October 14, 2004

Board of Zoning Adjustment
441 4th St., NW Suite 210-S
Washington, DC 20001

Dear Sirs:

This is an application for a special exception that will authorize construction of a deck onto my house, located at:

1774 Hobart St., NW
Washington, DC 20009
Lot: 127
Square: 2588
Zoned: R-4

***Special Exceptions, (Subsection 3104.1) "A special exception is applied for where the owner wishes to institute a use that is pre-deemed compatible with the Zoning Regulations for that particular district, but which needs to be reviewed by the Board to ensure that certain negative impacts will not occur."***

I am requesting two special exceptions under District of Columbia Municipal Regulations (DCMR) section 223.1 – ADDITIONS TO ONE-FAMILY DWELLINGS. The addition is the wooden deck, 12 feet x 12 feet. This deck is intended to replace the deck which was attached to the house at the time of purchase in 1992, with the same dimensions. I estimate that the older deck was built around 1980 or earlier.

The first requested special exception is in regard to MINIMUM DEPTH OF REAR YARD. DCMR section 404.1 stipulates a 20 foot minimum depth for the rear yard. I am requesting a special exception of 5 feet, thereby reducing the depth of the rear yard from the minimum 20 feet to 15 feet.

The second requested special exception is in regard to MINIMUM WIDTH OF OPEN COURT FOR ONE-FAMILY DWELLINGS. DCMR section 406.1 stipulates a minimum court width of 6 feet. I am requesting a special exception of 1 foot, thereby reducing the width of the open court from 6 feet to 5 feet.

***Application Form 120 – Exhibit 1, Instructions 4.C: A detailed statement of existing and intended use of such building or part of building.***
The house at 1774 Hobart Street, NW, is a single family dwelling, lived in by two people. The deck being proposed will be used in a manner consistent with the daily needs of a small family, for relaxation and recreation. As the deck is situated directly above the driveway, it provides shelter for the car from rain and snow. In this regard, the deck protects the top part of the driveway from substantial accumulations of snow and ice.

BZA
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Exhibit No. 4

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This deck will be a replacement for the deck which had been attached to the house at the time of purchase in 1992. The old deck was taken down as a part of my on-going effort to improve the house and to make it more attractive. In this regard, my intention has always been to replace the old deck.

On-going home improvements: Beginning in the fall of 2003, I began a series of improvements to the house. I first pointed most of the brick work on the back wall of the house. I then replaced the roof in 2004, along with gutters and drain. In order to finish the brick pointing, I removed the deck, exposing the rear wall for completion of the pointing work. Replacing the old deck was part of the general effort. I applied for approval to build the new deck in January 2004. In the rear yard I initiated an excavation to remove refuse and trash that had been deposited and buried there by previous owners. I intend to plant bushes and flowers in the rear yard once the reclamation effort is completed. At this time I am nearly finished with these projects.

***DCMR Section 223.2(a) The light and air available to neighboring properties shall not be unduly affected:*** The rear of my house and others on the south side of Hobart Street are all on the downside of a slope, going from Hobart Street to the south and downwards through the Rock Creek Park woods and on down to Harvard Street and Adams Mills Road. The downward slope of the driveway away from the house opens up the rear area of house in the vicinity to sunlight and air currents coming from the Rock Creek Park woods. Sunlight and air flow to the back of houses on this side of Hobart are exceptionally strong. Houses in this area, including my own, are open to the combined expanse of the alley (15 feet wide), the parallel line of parking spaces on the other side of the alley way (27 feet deep), the side walk serving the parking area (5.5 feet wide), and the woods and greenery of Rock Creek Park. For the rear yards in this part of Hobart Street, there is just wide-open space, with nothing to interrupt the penetration of sunlight or the flow of air. This is one of the very attractive features of this neighborhood. Sitting on the deck in the summer time was almost like being in the trees of Rock Creek Park. I keep a bird book and binoculars handy in the kitchen, so that I will be able to identify the birds that pass by. The addition of a deck to my house and the special exceptions of five feet for the rear yard and one foot for the court will have no impact sunlight or air flow for my neighbors.

It is helpful to note here that most of the houses in this area of Hobart Street have decks. Of the seven houses from the lower alley entrance moving east along Hobart, only mine does not have a deck. On one side my neighbors deck measure 10 feet by 13 feet. On the other side it is 11 feet by 12 feet. Some decks are larger than this, and others are smaller. In this neighborhood, there are no concerns about sunlight and fresh air currents. Residents here have decks, and we enjoy the sunlight and fresh air while out on our decks. The addition of my deck to the neighborhood will have no adverse effect on the penetration of sunlight or the flow of fresh air in this area.

***DCMR Section 223.2(b) The privacy and use and enjoyment of neighboring properties shall not be unduly compromised:*** Based on my actual experience with the old deck, neighbors benefit from social and friendly exchanges from our decks, talking across the open spaces of our rear yard decks, just as we do from out front porches, which are even closer together. From my old deck, I frequently engaged my neighbors in conversation. Privacy was also protected, as we make sure that we do not intrude while out on the deck. Where there is no open court to the east side, my neighbor's deck is about two feet away from mine (the old deck). On the other side, across the open court, the distance to my neighbor's deck is about 11feet. As for the open court to my right, my neighbor uses her area for storage and growing ivy. With my old deck, I never intruded on the privacy of either of my immediate neighbors, nor of pedestrians and drivers going through the alley. As I stated above, one of my neighbors recently told me that my back area stands out today because the deck is missing, that is, there is a "deck vacuum" out there! As indicated above, my house is the only one in the immediate row of seven which does not have a deck. But the "deck vacuum" is not just about the physical absence of the deck, but about the changes in the way we interact. When the deck was in place, I could step out on the deck to talk with my neighbor. Now when I want to talk to her I must use the phone. Bringing the deck back as an addition to my house will reestablish the balanced look of the area, and relieve my neighbors of what they consider to be an absence where my old deck stood.

***DCMR Section 223.2(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 rear extension of the deck, going back 12 feet (with the 5 foot special exception) above the sloping driveway, also means additional privacy while we are in the kitchen. People in the alley, which is down the slope, are not able to see into the kitchen because the deck blocks their view. Currently, without the deck, my kitchen area is exposed to the direct view from pedestrians and drivers moving through the alley. Workers coming and going from their projects at Harvard Towers regularly organize their day and congregate in the parking area directly behind my house. So, my kitchen is as exposed as a stage, and it is only natural for people to be curious. The presence of a deck blocks the view and removes the curiosity, and this is a courtesy to the neighborhood as well as a benefit to me. I was not aware of this exposure until I removed the old deck. This added privacy is a definite benefit provided by the 12 foot square deck.

The improvements of the new deck will reflect more modern construction standards and a more aesthetically pleasing design. These structural improvements and the aesthetic aspects will represent a contribution to the immediate environment and neighborhood.

As mentioned above, virtually all of the deck will be directly above the driveway. The deck is more attractive to look at than the driveway, which means that the new deck will be an improvement to the neighborhood.

**MEETS ZONING REGULATIONS FOR SPECIAL EXCEPTIONS**

In conclusion, it is my view that the special exceptions I am requesting - a five foot reduction in the minimum depth of the rear yard and a one foot reduction in the minimum court width – will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance wit the Zoning Regulations and Maps. Specifically, the addition of the 12 foot by 12 foot deck will not have a substantially adverse affect on the use or enjoyment of any abutting property or adjacent dwelling, in particular:

- the availability of light and air,
- privacy of use and enjoyment of neighboring properties, and,
- visual intrusions upon the character, scale and pattern of houses along the alley.

Respectfully submitted,



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