

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: October 7, 2019

SUBJECT: Supplemental BZA Case 20123: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 306.2 and D § 206.2, to allow deck and porch additions at 1440 T Street, SE.

I. BACKGROUND

The original referral from the Zoning Administrator (ZA) (Exhibit 5), stated that the proposal requires special exception relief from the requirements of Subtitle D § 206.2, side yard and D § 306.2, rear yard. The applicant originally provided information to OP stating that the side yard relief would not be necessary as the east-side yard would meet the five-foot side yard requirement, and OP filed a report recommending approval of rear yard relief accordingly (Exhibit 30), and the applicant was advised to modify the application to reflect the withdrawal of the side yard relief.

However, revised plans which had not previously been provided to the BZA and the ZA, included a second calculation showing that the side yard relief, in addition to rear yard relief, is necessary based on wall tests. The applicant has been advised to submit the second referral from the ZA to the record. As such, OP is providing this supplemental report to address the requested side yard relief, and to reiterate rear yard relief analysis.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle D § 5201:

- D § 306.2, rear yard (20 feet required, 14.06 feet existing; 14.06 feet proposed); and
- D § 206.7, side yard (5 feet required, Right Side, 4.98 ft. feet existing; Right Side, 4.98 ft. proposed).

III. ZONING REQUIREMENTS and RELIEF REQUESTED

| R-3 Zone | Regulation | Existing ¹ | Proposed ¹ | Relief |
|-------------------|-----------------------|-----------------------|-----------------------|---------------|
| Height D § 303 | 40 ft./3 stories max. | 1 story + attic. | 1 story + attic. | None required |
| Lot Width D § 302 | 40 ft. min. | 50 ft. | 50 ft. | None required |
| Lot Area D § 302 | 4,000 sq. ft. min. | 4,000 sq. ft. min. | 4,000 sq. ft. min. | None required |

| R-3 Zone | Regulation | Existing¹ | Proposed¹ | Relief |
|--------------------------|------------------------------|--|---|-------------------------------------|
| Lot Occupancy D § 304 | 40% max. | 31.62 % | 36.19% | None required |
| Rear Yard D § 306 | 20 ft. min. | 14.06 ft. minimum | 14.06 ft. minimum | 5.94 ft.-Required |
| Front Setback D § 305 | Existing range of block face | 17.1 ft., within range | 17.1 ft., within range | None required |
| Side Yard D § 207 | 5 ft. min. | Right Side – 4.98 ft. Left Side – 19.02 ft. | Right Side – 4.98 ft. Left Side – 18 ft. | Right Side-0.02 ft. Required |
| Pervious Surface | 20% | 59% | 51% | None required |
| Parking C § 701 | 1 space min. | 1 space | 2 spaces | None required |

¹ Information provided by Applicant

IV. OP ANALYSIS

Subtitle D 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 is requesting relief from the rear and side yard requirements.

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

- (a) An addition to a building with only one (1) principal dwelling unit; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The applicant is proposing a deck and a porch addition to the existing detached building.

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 existing building is nonconforming with respect to rear and side yard setback requirements.

The proposed deck would align with the existing rear wall which is set back 14.06 feet, for an encroachment of 5.94 feet into the rear yard. The proposed porch would have a rear set back of 17 feet.

The right-side yard (east) setback is currently 4.98 feet instead of the required 5 feet. The proposed deck would align with the existing side setback which is deficient by 0.02 feet. The house to the east is setback approximately 20 feet from the property line and the properties are separated by vegetation.

The property to the south should not be affected by the additions as they would be separated by a 14.06 feet minimum rear yard and a 15-foot wide alley. It is not expected that either the proposed deck or porch would cast shadows on the adjacent residences and therefore should not cause the light and air available to neighboring properties to be unduly affected.

(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 as the adjacent houses are substantially set back from the additions. Additionally, the vegetation on both properties should limit views into the adjacent 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 the street. A portion of the porch would be visible from the street. Both would be visible from the alley. However, neither should substantially visually intrude upon the character, scale, and pattern of houses along the street or alley as they would be similar to decks and other additions along the 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 provided plans, photographs, and elevations at Exhibit 5, 6, 9, 10, which represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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.

No special treatment is recommended.

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

The detached building would remain a single family residential 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 and porch additions would not increase the overall height of the existing building which would continue to conform to the zoning height regulations.