

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Megan Rappolt, Case Manager

 Joel Lawson, Associate Director Development Review

DATE: February 16, 2016

SUBJECT: BZA Case #19205- expedited special exception per §3104 and 223.1 for required relief for a deck located at 1541 44th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of the following special exception relief for a one-story rear deck addition:

- §404.1, Rear Yards (40% maximum, 70% maximum via special exception, 42.1% existing and 49.6% proposed).

Additionally, OP discussed with the Applicant that it appears the following relief is also necessary due the existence of a small court, even though the Applicant has not requested it at the time of the writing of this report:

- §406.1 Courts (6’ min. width required, 6” width provided for a length of 7’); and
- §2001.3 Nonconforming Structures Devoted to Conforming Uses, as the proposed deck extends a nonconforming existing court along the northwest property boundary a distance of 7’.

LOCATION AND SITE DESCRIPTION:

Addresses:	1541 44th Street NW
Legal Description:	Square 1327 Lots 40
Ward/ANC:	3/3D
Characteristics of the Lots:	The rectangular lot is approximately 1,825 sf in area and is bounded to the southwest by 44 th Street NW and to the northwest by a 16 foot-wide public alley which is accessible from the property. The lot is 16.25’ in width and is approx. 74’ in length. There is a 15’ building restriction line at the front/44 th Street NW side of the property.
Zoning:	R-3 – which permit groups of three or more row dwellings, one-family detached and one family semi-detached dwellings.
Existing Development:	One attached dwelling in a group of eleven row homes
Historic District:	Foxhall Historic District

Adjacent Properties:	Primarily groups of row homes with some single family homes in close proximity. The Archbold Parkway lies immediately across the public alley to the northwest from the Applicant's property. Georgetown University also lies east of the Property.
----------------------	---

II. PROJECT DESCRIPTION IN BRIEF

Applicant:	William B. Magrath and Susan Shen
Proposal:	One-story, approx. 84 sf rear deck addition, which is part of a two-story rear addition and circular stair which is currently being processed by DRCA per building permit #B1510550. There exists a two-story sleeping porch and deck, which the Applicant plans to demolish and reconstruct/expand with the addition per #B1510550 and per this request to the BZA for the deck.
Relief Pursuant To:	§3104 and §223.1 Special exception (expedited)

III. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft./3-stories	≤ 40	≤ 40	None required
Lot Width (ft.) § 401	20 ft. min.	16.25 ft.	16.25 ft.	None required; existing nonconformity
Lot Area (sq.ft.) § 401	2,000 sf. min.	1,825 sf	1,825 sf	None required; existing nonconformity
Lot Occupancy § 403.2	60% max.	47%	51.6% (deck only) (59.6% by right addition and proposed deck)	None Required
Rear Yard (ft.) § 404	20 ft. min.	15.2 ft.	13.5 ft.	Relief required
Side Yard (ft.) § 405.9	Not required.	0'	0'	None required
Court Width (ft.) §406.1	4" per foot of height of the court, but not less than 6' (Height of court is ~26' so 8'-8")	.5'	.5' for a distance of 7'	Relief required

¹ Information provided by the Applicant.

IV. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure 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.

Row dwellings are a permitted use in this zone. The Applicant requests special exception relief under § 223.1 from the requirements of §404 Rear Yard. OP notes it appears relief from §406 Courts and § 2001.3 Nonconforming Structures Devoted to Conforming Uses is required due to furtherance of the nonconforming court width of .5' a distance of 7', which is the width of the proposed deck.

223.2 The addition or accessory structure 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;

It appears the light and air available to neighboring properties should not be unduly affected due to modest size of the deck of 84 sf and its one-story height of approx. 8'. While the deck will project further into the rear yard an additional 1.7' from the location of the existing deck, this should not unduly affect the light and air to neighboring properties.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised. There currently exists a one-story deck on the Applicant's property and the adjacent properties to the northwest and southeast. The proposed size of the proposed rear deck appears to be a typical size for homes in this row, and as such the deck would unlikely introduce new privacy of use and enjoyment concerns among neighbors.

(c)The addition or accessory structure, 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; and

The proposed deck would likely not substantially visually intrude upon the character, scale and pattern of houses along the alley. While the deck and by-right two-story addition will project 1.7' further into the rear yard than it currently does, there would remain a 13.5' rear yard. An alley and vacant property exists beyond the Applicant's property, so there likely would not be visual impacts beyond the alley. The deck will not be visible from 44th Street NW. The deck would be visible from the public alley at the rear of the property; however, due to the use of wood which matches other decks in the row, as well as the fact that it is one-story and ~84 sf, it would have little impact on the character of the alley. Most homes in the immediate area enjoy a wooden one-story rear deck, much like the Applicant's proposed deck. As such, the design and materials of the addition are in keeping with the existing character.

- (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 or accessory structure to adjacent buildings and views from public ways.*

The Applicant has provided graphical representations, including site plans, plans, elevations, and photographs to demonstrate the relationship of the proposed deck to adjacent buildings and views from public ways.

223.3 The lot occupancy of all new and existing structures on the lot 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 lot occupancy of the existing structure is 47% and with the deck addition, will be 51.6% which is less than the 60% maximum by right. In addition, with the proposed two-story by right addition currently under review by DCRA, the lot occupancy will be 59.6%. Relief for lot occupancy is not required for the total renovation.

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.

OP does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

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

The existing residential use is permitted in the R-3 District. The proposed deck addition is an extension of the existing residential use and thus conforms to district use requirements.

V. COMMUNITY COMMENTS

Adjacent neighbors: The adjacent neighbor residing at 1543 44th Street (northwest) has entered a letter of opposition into the record and has requested party status in opposition to the Applicant's request.

Ward/ANC: The property is within ANC-3D. The Applicant met with ANC-3D on February 3rd.

Attachment: Location Map

