GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

DATE November 8, 2005

SUBJECT: BZA Application 17394 – 2815 Ordway Street N.W.

APPLICATION
An application by Patrick and Christina Cusack, pursuant to 11 DCMR §3104 for a special exception under Section 223 for the addition of a deck to a residence not meeting the lot occupancy requirements in an R-2 zone.

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the special exception from lot occupancy requirements in accordance with the provisions of Section 223.

SITE AND AREA DESCRIPTION
The subject property is located at 2815 Ordway Street N.W., Square 2068, Lot 72. The subject property is on the north side of Ordway Street approximately 100 feet west of Connecticut Avenue. The property is developed with a single family house with a detached garage to the rear. Properties to the west along Ordway street are single-family residential homes zoned R-2 on the north side of the street and R-1-B on the south. Properties along Connecticut Avenue to the east are zoned CP/C-2-A. The property is in the Cleveland Park historic district.

PROJECT DESCRIPTION
The applicant is proposing a wood deck on the rear of the house between the garage and the home. The deck would sit more than four feet off the ground and therefore count toward lot occupancy. The existing lot occupancy is 36%. The new deck would raise lot occupancy to 50%. The property is currently non-conforming for lot area and side yard.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17394
EXHIBIT NO. 23

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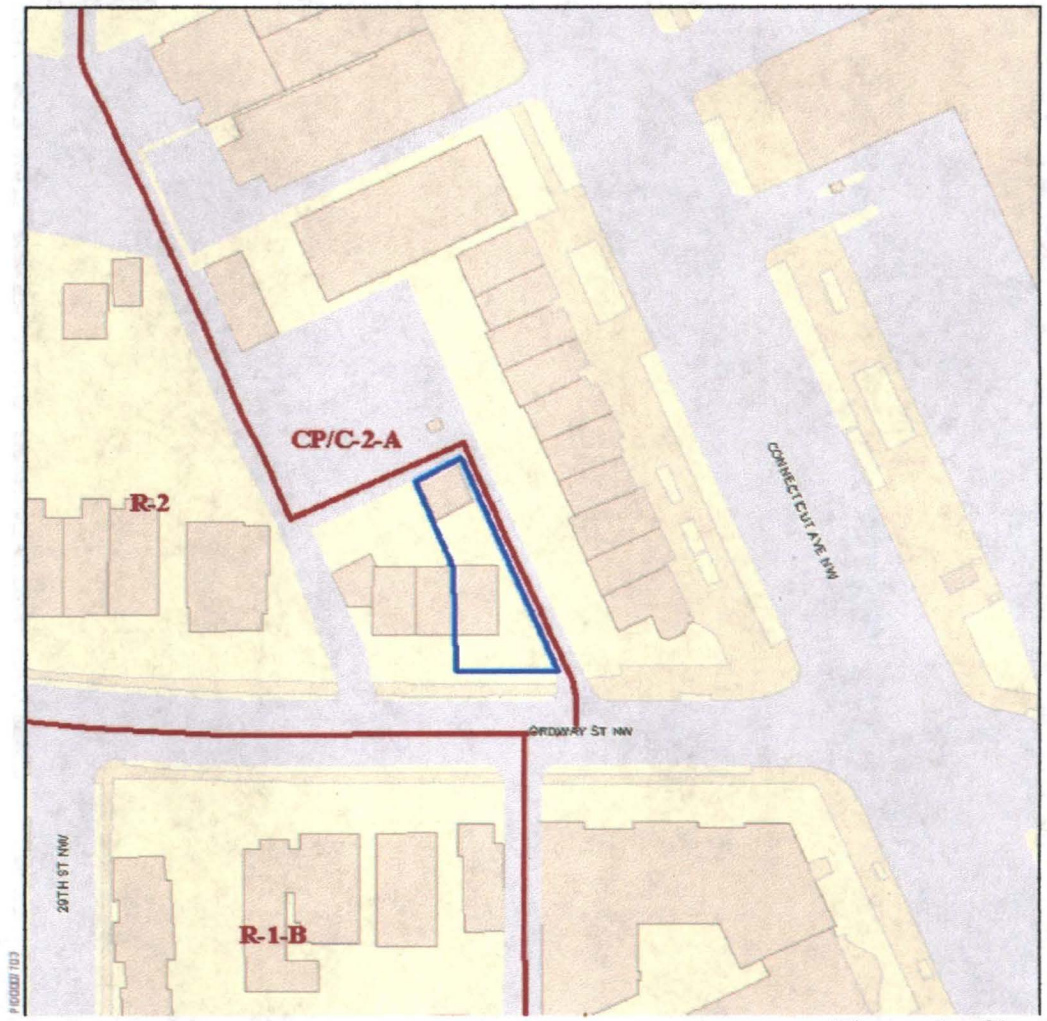


Figure 1 – Site Area

ZONING REQUIREMENTS

The applicant is requesting a special exception under section 223 from the lot occupancy requirements, to allow a rear deck and a total lot occupancy above 40%. The property is currently non-conforming for side yard and lot area. The proposal would not increase any existing non-conformities.

Section	Item	Allowed/Required	Provided	Requested	Deviation
401.3	Lot Area	3,000 sq feet (minimum)	2,262 sq feet	N/A	-738 sq feet
401.3	Lot Width	30 feet (minimum)	45 feet	N/A	N/A
403.2	Lot Occupancy	50% (by special exception)	36%	50%	N/A
405.9	Side Yard	8'	0'	0'	8'
404.1	Rear Yard	20'	43'	20'	N/A



Figure 2: Aerial View Looking South

SPECIAL EXCEPTION RELIEF

An addition may be build under Section 223 on a building that does not comply with the requirements of chapter 4, provided the lot occupancy does not exceed 50% in the R-2 district. As proposed, the addition will not expand the overall lot occupancy beyond the 50% maximum.

The proposed addition must satisfy the standards as identified in §223.2 as follows:

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

The deck will be only 5 feet of the ground. On the east side of the proposed deck is a side yard abutting a public alley. On the west is an existing wooden fence. The deck will not extend above the fence to block light or air to this property.

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

The deck would allow increased visibility into the rear yard of the property to the east, however the owner of the neighboring property has submitted a letter into the record in support of the project and has expressed no reservations about the 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 deck will be behind the existing house and only marginally visible from the street. The deck will be visible from the abutting alley, however the addition of a wood deck at this location will not negatively affect the character of the area in any way.

(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 drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.*

The applicant has provided architectural drawings, photos, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

COMMUNITY COMMENTS

The property is under the jurisdiction of ANC 3C. The ANC considered the project at its regular meeting in September and voted unanimously to support the project.

HISTORIC PRESERVATION

The subject property lies in the heart of the Cleveland Park Historic District. The applicants have meet with HP staff and will be presenting their project to the HPRB at a future date.

CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 223 of the Zoning Regulations, for the granting of a special exception to permit the addition of a rear deck. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the special exception by the Board of Zoning Adjustment at 2815 Ordway Street N.W.