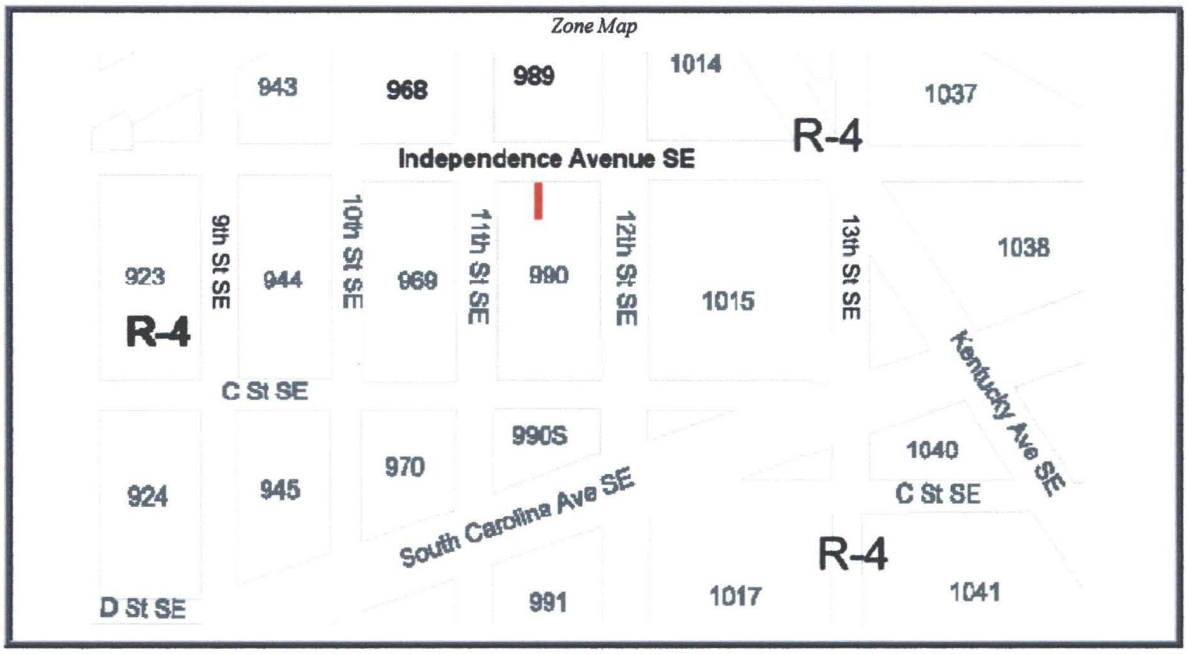
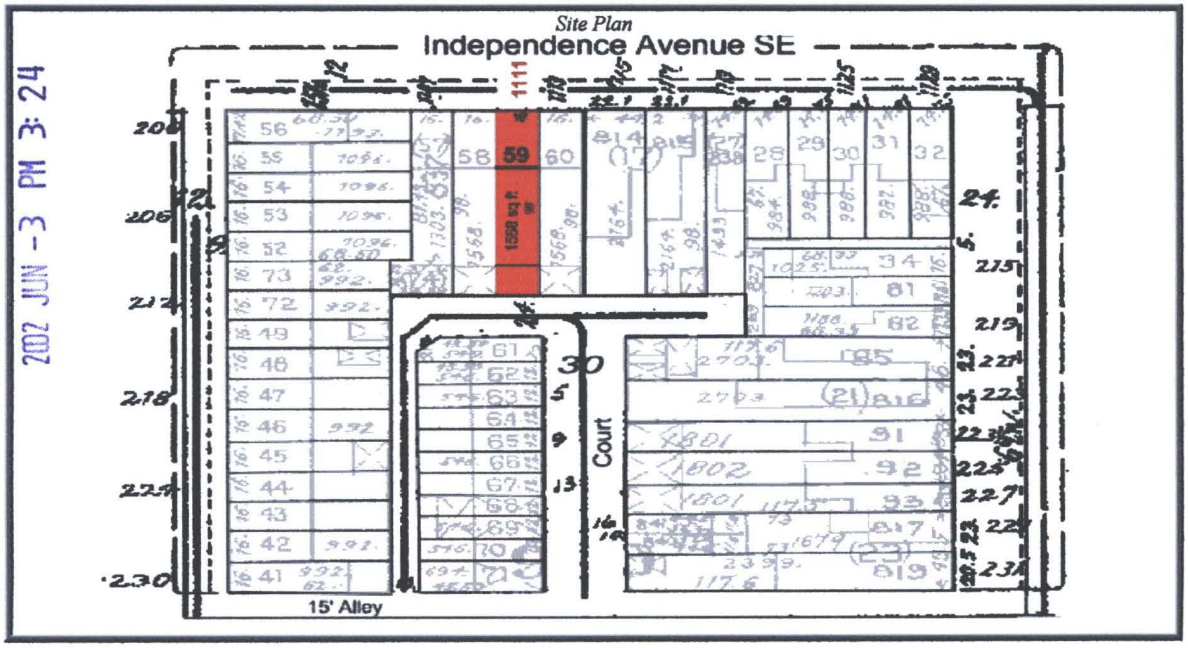
Presentation
To the
Board of Zoning Adjustment

1111 Independence Avenue, SE
Lot 59 in Square 990
Zoned R-4





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BZA
Case No. 16883
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16883
EXHIBIT NO.25

PROPOSAL:

The owner, Dr. Michael Pillsbury, intends to construct a deck addition to the rear of the property. The deck will extend eleven feet from the rear wall of the property at the level of the main floor of the premises. It is designed to cover the sunken patio at the level of the basement exit door and will extend the full width of the house. The floor of the deck will be approximately six-feet two-inches (6' 2") above the adjacent grade. Open railings will be installed as required by the Building Code. The design does not include stairs to the ground.

Dr. Pillsbury is an author and has published a number of works. His research requires extensive travel, which keeps him away from home for long periods. When he is at home, the deck will be used for occasional recreational purposes, such as entertaining colleagues, but, more often, as a comfortable place to compose.

SITE DESCRIPTION:

The property is located on lot 59 in square 990 and is located within the R-4 zoning district of Capitol Hill, West of the Anacostia River in Southeast District of Columbia. The building was built in 1900 (Lusk's Real Estate Directory).

Consistent with zoning definitions, it is a three-story brick row structure with a below grade level that constitutes a basement, and thereby a story. The main floor rises above the adjacent grade. The building was constructed as and continues to be occupied as a single-family dwelling. There exist zoning nonconformities with respect to lot area and lot width that pre-date the effective date of current regulations.

BACKGROUND:

Dr. Pillsbury has resided at the premises for approximately five years, and has continually made improvements to beautify the property, both inside and out. In 2001, he contracted to have a deck built on the rear of the property. While he was traveling, the contractor began the work without first obtaining a building permit. A city inspector stopped the work. At that point, support members had been completely framed, but floor decking and railings had not been installed.

Upon his return, Dr. Pillsbury was informed of the problem and immediately made arrangements to obtain a building permit. The contractor indicated that he would "make right" the construction consistent with the permit. The inspector agreed to allow the frame to stand without modification until a permit was obtained.

When application was submitted, the permit expeditor was informed, by the DCRA, that the current design exceeded the allowable percentage of lot occupancy. In response, he scaled back the design to limit the extent of the deck to match the area of the second story overhang. Since this design did not increase lot occupancy, the expeditor was informed that the permit would be approved regardless of whether the existing condition of lot occupancy was conforming or nonconforming. The modification was accepted and a permit was issued allowing only a five-foot extension toward the rear.

As this limited space was unacceptable, Dr. Pillsbury contracted a zoning study to determine the exact extent of development allowed on his property. The study indicated that the zoning regulations would allow a deck extension up to eight-feet three inches (8' 3") on this property as a matter-of-right in the R-4 Zone.

The allowable eight-foot three-inch (8' 3") deck would not completely cover the sunken patio, would destroy the symmetry of the original design, would be less useful and would be less aesthetic. Dr. Pillsbury determined to seek administrative approval to allow the full eleven-foot extension.

11DCMR, Section 407.1 empowers the Zoning Administrator to give administrative approval for up to a two percent (2%) variation from the statutory requirements of Section 403.1 of the regulations. If approved, this allowance would provide an additional foot or so to the original design, but would still not result in the most desirous result. Since there was only a two-foot nine-inch (2' 9") difference between the original design and the zoning allowance, Dr. Pillsbury determined to seek special exception before the Board of Zoning Adjustment for approval of the minor extension necessary to allow construction of the original design.

BOARD OF ZONING ADJUSTMENT PROCESS

The Zoning Administrator has determined that the proposal requires Special Exception relief under the provisions of 11DCMR, Section 223 – ADDITIONS TO ONE FAMILY DWELLINGS OR FLATS. This section contains specific provisions that must be met as a requisite for approval. The following will show that the proposal is consistent with those provisions. The specific provision is stated, in its entirety, in italic text. Evidence of compliance is bulleted in plain text.

Eligibility under Section 223.1:

*"An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the requirements of Sections 401, **403**, 404, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of Chapter 31 of this title, subject to the provisions of this section."*

- The premises is a one-family dwelling,
- The proposal does not comply with Section 403 relating to the allowable percentage of lot occupancy.

Provisions of Section 223.2:

The light and air available to neighboring properties shall not be unduly affected

- The decking will place the structure less than four inches (4") above the existing six-foot fences on either side of the property. Existing conditions of light and air will not be affected,
- The railings will be open structures that will not adversely or unduly affect the transmission of light or the circulation of air.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised

- The design of the deck is intended to provide an aesthetically pleasing addition to the home. It will not be an eyesore that would embarrass neighboring owners and their company,

- Proper care and maintenance of the structure is evidenced by the manner in which the owner has cared for and maintained the existing home,
- The less than three-foot extension of the deck would not adversely impact the privacy of use of adjoining properties.

The addition, 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 street frontage; and

- The deck addition is in the rear of the property and not visible from Independence Avenue, 11th Street or 12th Street,
- The subject property, two properties to the East and the adjacent property to the West have rear accessory garage structures that completely block view of the deck from any of the rear alleys.

In demonstrating compliance with Sub-Sections (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 to adjacent buildings and view from public ways.

- Photographs front, rear and inside yard
- Graphic overhead of neighboring buildings
- Plat of the property
- Plan view, side and rear elevations showing proposed deck
- Numerical analysis with Notes