

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: January 19, 2016

SUBJECT: BZA Case 19156, 1723 Swann Street, N.W. – request for special exception relief under § 223 to permit a deck

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 403.2, Lot Occupancy (60% maximum, 70% proposed);
- § 404.1, Rear Yard (15 feet minimum required, 11 feet proposed);
- § 406.1, Open Court (6 feet minimum required, 4.3 feet proposed); and
- § 2001.3, Nonconforming Structures.

II. LOCATION AND SITE DESCRIPTION

Address	1723 Swann Street, N.W.
Legal Description	Square 152, Lot 821
Ward	2, 2B
Lot Characteristics	The rectangular lot is 1,445 square feet in area, having 16.75 feet of frontage along Swann Street, and abutting a 15 foot wide public alley.
Zoning	R-5-B – Moderate density residential consisting of row dwellings and apartments.
Existing Development	Row dwelling, permitted in this District.
Adjacent Properties	Adjacent properties are primarily developed as row dwellings, although there are some multifamily developments within the neighborhood that typically anchor corners.
Historic District	Dupont Circle Historic District
Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting largely of smaller row dwellings and some multifamily buildings. The subject site is located less than half a block east of New Hampshire Avenue, and a few blocks north of Dupont Circle.

III. APPLICATION IN BRIEF

The applicant has requested special exception relief that would allow for the construction of a 6 foot by 7 foot second story deck. The 42 square foot deck would be accessible from the master bedroom, located on the second floor of the dwelling. Currently, there is a small landing that provides access from the second story to the ground floor; the landing would be demolished and replaced with the new deck. The applicant has indicated that the width of the steel beams that support the deck would be spaced wide enough to allow a vehicle to be parked beneath it. The space between the deck and beams would be open to the ground below and not included in lot occupancy.

The proposed deck has been significantly reduced from the original proposal in response to neighborhood concerns. The original deck was proposed at 102 square feet, and has been reduced 41% in order to decrease the lot occupancy to the limit whereby a special exception could be pursued rather than a variance. The resulting deck maintains a wider court of approximately six feet along the west property line, and provides a larger rear yard.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50 ft. max.	Not provided	Unchanged	None required
Lot Width § 401	None prescribed	16.75 ft.	16.75 ft.	None required
Lot Area § 401	None prescribed	1,445 sq. ft.	1,445 sq. ft.	None required
Floor Area Ratio § 402	1.8	Not provided	Not provided	None requested
Lot Occupancy § 403	60% max.	65.7%	70%	Required
Rear Yard § 404	15 ft. min.	17.5 ft.	11 ft.	Required
Court § 406	6 ft. min.	4 ft.	4.3 ft. (east)	Required

V. OFFICE OF PLANNING 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.

The existing use is a row dwelling, permitted in this District. The applicant has requested special exception relief under § 223 from the requirements of § 403, Lot Occupancy; § 404, Rear Yard; § 406, Open Court; and § 2001, Nonconforming Structures, to permit the construction of a small deck.

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;

Light and air available to neighboring properties should not be unduly compromised. The deck is relatively minor, equating to a total of 42 square feet. It would maintain a separation of approximately six feet from the property to the west, and would provide a court on the east side of 4.3 feet, which is slightly larger than the existing court. While the rear yard would be reduced, the public alley located to the north of property, ranging between ten and 15 feet wide, would provide additional separation between the proposed deck and properties to the north. Given the small size of the deck on the north side of the building, it is not anticipated that it would result in significant noise pollution, or cast significant shadow on neighboring properties.

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

The new deck should not compromise the privacy of use and enjoyment of neighboring properties. The deck would be separated from the neighboring properties by six feet and 4.3 feet, offering a level of privacy in excess of the minimum requirements provided in the Zoning Regulations.

(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 would not be visible from Swann Street, as it would be concealed by the existing row dwelling. The deck would be visible from the alley, but not out of character in a dense urban environment consisting of a variety of decks. In addition, the deck has been reviewed by the Historic Preservation Office, which has determined the deck to be in character with the Dupont Historic District and neighboring properties.

(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 submitted plans, photographs, and elevations sufficient to represent the relationship of the proposed deck to adjacent buildings and views of 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 proposed lot occupancy is 70%, which is permitted with the approval of a 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.

The Office of Planning recommends no special treatments or conditions.

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

The applicant does not propose to introduce a nonconforming use.

VI. HISTORIC PRESERVATION

The project has been reviewed and approved by the Historic Preservation Office.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, comments from other District Agencies had not been received.

VIII. COMMUNITY COMMENTS

The neighbor to the west of the subject property has filed a letter in opposition to the requested relief. The applicant has indicated that discussions with this neighbor are ongoing. In addition, the applicant presented the request at an informal meeting of the ANC on December 16, 2015.

Location Map

