CAPITOL HILL RESTORATION SOCIETY
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BZA No. 16883
1111 Independence Avenue, SE
Square 990, Lot 59
Zone: R-4
Hearing Date: 06/18/02

June 15, 2002

Board of Zoning Adjustment,
Room 210
441 4th Street, NW
Washington, DC 20001

The Capitol Hill Restoration Society OPPOSES the above referenced application.

The Capitol Hill Restoration Society is a civic association representing 1,000 members. The subject premises are located within the Society's interest district, as defined in its bylaws, and in the Capitol Hill Historic District.

The Zoning Committee of the Capitol Hill Restoration Society considered the application on June 6, 2002. A quorum was present. Neither the applicant nor his representative was present. Two neighbors appeared in opposition. The Committee based its decision on items in the BZA file and on photographs and testimony provided by the neighbors. The Committee unanimously voted to oppose. Under standing rules of the Board of Directors, this committee action becomes the position of the Society.

Statement of Facts

Mr. Pillsbury proposes to build a rear deck addition at 1111 Independence Avenue SE. The lot fronts the south side of Independence Avenue and it is rectangular in shape, measuring 16 feet wide and 98 feet in length. The proposed deck is located off the first floor, extending the full width of the lot and 11 feet in length. The deck surface is elevated significantly above the existing grade in such a manner that it is at about the same height as the top of the adjacent fences between properties. The deck railing shown in the drawings included in the BZA files is higher than the fences separating adjacent properties. The grade is partially lowered under the deck to accommodate a walkout basement. The occupants of the deck will have a clear and unobstructed view down on the adjacent backyards and a partial view of the backyards of neighbors further to the west. The neighbors testified that they were most concerned about the adverse effect of the proposed deck on their privacy.

Description of Zoning Relief Sought

The proposed deck exceeds the allowable lot occupancy requirement of 60% for a row dwelling in an R-4 District (section 403) by approximately 2.7% (62.7%). The Applicant seeks relief under section 223, which allows special exceptions for additions in which the lot occupancy may be increased up to 70% in R-4 districts when specific conditions are met including: 1) the light and air available to neighboring properties shall not be unduly affected; 2) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and 3) the addition…shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage. The Applicant is required to demonstrate compliance with these conditions.

BZA
Case No. 16883
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16883
EXHIBIT NO.27

Failure to Meet Requirements for Special Exception

Neither the Applicant nor his representative was present to demonstrate compliance with the conditions for a special exception. The neighbors demonstrated with photographs that the deck would have a negative impact on their privacy and enjoyment of their backyards.

While the committee felt that the deck would adversely impact the light and air of neighboring properties and that the deck would visually intrude upon the character and scale of adjacent houses, the committee was most concerned about privacy. The committee unanimously recognized that the proposed deck adversely impacted the privacy of use and enjoyment of the adjacent backyards as well as the backyards of other neighbors further to the west. The committee considered special treatment such as screening (section 223.4). However, the committee concluded that screening would only increase the adverse effect of the proposed deck on the neighbors' access to light and air.

We are pleased to submit these views for your consideration.

Dave Powell AIA, AICP
Acting Chair, Zoning Committee