

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 13, 2015

SUBJECT: BZA Case 19052A - request pursuant to DCMR 11 § 3104 for special exception relief under § 223 to replace and enlarge a deck at an existing single-family dwelling at 2905 28th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested special exception relief pursuant to § 223 from the rear yard requirement at § 404 (20 feet minimum required; 15.71 feet proposed).

OP notes that the lot is nonconforming with respect to lot area.

II. LOCATION AND SITE DESCRIPTION

Address:	2905 28 th Street NW
Legal Description:	Square 2106, Lot 89
Ward:	3
Lot Characteristics:	Trapezoidal lot bounded by an improved fifteen foot (15 ft.) public alley to the north, an unimproved lot to the east, a lot improved with single-family detached dwelling to the south, and 28 th Street NW to the west.
Zoning:	R-3 – detached, attached, and semi-detached single-family dwellings.
Existing Development:	Semi-detached single-family dwelling with garage, which is permitted in this zone.
Adjacent Properties:	Predominantly attached and semi-detached dwellings in the R-3 zone with multi-family residential and commercial along the Connecticut Avenue corridor in the C-2-A zone to the east.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Bertin Radifera, agent on behalf of Josh Green, owner.
Proposal:	Replace and enlarge an existing deck. Convert existing garage to living space and provide parking in open carport below deck.

Relief Sought:	§223 - Additions to One-Family Dwellings or Flats
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The applicant submitted a self-certified application for Special Exception relief from the lot occupancy requirements on May 8, 2015. The BZA held a hearing on July 21, 2015, and voted 4-0-1 to approve the requested relief to permit construction of a deck with staircase at 2905 28th Street, NW. A summary order was published on July 22, 2015.

The applicant applied for building permits and on August 18, 2015, was informed by the Department of Consumer and Regulatory Affairs (DCRA) that the rear yard was calculated incorrectly and that rear yard relief would also be required.

The applicant filed the subject amended application on August 26, 2015.

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	31.5 ft.	31.5 ft.	None required
Lot Width (ft.) § 401	30 ft. min.	32.1 ft.	32.1 ft.	None required
Lot Area (sq.ft.) § 401	3,000 sq. ft. min.	2,238 sq. ft.	2,238 sq. ft.	Existing Nonconforming
Lot Occupancy § 403	40 % max.	40 %	52.7 %	approved ²
Rear Yard (ft.) § 404	20 ft. min.	20 ft.	15.71 ft.	4.29 ft.
Side Yard (ft.) § 405	8 ft. min.	8 ft.	8 ft.	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.

Semi-detached single-family dwellings are a permitted use in the R-3 zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 404.

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:

¹ Information provided by applicant, see Exhibit 5, page 2.

² Relief granted via BZA summary order dated July 22, 2015.

(a) The light and air available to neighboring properties shall not be unduly affected;

The Applicant is proposing to replace an existing nine foot wide by eight foot deep deck, at the second floor level, nine feet (9 ft.) above grade, with a new twenty-three foot (23 ft.) wide by eleven foot (11 ft.) deep deck. The proposed deck would be at the same level as the existing deck and would feature an open carport below the deck. The proposed deck would be larger than the existing deck; however, it should not negatively impact the light and air available to the adjoining properties as the existing deck is concrete and the proposed deck would be constructed of wood and would feature an open carport below, which should allow for greater permeability of light and air.

(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. The proposed deck would remain at the same height as the existing deck. There is an unimproved lot to the east, an alley to the west, and the side yard of the adjoining property to the south.

(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 28th Street NW; however, it would be seen from the alley. The property features an existing brick wall that would screen the deck piers and carport from passersby. As viewed from the alley, the proposed deck should not visually intrude upon the character, scale and pattern of houses along the public 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 provided sufficient information, including plans, photographs, and elevations, to demonstrate compliance with paragraphs (a), (b) and (c) of this subsection.

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 would not exceed seventy percent (70%).

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.

No special treatment is recommended.

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

If granted, the relief requested would not permit the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

ANC 3C voted on September 21, 2015 to support the requested relief.

Attachments:

1. Location map

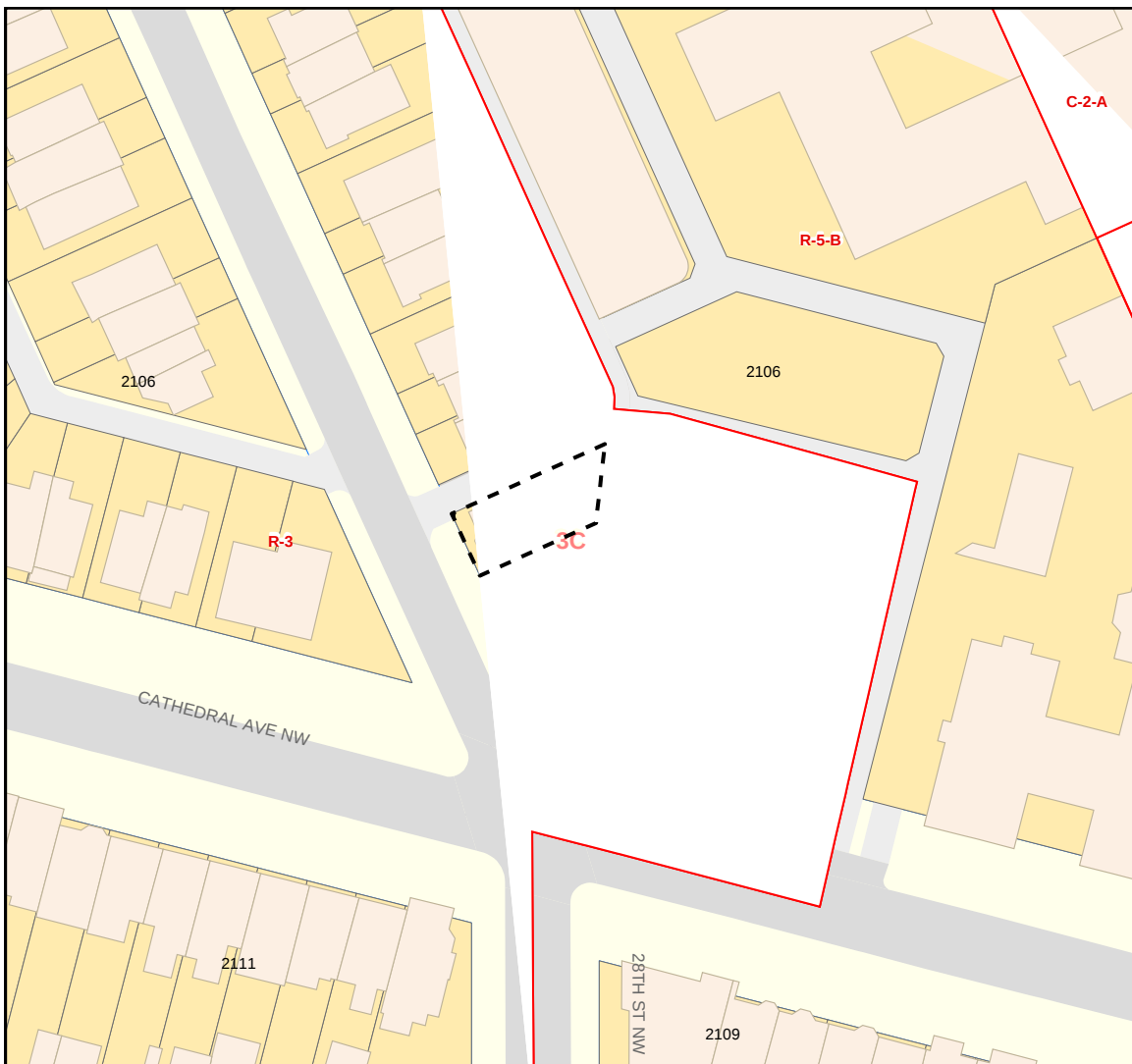


Figure 1: Location Map