GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

DATE: September 27, 2005

SUBJECT: **BZA Case No. 17361**

APPLICATION
The application by William H. Mosley and Lisa Dowden 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, with the condition that the applicant adds screening on both sides of the deck above the railing to add a measure of privacy for the adjoining neighbors.

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 1742 Hobart Street, N.W., Square 2588, and Lot 101. Irving Street bounds the site to the north, Harvard Street to the south, Mount Pleasant Street to the east and Adams Mill Road to the west. The site is rectangular in shape with a frontage of 20 feet along Hobart Street and a depth of 85 feet. The total lot area of the site is 1700 square feet. The property is improved with a two-story brick row dwelling with basement. There is an 11-foot building restriction line at the Hobart Street front of the property and a nonconforming open court on the west side. There is a 15-foot public alley to the rear of the block, which generally runs east to west and intersects with a north to south alley at mid-block.

The surrounding area is moderate density residential in character and is predominantly developed with two-story single-family row dwellings. The subject property is abutted on both sides by lots of similar size, shape and topography, which are developed with row dwelling consistent with the subject site. Most of the structures on the block were built in the 1920's and the 1930's, prior

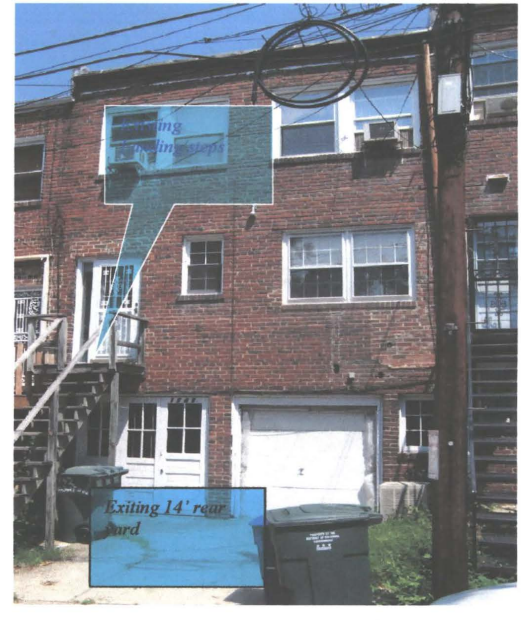
BZA
Case No. 17361
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
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to the adoption of the current Zoning Regulations. Many of the structures do not comply with some of the current zoning requirements. 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. (See site map)

PROPOSAL

The applicant proposes to construct a wooden deck, which will extend from the rear of the existing structure to approximately 8 feet from the public alley. The deck will measure 20 feet by 6 feet and will be approximately 10 feet above grade. Because of the height of the proposed deck, the applicant will have use of a parking pad below the deck. The deck will replace a small landing and stairs that leads to the ground. The applicant deems the stairs and landing to be in a state of disrepair and a safety hazard. The proposed addition would add 130 square feet of new space to the structure.



ZONING ANALYSIS

The subject dwelling is in the R-4 District, as such the proposed deck will be subject to the rear yard requirements under Section 404.

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. (404.1)

The subject dwelling has a rear yard of 14 feet, which is below the 20-foot minimum, required rear yard in the R-4 zone district. The existing rear yard was the condition of the property when the applicant purchased it in 1991. When the deck is added to the structure, the rear yard will be reduced to 8 feet. The applicant is therefore requesting special exception relief from the rear yard requirements to construct the deck.

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. (406.1)

There is an existing open court area on the west side of the subject property. The court meets the minimum width requirements of 6 feet in the R-4 zone district, with the exception of a 3-foot area where the basement entrance is located. The nonconforming court area was an

aspect of the structure when the applicant acquired the property. The applicant is requesting special exception relief from the yard and court requirements under Section 223 of the Zoning Regulations.

ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)
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. 223.1

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

(a) The light and air available to neighboring properties shall not be unduly affected.

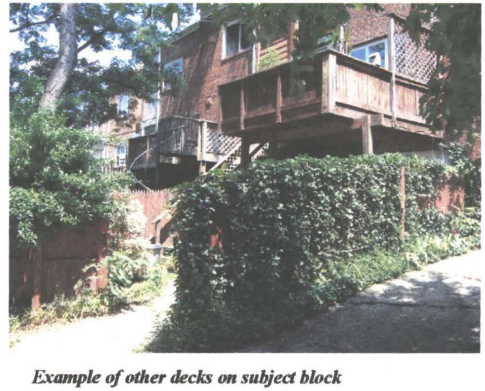
There are few obstructions in the rear of the subject block that will have adverse impact to the light and airflow to immediate neighboring properties. Although the deck will be approximately 10 feet above grade, it will appear lower because the property slopes from front to back. There is also a 15-foot wide alley to the rear of the block that provides an adequate buffer between the proposed addition and the rear of properties on Harvard Street.

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

The addition will not unduly compromise the privacy of use and enjoyment of neighboring properties because adjoining dwellings have elevated deck (west side) or a landing (east side) at the first level. In order to ensure the privacy of use and enjoyment the applicant should consider some type of screening above the railing on both sides of the proposed deck.

(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 1700 block of Hobart Street consists of row dwellings, which eliminate view of the deck that will



Example of other decks on subject block

be to the rear of the dwelling. The deck will be across a 15-foot alley from the rear of dwellings on Harvard Street, where most of the units have accessory parking pads or garages abutting the alley. Most of those properties also have security fences beyond the parking pads, which will further reduce view of the deck.

There are a variety of decks attached to the rear of dwellings on the 1700 block of Hobart Street, exhibiting an assortment of shapes and sizes. Therefore, the proposed deck will not be out of character, scale or pattern of development along the rear of the block.

(d) 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 and photographs to represent the relationship of the proposed addition to the existing dwelling and to other neighboring properties.

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. (223.3)

The subject structure is a row dwelling, which consumes 1,060 square feet or approximately 63% of the lot. When the deck addition is added, an additional 130 square feet will be added to the structure and increase the lot occupancy to 1190 square feet or 70% of the lot.

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. (223.4)

OP believes the Board should require the applicant to add some type of screening on both sides of the deck above the railing, to add a measure of privacy for the adjoining neighbors.

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

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?

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 applicant's need for relief from the rear yard requirements. 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?

OP does not believe that the proposed deck addition will adversely affect the use of neighboring property. There are additions (decks or landings) on the rear of most of the neighboring structures on the subject block. Because the block slopes from front to rear and is orientated north south, there are few barriers to the availability of light, air and privacy.

COMMUNITY COMMENTS

ANC 1D reviewed the subject application at its regularly scheduled meeting held on June 7, 2005. The ANC had no objections.

OP RECOMMENDATIONS

The Office of Planning finds that the applicant has satisfactorily met all the requirements specified in Section 3104.1, and 223, and that the proposed deck 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 with the condition that some type of screening above the deck's railing is provided to add a measure of privacy for the adjoining neighbors.



Aerial Oblique Photos
BZA Application #17361

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

Office of Planning ~ July 27, 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. Oblique imagery ©2003 Pictometry International



OPID0007141

Site Photos
BZA Application # 17361
1742 Hobart Street, NW

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District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ March 24, 2005

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Zoning and Land Use Map
BZA 17361
1742 Hobart St, NW

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Feet

0 100 200

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Land Use Legend

- Non-conforming SF Use
- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Resid. Garage
- Resid. Mixed Use
- Multi-family
- Multi-Resid. Garage
- Hotel - Small
- Hotel - Large
- Club
- Resid. Transient
- Store
- Restaurant
- Office
- Vehicle Service Station
- Parking - Special Purpose
- Warehouse
- Religious
- Educational
- Embassy or Chancery
- Museum, Library, Gallery
- Recreational
- Health Care Facility
- Memorial
- Special Purpose
- Vacant

Attachment 1