GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE: December 21, 2004

SUBJECT: BZA Case No. 17257

APPLICATION

The application by Thomas W. Baughman pursuant to 11 DCMR 3104.1, for a special exception pursuant to Section 223 to allow a rear deck to a single-family row dwelling, not meeting the rear yard setback, and the minimum court width requirements in the R-4 District.

RECOMMENDATION IN BREIF
The Office of Planning recommends **approval** of the requested special exceptions.

SITE AND AREA DESCRIPTION
The subject property is in the Mount Pleasant Neighborhood of Ward 1, located on the south side of the block at 1774 Hobart Street, N.W., Square 2588, and Lot 127. Irving Street bounds the site to the north, Harvard Street to the south and the west and Mount Pleasant Street to the east. There is a 15-foot public alley to the rear of the block, which generally runs northwest to southeast. There is an intersecting 15-foot alley, near the western end of the block that is orientated northeastern to southwest.

The surrounding area is predominantly moderate density residential in character. Commercial services are in close proximity to the subject site, within one block to the north along Mount Pleasant Street, and two blocks to the south on Columbia Road. The subject property is improved with a three-story row dwelling that was constructed in 1927, prior to the adoption of the current Zoning Regulations. Therefore, the structure does not comply with some of the current zoning requirements such as lot area.

BZA
Case No. 17257
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17257
EXHIBIT NO. 24

PROPOSAL

The applicant proposes to construct a wooden deck at the rear of the subject dwelling. The deck would replace an older deck, which existed when the applicant purchased the property in 1992. The proposed 12'x12' deck would be the same size as the previous deck that is being replaced. The latter was removed as a part of an on-going home improvement project. The new deck would be located directly above the existing driveway. It would protect the owner's vehicle from inclement weather and the covered portion of the driveway from ice and snow accumulation. The proposed addition would add 144 square feet of new space to the structure.

ZONING ANALYSIS

The subject dwelling is in the R-4 District, and is subject to the following requirements:

404 REAR YARDS

404.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be 20 feet in the R-4 District.

The subject dwelling has a rear yard with a depth of 27 feet. The existing rear yard exceeds the minimum rear yard required in the R-4 District by 7 feet. When the deck is added to the rear of the structure, the rear yard will be reduced to 15 feet, which is 5 feet less than the required depth of the rear yard. The applicant is therefore requesting special exception relief from the rear yard requirements to construct the proposed deck. The applicant is permitted a special exception from the rear yard requirements, under Section 223 of the Zoning Regulations.

406 COURTS

406.1 When a court is provided in an R-4 District, the court shall have the minimum dimensions of 4 inches per foot of height of court, but not less than 6 feet.

The width of the subject lot is18 feet, and the existing structure (with the exception of the rear portion) consumes the entire width of the lot. The rear portion of the structure is only 12 feet in width. The width of the proposed new deck is also 12 feet. There is a court area of 6 feet on the east side of the property that was created because the rear portion of the structure is only 12 feet in width. The existing court (6 ft. width) complies with the requirements of § 406. If the new deck were to be built on a matching building line with the rear of the dwelling, (both being 12 ft.) the 6 foot wide court area would continue the along the 12 foot length of the deck and there would be no need for the applicant to need relief from the court requirements.

However, the new deck would be set back a maximum of 2 feet from the property line on the west side, which will create a nonconforming court. The applicant is permitted a special exception from the court requirements, under Section 223 of the Zoning Regulations.

ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1An 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 sections 401, 403, 404,405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantial adverse affect on the use or enjoyment of any abutting dwelling or property, in particular:

Will the proposed addition unduly affected light and air available to neighboring properties?

No. The addition of the proposed deck to the subject dwelling will not unduly affect light and air available to neighboring properties. The rear of the dwelling is on the south side of Hobart Street, which slopes towards Rock Creek Park. There is also a 15-foot wide alley to the rear of the block and a line of parallel parking spaces, 27-feet deep beyond the alley. The space between the parking areas and Rock Creek Park is undisturbed, thereby allowing sunlight and airflow to the rear of the subject block. Therefore, OP believes the deck addition would have no adverse impact to the light and airflow to immediate neighboring properties.

Will the proposed addition be unduly compromise the privacy of use and enjoyment of neighboring properties?

No. The proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. The subject dwelling is the only one in an immediate row of seven dwellings without a rear deck. The deck on the adjoining house on the east side is approximately two feet from the proposed location of the deck on the subject property. There is a glass floor-to-ceiling door and a window at the rear of that property, which would be visible from the western end of the proposed deck.

In order to ensure the privacy of use and enjoyment of neighbor on the east side, the applicant should consider a wooden lattice on the west side of the deck, such as the lattice already on that neighboring deck. The applicant expressed that, "neighbors benefit from social and friendly exchanges from decks." It is the applicant's further position that privacy was also protected because neighbors were sensitive regarding intrusion while on their decks.

The deck on the adjoining house to the west is separated from the subject deck site by an open space between the two properties of approximately 11feet wide.

Will the addition, together with the original building, as viewed from the street, alley, and other public way, substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage?

No. The 1700 block of Hobart Street consists of row dwellings, which are attached providing no visibility to the rear of the property. Therefore, the deck addition proposed for the rear of subject

property will not be visible from the front. The deck will be visible from the alley, but its presence will block view of the kitchen. Presently, the absence of a deck on the subject structure exposes the kitchen to view from the alley and from the adjacent parking area directly across the alley from the rear of the subject dwelling. The proposed deck will restore harmony to the rear of the block, by filling in the only vacant deck space. The residence is the only dwelling in an immediate row of seven dwellings presently without a rear deck. Therefore, the deck would not be out of character, scale or pattern of development along the rear of the block.

In demonstrating compliance with paragraphs (a) (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevations and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

The applicant provided a surveyor's plat, floor plans, elevations, photographs and clip art to represent the relationship of the proposed addition to the existing dwelling and to other neighboring properties.

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.

Maximum lot occupancy in the R-4 District for a row dwelling, church or public schools is 60%. All other structures are limited to maximum lot occupancy of 40%. The subject dwelling is a row dwelling, which consumes 534 square feet or 35% of the subject lot. When the deck addition is added, the lot occupancy will increase by 144 square feet, and increase the lot occupancy to 578 square feet or 44% of the lot. Section 223 of the Zoning Regulations, allows a maximum lot occupancy of 70% in the R-4 District. The subject property does not exceed the maximum lot occupancy allowed under § 223.

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.

OP does not believe there is a need for the Board to impose other special treatment on this application.

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

The addition of the proposed new deck addition will not introduce or expand a nonconforming use.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST

Will the special exception be in harmony with the general purpose and intent of the Zoning Regulations and Maps?

Yes. The applicant's proposed deck addition is permitted in the R-4 District, if approved by the Board. The plans to build a deck on the rear of the property will not alter the intended residential use of the property. Section 223 of the Zoning Regulations was designed to provide the opportunity for making simple modifications to structures that qualify, such as the subject structure. The design of the new deck will enhance the quality of life for the applicant, by adding livable/recreation space to the subject dwelling. The design will be esthetically pleasing, and will compliment the character, scale and pattern of other houses on the block.

Will the special exception tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. As previously mentioned, OP does not believe that the proposed deck addition would adversely affect the use of neighboring property, particularly due to the availability of light and air and privacy.

COMMUNITY COMMENTS

ANC 1D reviewed and voted to unanimously approve the subject application at its regularly scheduled meeting on November 1, 2004.

OP RECOMMENDATIONS

The Office of Planning finds that the applicant has satisfactorily meets all the requirements specified in Section 3104.1, and 223, and that the proposed second floor addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the use of neighboring property. Therefore, OP recommends approval of the special exception request for the addition to the subject property.