GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE February 18, 2003

SUBJECT: BZA Application 16987
1207 Clifton Street, NW, Rear Deck Addition

APPLICATION

An application of Pablo Martinez, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing flat (two family dwelling) under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), and court area (section 406) requirements in the R-4 District at premises 1207 Clifton Street, N.W. (Square 2865, Lot 41).

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the special exception from the lot occupancy, rear yard and courtyard requirements in accordance with the provisions of Section 223.

SITE AND AREA DESCRIPTION

The subject property is located at 1207 Clifton St., NW, Square 2865, Lot 41. The site is currently developed with a three story existing flat (two family dwelling). The dwelling is on the north side of Clifton St. NW, with similarly constructed row houses on both sides, and Cardozo Senior High School to the south. The immediate area surrounding the subject property can be characterized as row structures and small apartment buildings. The area is zoned R-4.

BZA
Case No. 16987
Exhibit No. 28

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PROJECT DESCRIPTION

The project site 1207 Clifton was a formerly improved and abandoned residential structure, tax and revenue continues to list the building as improved and abandoned. The building has undergone substantial renovation improvements, and was purchased by the current owner on June 4th, 2002. On August 1, 2002 a construction inspector with the Department of Consumer and Regulatory Affairs (DCRA) issued a notice of infraction for construction of a rear deck without a permit. In order to come into compliance with the DCRA infraction, the applicant submitted plans for the already constructed deck which exceeded the lot occupancy, rear yard and closed court requirements. As a result, the applicant submitted this request for a special exception.

ZONING REQUIREMENTS

The applicant is requesting special exception relief from the courtyard, rear yard and lot occupancy requirements, according to the provisions of Section 223 and as specified in sections 403, 404 and 406.

Section	Item	Restriction	Provided	Deviation
401	Lot Area	1800 square feet (minimum)	2070 square feet	0
403	**Lot Occupancy**	1242 square feet	1309 square feet	67 square feet (3.24%)
404	**Rear Yard**	20 feet	0	20 feet (100%)
405	Side Yard	N/A	N/A	0
406	**Courts**	5 feet 350 square feet	5 feet 95 square feet	255 square feet (72.86%)

Special Exception Relief

The applicant may seek relief from the requirements of Sections 403, 404 and 406, provided that the lot occupancy of the dwelling does not exceed 70% in the R-4 Districts (per Section 223.3), and subject to requirements of Section 223.2. Additionally, Section **223.4** states that ... "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 or nearby properties."

ANALYSIS

The subject property is in the Columbia Heights section of the city just north of the original city boundary. This dwelling and nearby row houses predates existing zoning regulations. The north side of Clifton including this property has a thirty-foot right of way at the front of the lot. Given the building restriction line in the front yard, in attempts to create off street parking, and create a usable space in the rear yard the applicant has constructed a parking pad and elevated deck. The addition of the deck

creates 63.24% lot coverage, which exceeds the requirement of 60%, but does not exceed the 70% maximum in R-4 districts. The court created by the board on board fence along the common property line maintains the width requirement, but deviates from the area requirement. The court area remains open to the sky, and will not impede the admission of light and air. The constructed deck did not follow appropriate permit procedures, but was connected with the rehabilitation of a formerly abandoned residential structure.

Renovations to bring active residential use back to formerly abandoned dwellings contributes to the enhancement and revitalization of residential neighborhoods in the District, a stated objective of the Comprehensive Plan. The Comprehensive Plan, Section 1104, policies in support of the residential neighborhood objectives, states: "Encourage the residential reuse of abandoned housing." Additionally, in the Ward 1 Chapter of the Comprehensive Plan, Section 1205.1 objectives include; "discourage city-owned and private housing from becoming vacant and to return vacant housing to housing use." The actions to implement Ward 1 housing objectives in Section 1207.1 states; "To reincorporate vacant and boarded up dwelling units into the ward's and District's housing stock ".

The constructed rear deck must satisfy the standards identified in 11 DCMR §223 as follows:

(a) *The light and air available to neighboring properties shall not be unduly affected.*

The deck is elevated approximately nine feet above grade to accommodate a parking area. The elevated and open structure will not unduly affect the availability of light and air to adjoining properties. There is a ten-foot alley between the deck and the adjacent property on 12th Street NW with no side yard.

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

Adjacent and nearby rear yards have elevated deck structures. This addition of this elevated deck to nearby existing decks will not unduly compromise the privacy of use and enjoyment of neighboring properties.

(c) *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 subject street frontage.*

The deck is located to the rear of the property and is not visible from the street frontage along Clifton Street or 12th St.

(d) *In demonstrating compliance with (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.*

The applicant has provided photographs and side and rear elevation drawings depicting the effect of the deck on the property and the adjoining property. The surveyor's plat provided the dimensions of the deck.

COMMUNITY COMMENTS

At the February 6, 2003 meeting, ANC 1B voted in favor of supporting the application to allow the rear deck. The adjoining neighbor has filed for party status in opposition to the constructed rear deck. The neighbor has raised issue involving the encroachment of the constructed deck. This report is based upon the measurements shown in the application drawings provided, which show the deck built within Square 2865 Lot 41. The contested property line is a civil matter between adjoining property owners. The Office of the Surveyor does not conduct wall examinations or surveys. The contested property line would need to be conducted by a D.C. registered surveyor.

CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception to permit the addition of a porch to the rear of the property.