GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen M. McCarthy
Director

DATE: July 5, 2005

SUBJECT: BZA Application 17348 - Request filed by Thomas Ahmann, AIA for a **special exception** to permit a deck addition to an existing one-family detached dwelling, proposed by Elizabeth Prestridge for 5469 31st Street, N.W.

APPLICATION
Application of Elizabeth Prestridge for:

> **Special exception relief pursuant to § 223 of Title 11 DCMR** to permit a building addition to an existing one-family detached dwelling not in conformance with § 401.3, Minimum Lot Dimensions and § 405.9, Minimum Width of Side Yard

for property located on the northeast side of 31st, N.W., between Legation Street and Nebraska Avenue, Square 2295, Lot 6.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request for special exception.

PROJECT DESCRIPTION
The applicant proposes to a deck less than four feet off the ground within the side yard of a one-family dwelling, reducing the side yard to zero for a distance of 15.5 feet. A minimum side yard of 8 feet is required within the R-1-B Zone District.

The proposed deck is not a building because it is less than 4 feet off of the ground. However, it is a structure and Section 199.1, under the definition of "Yard", requires that "*No... structure shall occupy in excess of fifty percent (50%) of a yard required by this title.*" DCRA informed the applicant that a minimum side yard of 4 feet must be provided, or relief granted by the BZA.

BZA
Case No. 17348
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17348
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SITE AND AREA DESCRIPTION

Square: 2295 **Lot:** 6 **Quadrant:** North West
Area: 5,187 square feet **Lot Width**: 40 feet **Alley:** 15-foot width
Improvements: One-family detached dwelling constructed in 1934.

Surrounding Uses
All surrounding properties are improved as one-family detached dwellings.

All surrounding properties are located within the R-1-B Zone District.

Zone District: R-1-B: high density one-family detached dwellings residence district (§ 105.1(a)(1)(B)). *"The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes."* (§ 200.1)

Generalized Land Use Map: low density residential land use category- *"Single-family detached and semi-detached housing are the predominate uses."*

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 one-family detached dwelling in a district in which the use is permitted as a matter of right, the R-1-B Zone District, as per § 201.1(a). The subject property also does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3, specifically § 401, Minimum Lot Dimensions and § 405, Side Yards. Therefore, the proposed addition may be permitted as a special exception if approved by the Board of Zoning Adjustment.

"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 will be 3 feet, 6.5 inches off the ground. Due to the low level of the structure, it will have no effect on light and air to neighboring properties. It will not block any of the windows on the adjoining property to the northeast, the property most affected by this application. In addition, the owner of the property to the northeast at 5471 31st Street submitted a letter to the file indicating that her light and air will not be affected.

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

The proposed deck will reduce the side yard to zero. However, as a deck that is only 3 feet, 6.5 inches off ground, its impacts will be minimal. It will not be high enough off the ground to permit views into the adjoining property to the northeast. Therefore, the privacy of 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 not be visible from either the street or the alley. It has a very low stature and will be screened from 31st Street by existing shrubbery at the front of the property. It will be screened from view from the alley by fencing. Therefore, it will not substantially visually intrude upon the character, scale and pattern of houses along the street or alleys.

(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 37.4 percent is less the maximum 40% percent permitted as a matter of right within the R-1-B Zone District and

significantly less than the 50 percent permitted by § 223.3 for the R-1-B 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 does not recommend any special treatment.

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

A one-family detached dwelling is a use permitted as a matter of right within the R-1-B 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 granting the relief, "*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,...*" (§ 3104.1)

COMPREHENSIVE PLAN
This proposal will contribute toward achieving the following objective and major policies of the Ward 3 Element:

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

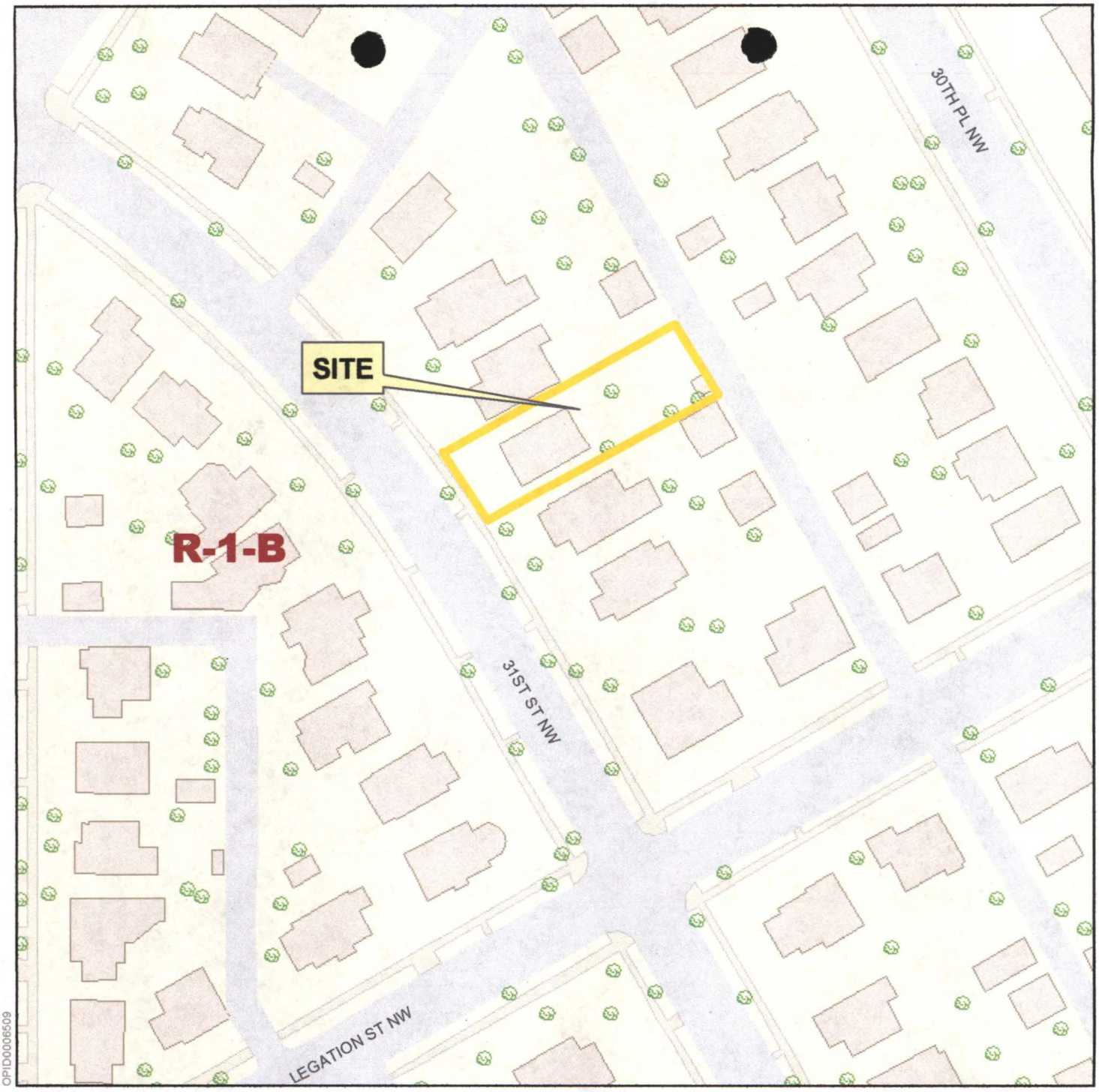
"*Maintain the existing land use character of the ward;*" (§ 1409.2(a))

COMMUNITY COMMENTS
ANC 3/4G, at its regularly scheduled meeting of May 9, 2005, voted 6-0 to support the application.

RECOMMENDATION
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 as submitted by the applicant.

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BZA APPLICATION NO. 17348

5469 31ST STREET, N.W.

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

Office of Planning ~ July 5, 2005

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.

