupancy, as a one-story brick structure abuts the Applicant's rear yard. To the west (1018 F Street NE), the neighbor enjoys a large, one-story deck supported by a concrete wall at the property boundary. Letters of support by both the eastern and western neighbors have been submitted.

To the north lies a 10' public alley. Due to the modest size of the deck and the separation from other homes across the alley light and air of nearby residents to the north will not be affected. Additionally, the deck will not be visible to the properties located across F Street NE.

(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, and the fact that all three residences currently enjoy one-story rear decks, the proposed deck should not unduly compromise the privacy of use and enjoyment of the neighboring properties any more than what currently exists.

(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 F Street NE. The deck will be visible from the public alley at the rear of the property; however, the wooden deck of one-story is in keeping with the character of the alley and should 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 residence with the existing deck is 74.8% and with the proposed smaller deck, will be 69.7% 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 letters of support from adjacent property owners to the east and west, located at 610 11th St. NE and 1018 F St. NE respectively. Additional letters of support from nearby residents were also supplied to the record.

Ward/ANC: The property is within ANC-6A. ANC-6A heard the request on January 8 and voted to support the Applicant's request.

Attachment: Location Map



