GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Interim Director

DATE: April 26, 2005

SUBJECT: BZA Case 17308 Special Exception

APPLICATION

The application filed by Mark E. Stacey requests a special pursuant to 11 DCMR 3104.1, and Section 223 for a rear deck addition to a one-family dwelling, in the R-2 District.

RECOMMENDATION IN BRIEF

The Office of Planning recommends **approval** of the application.

SITE AND AREA DESCRIPTION

The subject premises are in the Friendship Heights neighborhood of Ward 3, located at 4421 Faraday Place, N.W., Square 1582, Lot 219. Garrison Street bounds the site to the north, Fessenden Street to the south, 44th Street to the east and 45th Street to the west.

Low-density single-family detached dwellings are the predominant uses in the Friendship Heights neighborhood. Commercial services are conveniently located along both sides of the Wisconsin Avenue Corridor, which is approximately one block northeast of the subject block.

The structure was built as a dwelling unit in 1939, prior to the adoption of the Zoning Act of 1958. Most of the residential dwellings on the subject square were constructed prior to 1958 and therefore may not meet with regulations that were implemented since their construction.

BZA
Case No. 17308
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO. 17308
EXHIBIT NO. 19

PROPOSAL

The applicant proposes to build a rear deck of approximately 752 square feet. The deck will be more than 4 feet above the existing grade, and will therefore contribute to lot occupancy. There will be steps leading to the side yard on west side of the deck.

ZONING REQUIREMENTS

The subject dwelling is in the R-2 District that consists of those areas that have been developed with one-family detached and semi-detached dwellings. The subject dwelling and most of the other dwellings on the 4400 block of Faraday Place are examples of small one-family dwellings that do not comply with the zoning requirements.

ANALYSIS

The subject property is non-conforming because the structure was built in 1939 and does not meet the requirements in the current Zoning Regulations for lot area, lot width, side yard and rear yard as demonstrated in the table below.

ITEM	Existing	Required	Proposed	Variance
Lot Area	2.850 sq. ft	4,000 sq. ft.	2,850 sq. ft.	1,150 sq. ft.
Lot Width	38 ft.	40 ft.	38 ft.	2 ft.
Lot Occupancy	751.25 sq. ft.	40 %	(+278.25) 40.4%	N/A
Rear Yard	26 ft.	20 ft.	16 ft.	4 ft.
Side yard	7 ft.; 7.5 ft.	8 feet	4.5 % & 7.2 ft.	2.5 & .5 ft.

SPECIAL EXCEPTION

Pursuant to 11 DCMR 3104, the applicant is requesting a special exception under section 223 (addition to one-family dwellings), in the R-2 District, due to the non-conforming aspects of the property.

Section 223 provides relief for owners of dwellings that pre-date the Zoning Regulations. The granting of the requested special exception to allow an addition to the subject dwelling is an appropriate application of these special exception provisions.

§223.1 - An addition to a one-family dwelling or flat, where a flat is permitted, that does not comply with all the requirements of §§401, 403, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3104 of chapter 31 of this title, subject to the provisions of this section.
§223.2 - The addition shall not have a substantially adverse affect on the use of or enjoyment of any abutting or adjacent dwelling or property; in particular;

(a) Will the proposed addition affect unduly the availability of light and air to neighboring properties?

No. The proposed addition will not affect unduly the availability of light and air to neighboring properties. The addition will be to the rear of a structure that is orientated north/south. Light is directed from the east or the west and there is adequate space between the subject structure and neighboring properties on both sides, for the sufficient passage of air.

(b) Will the addition unduly compromise the privacy of use and enjoyment of neighboring properties?

No. The dwellings on both sides of the subject dwelling already have two-story rear additions larger than the proposed deck. Both of the abutting two-story additions are larger than the proposed deck. The Board recently approved the rear addition on the abutting property to the east, (BZA 16845) at 4417 Faraday Place. The proposed deck addition will extend approximately 10 feet beyond the rear of the structure, and will be smaller than the abutting additions, thereby reducing the chance that the subject new addition would compromise the privacy of use and enjoyment of neighboring properties.

(c) 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 street frontage?

No. The addition will not be visible from Faraday Place, but it will be visible from the alley and partially from the rear of properties across the alley on Garrison Street. Because many of the structures on the subject block already have rear additions, the proposed deck will be more in character, scale and pattern of the rear of most properties on the block.

(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 drawing sufficient to represent the relation of the proposed addiction to adjacent buildings and views from public ways.

The applicant presented building plans, photographs and elevations sufficient to depict the relationship of the proposed addition to adjacent buildings as views from public ways.

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 percentage of lot occupancy in the R-2 District is 40 per cent. The combination of the existing lot occupancy and the deck addition will slightly increase the lot occupancy

to 40.4 per cent. However, the property qualifies for Section 223, which permits lot occupancy up to 50 per cent.

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 property is in the R-2 residential zone district. The subject dwelling will continue to be used for single-family purposes after the new deck is added. The structure and addition will be in harmony with the general purpose and intent of the Zoning Regulations and Maps.

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

No. The proposed addition will not be intrusive on neighboring properties because the abutting structures on each side recently added two story additions. The proposed rear addition will be typical of additions to other neighboring properties.

COMMUNITY COMMENTS

The applicant's proposal to build a rear deck addition was presented to Advisory Neighborhood Commission 3E (ANC) at its April 2005. The ANC voted not to oppose the application.

The owners of the properties to the immediate east of the subject property, at 4417 and 4425 Faraday Place as well as other neighbors on the block and property owners across the alley on Garrison Street, support the proposed new deck.

OP SUMMARY RECOMMENDATIONS

The Office of Planning recommends that the Board **approve the application**. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Section 3104.1, and 223 and concludes the application 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 with the Zoning Regulations and Zoning Maps.