GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: ALS for Andrew Altman
Director

DATE: September 21, 2004

SUBJECT: BZA Application 17208 - Request filed by Pablo Martinez for a **special exception** to permit a deck to the rear of an existing flat, for 1207 Clifton Street, N.W.

APPLICATION
Application of Pablo Martinez for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit the construction of a deck to the rear of an existing single-family row dwelling not in conformance with § 403.2, Percentage of Lot Occupancy, § 404.1, Rear Yards and § 406.1, Courts

for property located on the north side of Clifton Street, N.W., between 12th Street and 13th Street, Square 2845, Lot 41.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request for special exception relief, subject to the following condition:

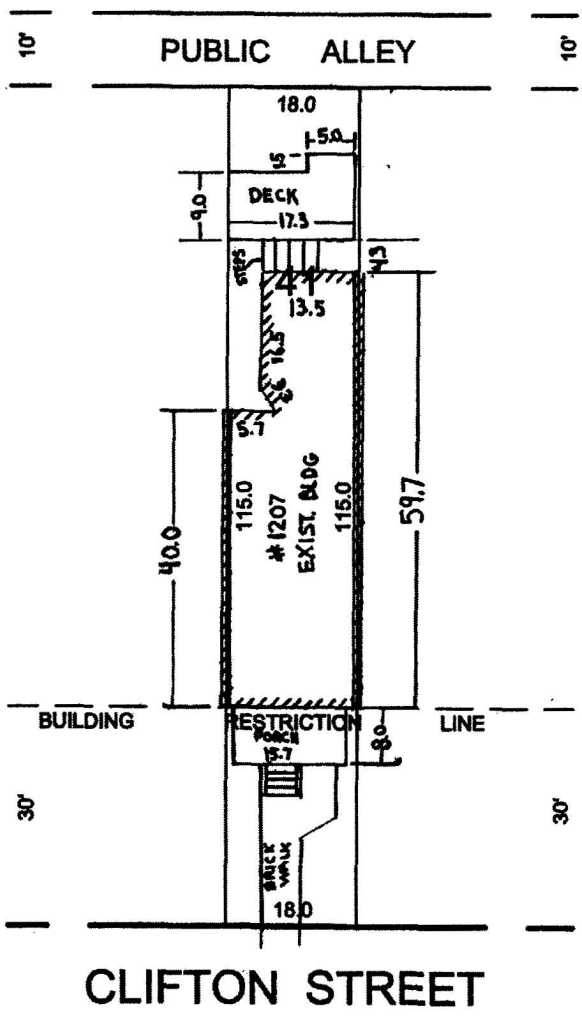
> That the area beneath the deck remains open and is not enclosed with walls and/or a garage door.

HISTORY
This property was the subject of BZA Application No. 16987 for a special exception pursuant to § 223 to allow a rear deck addition that was constructed without a permit to an existing flat in 2003. The application was denied in October of that year when the Board determined that the requested lot occupancy was 73 percent, in excess of the maximum lot occupancy of 70 percent that the Board is empowered to approve under § 223 within the R-4 Zone District.

BZA
Case No. 17208
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17208
EXHIBIT NO. 31

The applicant has now revised the application and reduced the proposed size of the deck, reducing the lot occupancy to 65.8 percent.



PROJECT DESCRIPTION

This proposal is to permit a deck onto the rear of a flat. The existing deck that was the subject of BZA Application No. 16987 is to be reduced in size to approximately 163.2 square feet. As a result, the Lot Occupancy will decrease to 65.8 percent, an 88.65 square foot closed court with a width of 4.5 feet will be created, and an 8.6 foot rear yard will be provided. The creation of the closed court is a result of the construction of a deck that will provide the fourth side of an open court. However, this closed court is different from most other closed courts in that the fourth side is primarily open and without the bulk commonly associated with building walls. Therefore, it will not prevent light and air from the area of the closed court.

Off-street parking is to be provided within the rear yard, partially under the deck.

SITE AND AREA DESCRIPTION

The property consists of Lot 41 of Square 2865, in the North West quadrant of the District. It is 2,070 square feet in area, has a minimum lot width of 18 feet, and is improved with a flat constructed in 1910. A 30-foot deep building restriction line extends across the front of property, and a 10-foot wide public alley provides access to the rear. An open porch extends 8 feet beyond the building restriction line across most of the front of the property. Access to a basement apartment is beneath the front porch.

The rear deck that was the subject of BZA Application No.16987 has now been altered to extend out from the back of the flat 17.6 feet and is now set back 3.23 feet from the rear lot line. It is 17.3 feet in width, set back 0.3 feet from the east side lot line and 0.44 feet from the west side lot line. Off-street parking is provided beneath the deck.

The surrounding area is primarily developed residentially. To the north, across the public alley, and to the west, are row houses within the R-4 Zone District. To the east is a vacant row house that is under renovation, beyond which are row houses used for either 2 or three units within the R-4 Zone District. To the south is Cardozo High School within the R-5-B Zone District. The surrounding area also contains many apartment buildings and vacant row houses and apartment houses undergoing renovation, and a limited amount of office space. Many of the existing row

houses within the square are improved with decks, porches, room additions and garages built onto the rear of the structures. Within the center of the square are alley lots improved with private garages.

The area has been identified on the Generalized Land Use Map as located within the moderate density residential land use category- "Row houses and garden apartments are the predominant uses; may also include low density housing."

EXISTING ZONING
The subject property is located within the R-4 row dwellings, conversions, and apartments residence district.

R-4 Residential District
"The R-4 District *is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings for two (2) or more families."* (§ 330.1)

RELIEF REQUESTED:
Special Exception pursuant to § 223– Additions to One-Family Dwellings or Flats
§ 223 sets forth the specific criteria under which additions to one-family dwellings may be permitted within a residential district. Those criteria are as follows:

"223.1 *An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that 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 proposed addition is to a flat in a district in which the use is permitted, the R-4 Zone District. The subject property is not in compliance with §§ 403, 404 and 406 of the Zoning Regulations, Maximum Lot Occupancy, Minimum Rear Yard and Minimum Court Dimensions.

"223.2 *The addition 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;*

The proposed deck is an open structure, with open slats around the edge that reduce the appearance of bulk. The area beneath the deck, which will be approximately 9 feet off of the ground, will remain open so as to enable the applicant to park cars under it. As an open structure, light and air will not be unduly affected. The deck will

also be pulled back from the alley and set back off the rear lot line 8.6 feet, reducing any impact on neighboring properties.

The construction of the deck as proposed will result in the creation of a closed court 88.65 square feet in area and 4.5 feet in width. Although this is less than the minimum 350 square feet in area and 5 feet in width required by § 406.1, the side of the court enclosed by the deck will not be enclosed by a solid wall. Rather, the deck will provide more of a "porous" wall, allowing light and air to permeate it. Therefore, light and air available to neighboring properties will not be unduly affected, provided the area beneath the deck remains open and is not enclosed by walls and/or a garage door.

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

The deck extends out from the back of the structure on the subject property into the rear yard, adjacent to and across the alley from other rear yards. The purpose of the deck is to allow residents to enjoy the rear yard, similar to other neighbors, but with the opportunity to also provide off-street parking beneath it. The proposed deck will not interfere with or provide access to windows of other properties, nor is it elevated in such a manner so as to interfere with the use of adjoining rear yards. Although the deck is to be 9 feet above the parking pad, the deck will be supported by retaining walls on the east and west sides that are approximately 2.5 feet in height, reducing the elevation of the floor of the deck to approximately 6.5 feet off the ground. Therefore, privacy and use and enjoyment of neighboring properties will not be unduly compromised.

(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 frontage; and*

The proposed deck will be visible from the alley only, and will be set back 8.6 feet from the alley. Many of the other row houses and flats within the square are improved with porches, decks and building additions constructed onto the rear, similar to the proposed deck. Therefore, it will "*not substantially visually intrude upon the character, scale and pattern of houses along the frontage*".

(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 to adjacent buildings and views from public ways.

The applicant submitted photographs and architectural drawings as a part of the application in support of § 223.

"223.3 The lot occupancy of the dwelling or flat, together with the addition, 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 of 65.8 percent is less than the maximum 70 percent permitted by § 223.3 for the R-4 Zone District.

"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 that the area beneath the deck not be enclosed with walls or a garage door to prevent the appearance of additional building bulk within the rear yard.

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

A flat is permitted as a matter of right within the R-4 Zone District. The approval of this application will not permit the introduction or expansion of a nonconforming use.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 223 and that in granting the relief, the intent and purpose of the chapter "shall not adversely affect the use of the neighboring properties," provided the area beneath the deck remains open and is not enclosed walls and/or a garage door.

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following objective of the Ward 1 Element:

"... Existing housing should be maintained and improved for current and future residents;" (§ 1402.3)

COMMUNITY COMMENTS
ANC 1B, at their regularly scheduled meeting of August 5, 2004, voted unanimously (8-0-0-) to support the application.

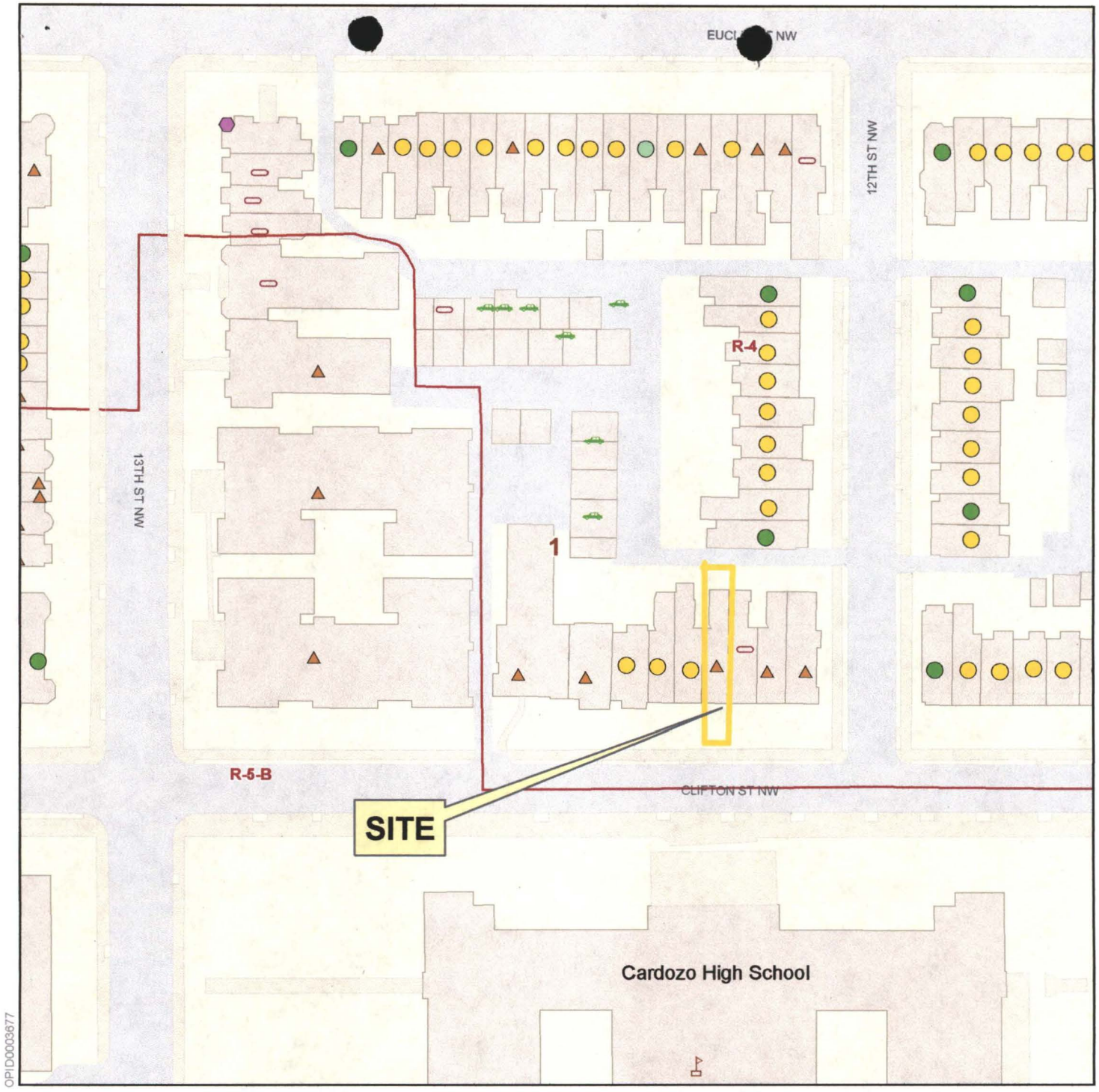
RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. The Office of Planning concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends **APPROVAL** of the application, subject to the following condition:

> That the area beneath the deck remains open and is not enclosed with walls and/or a garage door.

AA/sjm$_{AICP}$



BZA APPLICATION NO. 17208
1207 Clifton Street, N.W.

N

Feet

0 50 100 150

- Rowhouse
- Single-Family Semi-Detached
- Resid. Garage
- Multi-family
- Office
- Educational
- Vacant



Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ August 10, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.