

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 8, 2015

SUBJECT: BZA Case 19065 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing semi-detached dwelling at 2131 Observatory Place, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 404.1, Rear Yard (20 feet required, 15 feet proposed).

II. LOCATION AND SITE DESCRIPTION:

Address:	2131 Observatory Place, N.W.
Legal Description:	Square 1301, Lot 1205
Ward:	3, 3B
Lot Characteristics:	The 2,605 square foot lot is triangularly shaped, having a frontage of 16.72 feet along Observatory Place, and a rear property line of approximately 56 feet along a 16 foot wide public alley.
Zoning:	R-3 – Row dwellings, semi-detached dwellings, and detached dwellings.
Existing Development:	Semi-detached dwelling, permitted in this zone.
Historic District:	N/A
Adjacent Properties:	The adjacent properties are predominantly residential, consisting mostly of row dwellings. The nearest commercial corridor is Wisconsin Avenue, which is approximately three blocks east of the subject site.

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct a new 296 square foot deck in an ‘L’ shape around the rear of an existing row dwelling. Along the south property line, the deck will have a width of ten feet, and it will extend around the corner of the dwelling a distance of 16.5 feet. The deck would maintain a 15 foot rear yard, where 20 feet is required. It would be compliant with all other development regulations.

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	Not provided	Not provided	None required
Lot Width (ft.) § 401	30 ft. min.	32.6 ft.	32.6 ft.	None required
Lot Area (sq.ft.) § 401	3000 sq.ft. min.	2605 sq.ft.	2605 sq.ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	24.8%	35.4%	None required
Rear Yard (ft.) § 404	20 ft. min.	25 ft.	15 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	Not provided	Not provided	None requested

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 dwellings and row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of §404.1, 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 should not affect the light and air available to neighboring properties. The deck, having an area of less than 300 square feet, would provide an extension of the first floor over a sloped rear yard that would otherwise be difficult to use. The proposed deck would abut only the neighbor to the south, which appears to also have a deck. The deck would not appear to cast a shadow, or otherwise impact the light and air, to the neighboring property.

(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 allow for the use of an unusually sloped rear yard, and is similar to other decks that have been constructed in this neighborhood. With a rear yard of 15 feet and a public alley 16 feet in width, a separation of 31 feet would be provided between the deck and the property of the nearest neighbor to the east. There would be approximately 25 feet of separation between the

¹ Information provided by applicant.

proposed deck and the residence to the north. While a setback would not be provided along the south property line, the deck would not appear to compromise the adjacent property, as the deck would not impose on the property by obstructing light and air.

- (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 addition would not visually intrude upon the character, scale and pattern of houses along the street frontage. The deck would wrap around the dwelling in an 'L' shape at a height of approximately ten feet. The front of the lot is lushly landscaped with mature trees, which would screen the deck from view from Observatory Place. There are also large trees in the rear yard, as well as an opaque fence, that would screen the deck from viewing from 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 has provided graphical representations, including a site plan, 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 all new and existing structures on the lot would be 35.4%, which is less than the 40% permitted by right.

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 does not recommend special treatment for the proposed addition 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 proposed use is a semi-detached single family dwelling, which is permitted in this District.

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on April 9, 2015, ANC 3B voted unanimously to recommend approval of the requested relief. The letter provided from the ANC indicates that support from neighbors was verified prior to the ANC taking action.