

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director for Development Review

**DATE:** July 9, 2021

**SUBJECT:** BZA #20511 – 16 Quincy Place, NW – Request for relief to construct a rear deck

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requested special exception:

- E § 306, pursuant to E § 5201 – Rear Yard (20’ required, 24.2’ existing, 17’ proposed).

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Jeremy Emmert, owner
Address	16 Quincy Place, NW
Legal Description	Square 3100, Lot 29
Ward / ANC	5E
Zone	RF-1 (moderate density rowhouses and flats)
Historic District or Resource	Bloomingdale Historic District
Lot Characteristics and Existing Development	Rectangular rowhouse lot (16.67’ x 92.5’); Existing rowhouse with existing rear stair and landing at the first floor.
Adjacent Properties and Neighborhood Character	Similar rowhouses on either side of the subject site; 7.5’ alley to the south does not connect to a street; South of the alley is the site of an approved PUD for a 72’ tall building which has not yet been constructed. Remainder of the neighborhood is primarily rowhouses.
Proposal	Construct a new rear deck.

**III. ZONING REQUIREMENTS AND RELIEF REQUESTED**

Item	Regulation	Existing	Proposed	Relief
Lot Width E 201.1	18’	16.8’	No change	Existing Nonconforming
Lot Depth	n/a	92.5’	No change	Conforming

Item	Regulation	Existing	Proposed	Relief
Lot Area E 201.1	1,800 sf	1,542	No change	Existing Nonconforming
Height E 303	35' 3 stories	27' 2 stories	No change	Conforming
Lot Occupancy E 304	60% 70% by S.E.	49%	57%	Conforming
<b>Rear Yard E 306</b>	<b>20'</b>	<b>24.2'</b>	<b>17'</b>	<b>Requested</b>

#### IV. ANALYSIS

##### Special Exception Relief – Subtitle E § 306.1 (Rear Yard), Pursuant to E § 5201

The proposed deck would extend about three feet into the required rear yard. The Board is authorized to grant special exception relief pursuant to Subtitle E § 5201, subject to the criteria of that section. OP’s analysis of the relevant criteria is below.

- 5201.1 *For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*
- (a) *Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
  - (b) ***Yards, including alley centerline setback;***
  - (c) *Courts; and*
  - (d) *Pervious surface.*

The application requests a special exception for rear yard.

- 5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*
- (a) *The light and air available to neighboring properties shall not be unduly affected;*

Light and air to adjacent properties should not be unduly affected. The proposed rear deck would be located off the main level of the house, and would have a somewhat open design which should minimize light impacts to adjacent properties and maximize air flow. The portion of the deck

extending beyond the required 20 foot rear yard line would be completely open without a roof, further minimizing potential impacts. The roofed and trellised portions of the deck would be located in the portion of the rear yard that can be built on as a matter of right.

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

The existing stair and landing provide some views onto the adjacent property. Also, a matter of right deck would allow views onto adjacent property similar to that of the proposed deck, which would be only about three feet deeper than a matter of right design. In addition, the plans propose screening on either side, facing adjacent properties, to add to the sense of privacy for both the neighbors and the applicant. The privacy on neighboring properties, therefore, should not be unduly compromised.

(c) *The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The proposed deck would not be visible from Quincy Place, and once the PUD to the south is built, it would not be visible from North Capitol Street or Florida Avenue. The alley to the south does not connect to a public street, and from aerial photos does not appear to be improved.

(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 application includes plans, elevations, a plat, renderings, and photos.

5201.5 *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 recommends no special treatments.

5201.6 *This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.*

The existing flat is a matter of right use and would continue. The house would meet other parameters such as height and lot occupancy.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing the record does not contain comments from other District agencies.

## **VI. HISTORIC PRESERVATION**

The Historic Preservation Office has not yet reviewed the application, but approval for a project of this scope could typically be granted administratively.

## **VII. ANC COMMENTS**

At Exhibit 35 is an ANC report in support of the application.

## **VIII. COMMUNITY COMMENTS**

The applicant has submitted some correspondences with the neighbors on either side (Exhibits 9 and 10). As of this writing the record does not contain other comments from the community.

## IX. VICINITY MAP

