

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Megan Rappolt, Case Manager

 Joel Lawson, Associate Director Development Review

**DATE:** January 12, 2016

**SUBJECT:** BZA Case #19170- expedited special exception per §3104 and 223.1 for required relief for a one-story rear deck located at 1616 Webster Street NW

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (“OP”) recommends **approval** of the following special exception relief for a one-story rear deck addition:

- §403.2, Lot Occupancy (40% maximum, 70% maximum via special exception, 42.1% existing and 49.6% proposed); and
- §2001.3 Nonconforming Structures Devoted to Conforming Uses, as the existing lot occupancy exceeds the permitted maximum and the eastern nonconforming side yard will be extended a length of 12’.

### **LOCATION AND SITE DESCRIPTION:**

|                              |                                                                                                                                                                                                                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addresses:                   | 1616 Webster Street NW                                                                                                                                                                                                                                                                                                       |
| Legal Description:           | Square 10 Lots 2646                                                                                                                                                                                                                                                                                                          |
| Ward/ANC:                    | 4/4A                                                                                                                                                                                                                                                                                                                         |
| Characteristics of the Lots: | The rectangular lot is approximately 4,416 sf in area and is bounded to the south by a 20 foot-wide public alley which is accessible from the property, and Webster Street to the north. The lot is 32’ in width and 138.8’ in length. A free-standing garage is located on the south of the lot, close to the public alley. |
| Zoning:                      | R-3 – which permit groups of three or more row dwellings, one-family detached and one family semi-detached dwellings.                                                                                                                                                                                                        |
| Existing Development:        | One attached dwelling in a group of four row homes, which does not share common division walls with the dwelling immediately to the east                                                                                                                                                                                     |
| Historic District:           | None                                                                                                                                                                                                                                                                                                                         |
| Adjacent Properties:         | A mix of single-family homes and groups of row homes. Places of worship line nearby 16 <sup>th</sup> Street, which is one block to the east.                                                                                                                                                                                 |



## II. PROJECT DESCRIPTION IN BRIEF

|                     |                                                |
|---------------------|------------------------------------------------|
| Applicant           | Kevin O'Day                                    |
| Proposal:           | One-story, approx. 300 sf rear deck addition   |
| Relief Pursuant To: | §3104 and §223.1 Special exception (expedited) |

## III. ZONING REQUIREMENTS

| R-3 Zone                | Regulation       | Existing                           | Proposed <sup>1</sup>                       | Relief:                |
|-------------------------|------------------|------------------------------------|---------------------------------------------|------------------------|
| Height (ft.) § 400      | 40 ft./3-stories | ≤ 40                               | ≤ 40                                        | None required          |
| Lot Width (ft.) § 401   | 30 ft. min.      | 32 ft.                             | 32 ft.                                      | None required          |
| Lot Area (sq.ft.) § 401 | 3,000 sf. min.   | 4,442 sf                           | 4,442                                       | None required          |
| Lot Occupancy § 403.2   | 40% max.         | 42.1%                              | 49.6%                                       | <b>Relief Required</b> |
| Rear Yard (ft.) § 404   | 20 ft. min.      | 62 ft.                             | 50 ft.                                      | None required          |
| Side Yard (ft.) § 405.3 | 8 ft. min.       | 8 ft.( west)<br>and 0 ft<br>(east) | 0 ft. for an<br>additional 12 ft.<br>(east) | None required          |

## IV. 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 are a permitted use in this zone. Per a letter from the Zoning Administrator detailing the relief needed, the Applicant requests special exception relief under § 223.1 from the requirements of §403.2 Lot Occupancy and § 2001.3 Nonconforming Structures Devoted to Conforming Uses due to furtherance of the nonconforming lot occupancy. .

*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;*

It appears the light and air available to neighboring properties should not be unduly affected due to modest size of the deck, the one-story height of the deck and the 8' western side yard. Because of its small size and proportionally larger surrounding lots and the fact that the deck is one story, it is unlikely the proposed deck will affect the light and air of the adjacent properties to the

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<sup>1</sup> Information provided by the Applicant.

east and west. Additionally, the property to the west enjoys a similarly-sized one-story deck, so additional shade into their lot is unlikely to be caused by the Applicant's proposed deck.

*(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. There are existing privacy fences among the Applicant's property and adjacent properties. The introduction of a one-story deck on the Applicant's property will be at an equal level to decks of adjacent property owners to the east. Due to the modest size of the deck on a larger-than-required lot, impacts to privacy may be minimal.

*(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 likely not substantially visually intrude upon the character, scale and pattern of houses along the alley. The addition will be minimally visible from Webster Street NW. The deck would be visible from the public alley at the rear of the property; however, due to its proportional small scale as compared to the 4,442 sf lot and the horizontal rear yard separation of 50' between the alley and the deck, it would have little impact on the character of the alley. Most homes in the immediate area enjoy a wooden one-story rear deck, much like the Applicant's proposed deck. As such, the design and materials of the addition are in keeping with the existing character.

*(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 deck 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 42.2% and with the deck addition, will be 49.6% which is more than the 40% maximum 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 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.*

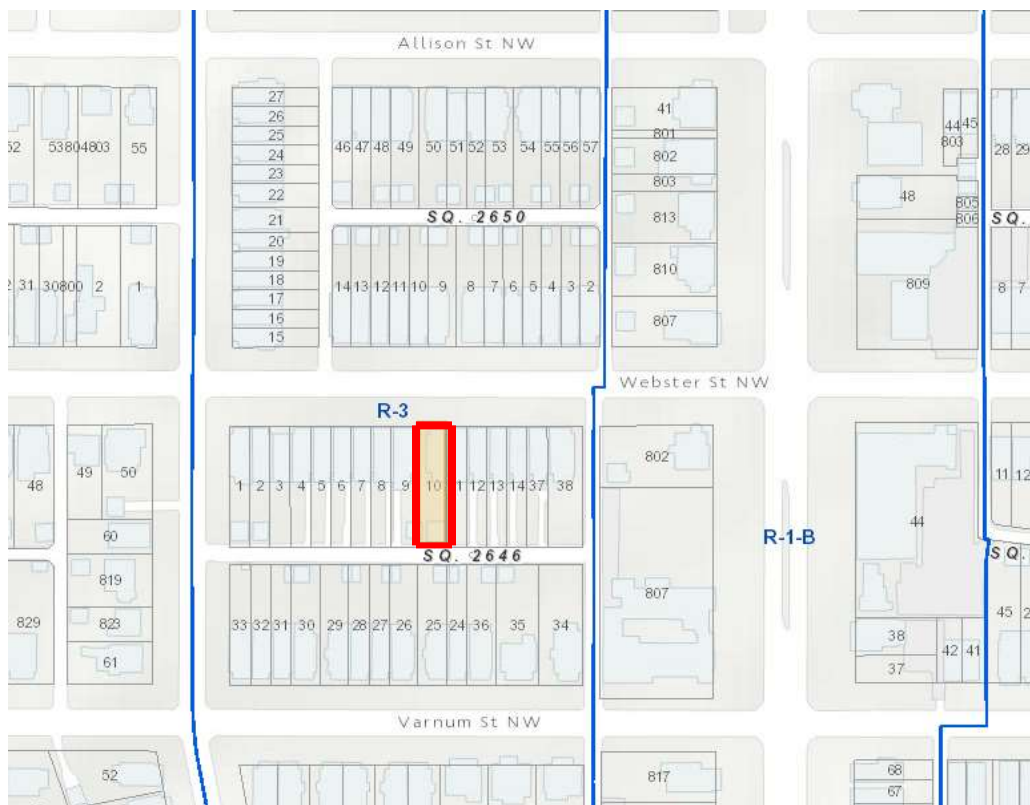
The existing residential use is permitted in the R-3 District. The proposed deck addition is an extension of the existing residential use and thus conforms to district use requirements.

## V. COMMUNITY COMMENTS

Adjacent neighbors: Letters of support from the most-affected, adjacent neighbors have been entered into the record.

Ward/ANC: The property is within ANC-4A. At the time of the filing of this report, ANC 4A has not entered a letter into the record regarding its position on the Applicant's request.

Attachment: Location Map



Location Map