Mr. Pablo Martinez submits this document in support of his application for a Special Exception pursuant to 11 DCMR §3104.1 to modify his existing rear deck at 1207 Clifton Street, NW. In an effort to comply with District Zoning regulations, Mr. Martinez has submitted architectural drawings and a dimensioned plat that show the proposed modification of his deck, by reducing its total area by roughly half. Also included in Mr. Martinez' application are photographs and a survey of the existing structure. The proposed modification would bring Mr. Martinez' lot occupancy well within the range of granting a Special Exception, as well as reduce any impact of the structure on Mr. Martinez' neighbors. Mr. Martinez has the support of his adjacent neighbor Mr. Mufutau Sanni of 1205 Clifton Street, NW, in this endeavor, as well as additional neighbors on the 1200 block of Clifton Street, NW and within the 200 foot radius of Mr. Martinez' home.

Attracted by renovations to a formerly abandoned property in the Columbia Heights section of the city, Mr. Martinez purchased this home encouraged by the DC government's support of neighborhood revitalization. His home on the north side of Clifton Street has a thirty-foot right of way in the front of the lot. Therefore, the addition of the deck accomplishes two separate goals; it creates off-street parking, and creates a usable space in the rear yard for residential recreational purposes only. The deck is built an average of 9 feet off grade to accommodate a vehicle parked beneath. It should be noted that the alley is on an incline, as shown in Exhibit A, so the height of the base of the deck is varied as to remain level. The deck is off the first floor kitchen.

Granting this Special Exception is consistent with the general intent and purpose of the Zoning Regulations. The deck neither interferes with the residential character of the community nor substantially adversely affects his neighbors in any way. Additions to one family dwellings are governed by 11 DCMR 223, which notes that structures that do not comply with the requirements of §§ 403, 404 and 406 shall be permitted if that addition does not have a "substantially" adverse effect on immediate neighbors. The code further instructs us to consider three areas in making this determination: light and air, privacy of use and enjoyment of neighbors and visual effect on the neighborhood.

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Exhibit No. 3



Board of Zoning Adjustment
District of Columbia
CASE NO. 17208
EXHIBIT NO. 3

**Light and Air**

Section 223.2 (a) requires that "the light and air available to neighboring properties shall not be unduly affected" by the addition. Mr. Martinez' deck will not unduly affect the availability of light and air to adjoining properties. As shown in the photographs of Mr. Martinez' property submitted with this application, the Martinez home is on the north side of the 1200 block of Clifton Street, NW, resulting in direct sunlight though the course of the day to the front of the property, and relative shadows in the rear yard due mainly to the property itself. The deck is in accordance with the height of neighboring structures, and is elevated approximately nine feet above grade to accommodate a parking area. The elevated and open structure allows for the passage of light and air, and reducing the scale of the deck as shown in Mr. Martinez' drawings and plat will significantly reduce the impact of any shadow the deck may create.

**Privacy**

Section 223 (b) requires that the "privacy of use and enjoyment of neighboring properties shall not be unduly compromised." The existence of Mr. Martinez' deck will in no way compromise the use or enjoyment of the neighboring properties. The modification of the structure allows for the inclusion of a privacy lattice, as shown in Mr. Martinez' drawings, which will serve to further reduce its impact on his neighbors. Though elevated, the deck is a first-story structure, and surrounded by several two-story rear structures that are both open and closed, as shown in Exhibits B–D. The reality of the alley behind Mr.Martinez' home is that, like many areas of the city, it contains a variety of structures that allow neighbors to coexist. There is nothing specific about Mr. Martinez' deck that reduces his neighbors' privacy.

**Visual Effect**

Section 223 (c) requires that the addition "not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage." Although

the statute does not require conformity along the alley, the alley behind the Martinez home, and its adjoining alleys, have a wide variety of deck sizes and or other structures, including off-street parking accommodations and garages. Though there is no conformity on the alley, the Martinez deck does not vary significantly from other neighboring structures, and as shown in Exhibit A (looking down the alley) does not intrude upon the street. The modification of the deck will increase the distance between the structure and the alley by almost 9 feet. Furthermore, the deck conforms in material, size and character with other structures in the neighborhood. Mr. Martinez' wooden deck visibly compares with the rear structure at 1203 Clifton Street, NW, (exhibit D). As evidenced by Exhibit E, structures at 1204, 1206 and 1208 Euclid Street, NW are also similar. Owners of those properties have also built enclosed garages under their decks.

**Conclusion**

The BZA's approval of Mr. Martinez' application for a Special Exception would be consistent with the purpose and intent of the Zoning Regulations. The modification of Mr. Martinez' deck would not adversely affect the use of neighboring properties in accordance with Zoning Regulations. The deck does not substantially affect the light and air, or privacy of use and enjoyment of neighboring properties, nor does it have a substantial visual effect on the neighborhood. Mr. Martinez has sought and received the support of his neighbors. The BZA should approve Mr. Martinez' application for a Special Exception.

Dated:
June 23, 2004

Respectfully submitted,

Pablo Martinez



Exhibit A



Exhibit B



Exhibit C



Exhibit D





Exhibit E