



BURDEN OF PROOF

APPLICATION FOR SPECIAL EXCEPTION

3764 Benton Street NW, Washington DC 20007

To: DC Office of Zoning
Board of Zoning Adjustments
441 4th Street, NW, Suite 200S
Washington, DC 20001

Owner / Applicant Peter Roushdy and Kelly Franklin
3764 Benton Street NW
Washington DC 20007

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Peter Roushdy and Kelly Franklin, owners of 3764 Benton Street NW, hereby apply for a Special Exception to allow the construction of a deck in their rear yard. This is pursuant to DCMR Chapter 11-X9, Section 901.2 to provide relief from the requirement of DCMR Chapter 11-D304.1

The aspects of the proposal that fall outside the current zoning regulation are as follows:
The proposed construction will exceed the maximum lot occupancy permitted.

SUMMARY

Peter Roushdy and Kelly Franklin purchased their home in 2017 at 3764 Benton Street NW, located in the in the R-3 Zone. (Square 1301, Lot 0672). They seek permission from the Board of Zoning Adjustment (BZA) construct a wood framed deck in their rear yard.

They seek a special exception from the 40% maximum lot occupancy limit. The deck will not have a substantial adverse effect on the use or enjoyment of any abutting or adjacent dwellings or properties.

Peter and Kelly have contacted their ANC representative, and described the proposed deck. They have discussed the plans with neighbors and will continue their outreach in the weeks ahead. They will submit a statement of their efforts to the ANC no less than two weeks prior to the public hearing.

STATEMENT OF EXISTING AND INTENDED USE

Board of Zoning Adjustment
District of Columbia
CASE NO.20070
EXHIBIT NO.10

The existing use is a single family, residential building. There is no change in use being sought.

BASIS FOR GRANT OF SPECIAL EXECPTION

The requested relief is within the BZA's authority per D 5201.1 (a): In an R zone district, relief from the design requirements of D 304.1 (x, 901.2) may be approved by the Board of Zoning Adjustment as a special exception under (X, 901.2)

The BZA 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;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

PROJECT DESCRIPTION

The property at 3764 Benton Street NW is an end unit row house built in 1929. The neighboring six rowhouses to the east, completing the block between 38th Street and Huidekoper Place, were built at the same time.

See the Vicinity Map on Sheet 1 of the Architectural Drawings.

The proposed wood-framed deck is to be 19'-0" by 11'-8". There will be wood-framed stairs down to the finished grade of the rear yard, approximately 9'-0".

The existing structure, including the front porch covers 1,062 square feet of the 2,476 square foot lot, or 43% lot coverage. The proposed deck would add 222 square feet, increasing the lot coverage to 52%. The maximum lot occupancy is 40% for this property, a semi-detached structure zoned R-3.

Prior to February 22, 2019 the maximum lot occupancy was 60% as this structure was considered an "attached" structure zoned R-3. On February 22, 2019 the Zoning Commission for the District of Columbia amended the definition of side yards (Z.C. Case No. 17-23) and re-defining this property as "semi-detached" as it has one side yard.

BURDEN OF PROOF STATEMENT

This proposed rear deck complies with the intent and spirit of the DC zoning regulations. As stated in D 300.6 "The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings." The proposed rear deck is in keeping with these intentions.

DC code provides that an applicant for special exception 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;*
- b. *The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised;*

- 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 the houses along the subject street or alley frontage.*

As outlined below, Peter and Kelly's request satisfies these requirements.

- a. *The light and air available to neighboring properties shall not be unduly affected by the proposed addition.*

The only abutting home is the row house to the east at 3762 Benton Street. The public alley is to the south, and 38th Street NW is to the west. On the property line between 3762 and 3763 Benton streets, there is a 6'-0" tall masonry wall running from the rear face of the structures to the property line to the south. Additionally, the residence at 3762 Benton Street has a rear deck with a 6'-0" tall wood and steel privacy screen running the depth of the deck. The deck at 3762 Benton Street NW extend approximately 3'-0" further than the proposed deck at 3764 Benton Street NW. The proposed deck at 3762 Benton Street NW will not create any further limits to the light and air available to 3762 Benton Street that those that already exist.

- b. *The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised by the proposed addition.*

Most of the homes on the south side of the 3700 of Benton Street NW have rear decks at the first floor level; many with privacy screens along the property lines to create a sense of personal space between neighboring decks. The proposed deck at 3764 Benton Street will not affect the existing privacy or enjoyment of these 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 the houses along the subject street*

Again, most of the homes on this block of Benton Street NW have rear decks at the first floor level. As well, the pattern of rear yard decks at the first floor level continues in the 3800 block of Benton Street NW.

CONCLUSION

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment approve the application for Special Exception.

Thank you,

Elizabeth Shepard, AIA