

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Joshua Mitchum, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** January 31, 2025

**SUBJECT:** BZA Case 21217: Request for special exception relief to allow a rear deck addition at 149 Thomas Street NW.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- Rear Yard, E § 207.1 (20 feet required, 16 feet existing and to be retained)

### **II. LOCATION AND SITE DESCRIPTION**

Address	149 Thomas Street NW
Applicants	David Ortiz and Nicole Johnston
Legal Description	Square 3114 Lot 0065
Ward, ANC	Ward 5; ANC 5E
Zone	RF-1, Low to Moderate-Density Residential
Historic Districts	Bloomingdale Historic District
Lot Characteristics	The 1,522-square-foot lot is rectangular in shape with 17.50 feet of frontage along Thomas Street NW. The rear of the lot, which is also 17.50 in width, abuts a 16-foot-wide public alley.
Existing Development	The lot is currently improved with a two-story row dwelling with a cellar.
Adjacent Properties	Across a public alley to the north are single-family attached row dwellings, to the south across Thomas Street NW are single-family attached row dwellings, to the west are single-family row dwellings, and to the east by single-family attached row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is residential development that consists of predominately single-family row dwelling units and apartment buildings. Howard University is a few blocks to the north-west of the subject site.

Proposed Development	The Applicant has proposed the continued use of an existing, non-conforming deck in the rear yard of the property. The existing rear-yard deck was constructed by the previous owner of the property, and the Applicant is requesting relief to bring it into compliance with the Zoning Regulations.
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	18 ft. min.	17.50 ft.	No change	Existing non-conformity
Lot Area D § 202	1,800 sq.ft. min.	1,522 sq.ft.	No change	Existing non-conformity
Height D § 203	35 ft. max.	Not given	No change	None requested
Rear Yard D § 207	20 ft. min.	16 ft.	No change	<b>Relief requested</b>
Side Yard D § 207	None required, or 5 ft. min. if provided	0 ft.	No change	None requested
Lot Occupancy D § 210	60% max. by right (70% max by sp.ex.)	Not given	No change	None requested
Parking C § 701	1 space min.	1 space	No change	None requested

### IV. OP ANALYSIS

#### Subtitle E § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit 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;*

The subject property is within the RF-1 zone, which has a maximum permitted lot occupancy of 60 percent by right, and 70 percent via special exception relief. No relief to the property's lot occupancy is requested with the application.

- (b) *Yards, including alley centerline setback;*

Special exception relief is requested from the minimum rear-yard requirement of 20 feet. The existing rear-yard setback is 16 feet, which is proposed to be retained.

(c) *Courts;*

Relief is not requested from minimum court dimensions.

(d) *Pervious surface.*

Relief is not requested from minimum pervious surface.

5201.2 & 5201.3 Not applicable to this application.

*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;*

The existing rear-yard deck should not unduly affect the light and air available to neighboring properties. The deck features are light permeable and would not cast unduly disruptive shadows during the majority of the day. Furthermore, the deck design allows for the unobstructed flow of air.

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

The existing rear-yard deck would not appear to unduly compromise the privacy of use and enjoyment of neighboring properties. The existing deck does not face directly into a neighboring property and does not create unique vantage points that would compromise the privacy of neighboring properties.

(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 rear-yard deck would not be visible from the street, and does not visually intrude upon the character, scale, and pattern of houses along the alley. A number of neighboring properties have privacy fences that sufficiently screen the deck from view. Furthermore, neighboring properties also have decks of similar size.

(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 submitted photographs and survey material to sufficiently represent the relationship between the existing rear-yard deck to adjacent buildings and views from public rights-of-way.

*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 does not recommend additional treatment for the subject application.

*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 subject application proposes to retain the setback of an existing nonconforming rear-yard deck. No change in lot occupancy, setbacks, or other development standards are being proposed beyond what is authorized in this section as a special exception.

## **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The rear-yard deck is in harmony with the intent and general purpose of the Zoning Regulations and Zoning Maps because its continued use would not result in a structure that is inconsistent with the zone in terms of use, height, or bulk. Retaining the existing rear-yard setback would be consistent with the RF-1 zone's intent of recognizing and reinforcing the importance of neighborhood character and improvements to the overall environment.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As discussed, the existing rear-yard deck has not, and should not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps due to the existence of privacy fences that adequately screen the deck from view. Furthermore, the deck is not oriented in a way that faces directly into neighboring property, nor does it create unique vantage points that compromise the privacy of neighboring property.

- (c) Subject in specific cases to the special conditions specified in this title.*

There are no special conditions that have been specified in the subject application.

## **V. OTHER DISTRICT AGENCIES**

At the writing of this report, no other agencies provided comments on the subject application.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

The ANC 5E report in support of the subject application is at Exhibit 24.

## **VII. COMMUNITY COMMENTS**

There are two letters of support for the subject application, found in Exhibit 22, and Exhibit 23.

Attachment: Location Map

**Location Map:**

