

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 18, 2019

SUBJECT: BZA Case 19893 – request for special exception relief pursuant to Subtitle D § 5201.1 to allow a one-story deck in the rear of the subject property.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Lot Occupancy, E § 304.1 (60 percent maximum permitted, 55.6 percent existing; 67.1 proposed), and
- Rear Yard, E § 306.1 (20 feet minimum required, 25.3 feet existing; 17.3 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1210 Maryland Avenue, NE
Applicants	Elderidge Nichols and Lauren Santabar
Legal Description	Square 1005, Lot 80
Ward, ANC	6/6A
Zone	RF-1
Lot Characteristics	Rectangular shaped interior lot measuring 14.6 feet by 57 feet. The lot is bounded by Maryland Avenue, NE to the south, row buildings to the east and west, and a 10-foot public alley to the north.
Existing Development	Residential row building.
Adjacent Properties	Residential row buildings.
Surrounding Neighborhood Character	The surrounding neighborhood character is residential row buildings.
Proposed Development	The applicant proposes to construct a rear one-story deck that would measure 8 feet by 12 feet. The deck would be set back from each side lot line creating an open court on each side. Relief is required from lot occupancy and rear yard requirements.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing¹	Proposed	Relief
Height E § 303	35 ft. max.	Not provided	Not provided	None required
Lot Width E § 201	18 ft. min.	14.6 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	831 sq. ft.	No change	None required
Lot Occupancy E § 304	60% max.	55.6%	67.1%	Special exception relief requested: 7.1%
Rear Yard E § 306	20 ft. min.	25 ft.	17.3 ft.	Special exception relief requested: 2.7 ft.
Side Yard E § 307	None required, but 5 ft. min. if provided	0 ft.	No change	None required

IV. OP ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF 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.*

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

- (a) An addition to a residential building;*
- (b) A new or enlarged accessory structure that is accessory to such a building; or*
- (c) A reduction in the minimum setback requirements of an alley lot.*

¹ Information provided by the DCRA referral letter. See Exhibit 3.

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 deck would be unenclosed and would have open safety railings. It would be adjacent to an existing one-story deck located at 1208 Maryland Avenue, NE and a one-story staircase with landing located at 1212 Maryland Avenue, NE. The depth of the proposed deck would be eight feet and would be approximately the same depth as the existing adjacent one-story deck. Both adjacent property owners have signed letters in support of the proposed deck (Exhibit 17).

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

The proposed deck would be set back several feet from both side property lines, which should minimize any privacy issues. In addition, the deck would be set back 17.3 feet from the rear property line, and the 10-foot public alley would provide additional separation from the subject property and neighboring properties across the alley. Given the prevalence of existing decks on the subject square, the proposed deck would not create a condition that is unusual, or which would unduly impact privacy.

(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 subject deck should not substantially visually intrude upon the pattern of houses along the subject street frontage, as it would be in the rear of the property facing a public alley. Further, numerous one-story decks exist in the rear of neighboring row houses and are visible from the public alley. Many of the adjacent decks facing the public alley appear to be similar in size to the subject deck.

(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 submitted a survey, architectural plans, and photographs to illustrate the proposed addition and surroundings.

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 of the proposed addition 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 proposed addition is to a building with a permitted use in the RF-1 zone.

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 addition would not increase the number of stories or height of the subject property.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this report, no comments from district agencies had been added to the record.

VI. COMMUNITY COMMENTS TO DATE

At Exhibit 35 is an ANC report recommending approval of the relief. Six letters of support from neighbors have been filed to date (Exhibit 17).

Attachment: Location Map

Location Map:

