

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** December 29, 2017

**SUBJECT:** BZA Case 19660: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 304.1, to allow for the construction of a rear deck with stairs

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area special exception pursuant to Subtitle X § 901.2:

- D § 304.1, Lot Occupancy (60 percent permitted, 58.3 percent existing; 66.2 percent proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	5110 Kansas Avenue, N.W.
Applicant	Gary Lesinski
Legal Description	Square 3256, Lot 80
Ward, ANC	Ward 4, ANC 4D
Zone	R-3
Lot Characteristics	Mostly rectangular lot with rear alley access
Existing Development	Two-and-a-half story row house with a detached garage and rear alley access
Adjacent Properties	Two-and-a-half story row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Construction of a rear deck off the main level with stairs down to the rear yard

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-3 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height D § 303	40 feet and 3-stories max.	< 40 feet and 2.5 stories	No change	None Required
Lot Width D § 302	20-foot min.	19.6 feet	No change	None Required
Lot Area D § 302	2,000 sq. ft. min.	1,967 sq. ft.	No change	None Required
Lot Occupancy D § 304	60% max.; 70% max.by SE	58.3%	66.2%	<b>Required</b>
Rear Yard D § 306.2	20-foot min.	54 feet	46 feet	None Required
Front Setback D § 305	Within range of existing on same side of street	20.05 feet	No change	None Required
Parking C § 701.5	None required if none provided	None <sup>1</sup>	None	None Required

**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 requests special exception relief to increase lot occupancy within an R zone.

*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 relief requested is for an addition to a one-family row house, a principal dwelling unit.

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<sup>1</sup> The existing garage in the rear yard provides one parking space nonconforming for length.

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 one-level deck with stairs down to the rear yard would contain no walls or roof that could interfere with light and air, and the deck portion of the structure would extend no more than eight feet into the rear yard, minimizing impact on light and air.

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

The deck and staircase would be constructed with the exterior stair alongside the exterior staircase and landing at the rear of the adjacent row house to the northeast, minimizing its impact on 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 one-level deck at the rear of a row house would not be visible from the street, or visually intrude upon the character, scale and pattern of houses along the alley as it is designed to serve the outdoor recreational needs of a one-family dwelling amidst a row of one-family row houses.

(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 application includes plans, photographs and elevation drawings sufficient to represent the relationship of the proposed deck to adjacent buildings and from the public alley.

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 makes no recommendations for special treatment.

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

The request will not result in the introduction or expansion of a nonconforming use, but will allow for the continuation of the subject property as a one-family dwelling, a use permitted as a matter of right.

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 request will not increase either the height or the number of stories.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies as of the filing of this report.

**VI. COMMUNITY COMMENTS**

ANC 4D, at its meeting of November 21, 2017, voted to support the application.

A letter signed by four neighbors, including the adjacent neighbors to the northeast and the southwest, was submitted to the file in support of the application.

No other community comments were received as of the date of the filing of this report.

Attachment: Location Map

