

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment

FROM: Brandice Elliott, Case Manager

JL Joel Lawson, Associate Director Development Review

DATE: June 20, 2018

SUBJECT: BZA Case 19755 (1208 T Street, N.W.), to allow a roof deck addition, a rear deck, and a garage door on the rear property line.

I. BACKGROUND AND RECOMMENDATION

The subject case was heard by the Board on June 6, 2018. At the hearing, the Office of Planning (OP) noted that while it recommended approval of the special exception relief that had been requested, the applicant had not demonstrated that there was an exceptional situation resulting in practical difficulty for the requested lot occupancy variance. Therefore, OP recommended denial of the variance.

Since the hearing, the applicant has revised the architectural drawings ([Exhibit 46](#)) to provide a reduced lot occupancy of 70%, which is permitted by special exception. The applicant reduced the area of the deck by decreasing its depth into the rear yard and reducing its size in the court. The resulting deck provides a rear yard of 19.5 feet, which is an improvement from the original request that provided an 18-foot rear yard. Relief for a parking space, suggested in OP's original report, is no longer necessary. The following report is intended to supplement OP's original report ([Exhibit 40](#)), dated May 30, 2018, by providing analysis of the lot occupancy special exception relief.

Based on the revised design, OP recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- Subtitle E § 304, Lot Occupancy (60% maximum, 60% existing, 70% proposed).

OP continues to recommend **approval** of the following special exceptions pursuant to Subtitle E § 5201:

- Subtitle E § 5004, Accessory Building Rear Yard (12 ft. from alley center line required, 5 ft. proposed); and
- Subtitle E § 306, Rear Yard (20 ft. required, 19.5 ft. proposed).

OP continues to recommend **approval** of the following special exceptions pursuant to Subtitle X § 900:

- Subtitle C § 1502, Roof Deck Setback (6 feet required, 0 feet proposed).

II. OFFICE OF PLANNING SUPPLEMENTAL ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The applicant has requested special exception relief for the rear yard and lot occupancy, consistent with this section.

5201.2 Special exception relief under this section is applicable only to the following:

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

The requested special exception relief is for the construction of a deck to an existing residential building, consistent with this section.

5201.3 An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect 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 would be located partially in the existing court and at the rear of the dwelling, and would have a depth of 6.58 feet and a width of 17.22 feet. The light and air available to neighboring properties should not be unduly affected, as the deck would be lower than the property line fencing and open to the sky. Therefore, adjacent properties should not experience significant shading or shadowing by the proposed structure.

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

The proposed deck should not unduly compromise the privacy of use and enjoyment of neighboring properties. The profile of the deck ensures that neighboring properties would not be affected by the bulk or massing of the addition, as it would be screened by property line fencing. The reduced size

of the deck ensures that it is more consistent with those on neighboring properties.

(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;

The proposed deck would not be visible from T Street, as it would be located in the court and rear yard of the dwelling. While it would be visible from the alley, its reduced size means that it would be comparable to other decks along the block, and that it would not visually intrude upon the character, scale, and pattern of houses along the public alley.

(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; and

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

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The applicant has proposed a lot occupancy of 70%, consistent with this section.

5201.4 The Board of Zoning Adjustment 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 of the deck in the way of design, screening, exterior or interior lighting, building materials, or other features.

5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.

The proposed deck would not introduce or expand a nonconforming use.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

The proposed deck would comply with height and number of stories permitted in the RF-1 zone.