

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 5, 2019  
**SUBJECT:** BZA Case 20070 - request for Special Exception relief to construct a rear deck at 3764 Benton Street, N.W.

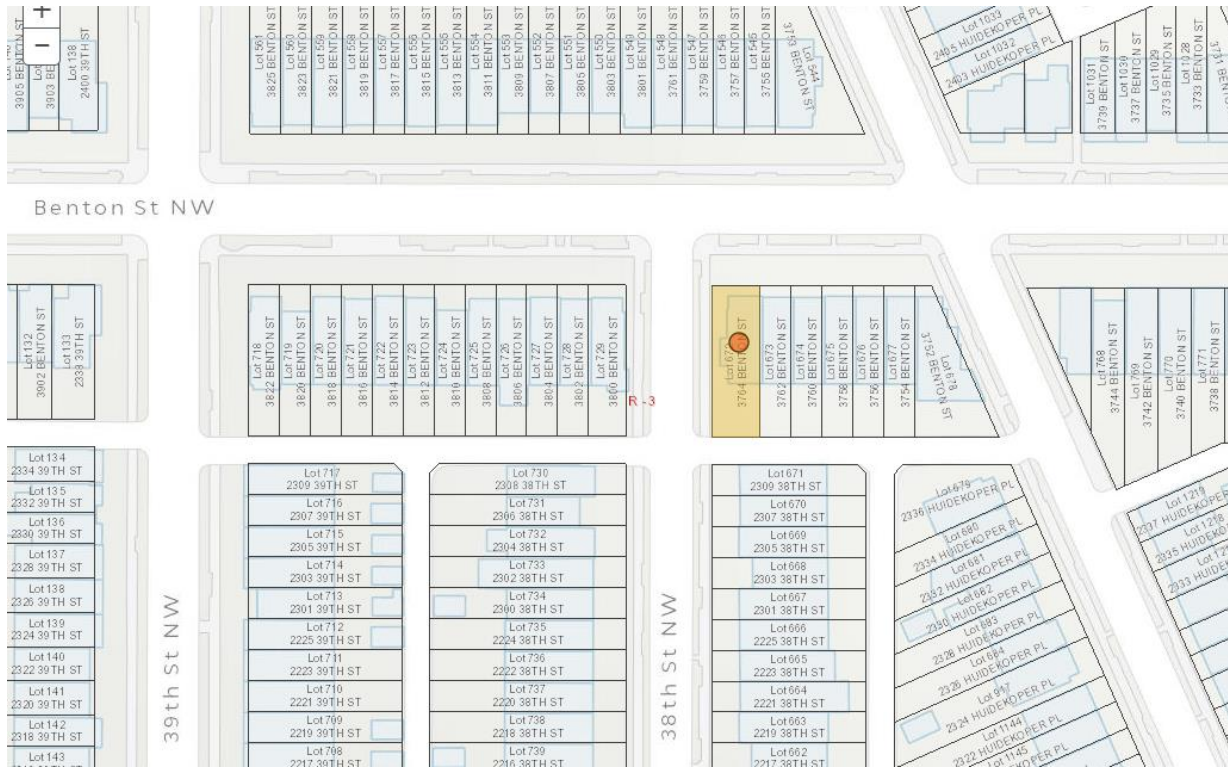
**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle D § 304.1 Lot Occupancy (40% maximum allowed, 48.9% proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address:	3764 Benton Street, N.W.
Legal Description:	Square 1301 Lot 0672
Ward / ANC:	Ward 3 / ANC 3B
Zone:	R-3
Historic District:	N/A
Lot Characteristics:	2,476 SF rectangular lot
Existing Development:	Semi-detached structure
Adjacent Properties:	Row dwellings
Surrounding Neighborhood Character:	The surrounding neighborhood is generally residential in character and the predominant residential building type are row dwellings.



**III. PROJECT DESCRIPTION IN BRIEF**

The Applicant proposes to construct a 222 SF deck off the first floor rear of the house.

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

R-3 Zone (Subtitle D)	Regulation	Existing	Proposed	Relief
Lot Width	20 feet min.	28.1 feet	No change	None required
Lot Area	2000 SF min.	2476 SF	No change	None required
Rear Yard	20 feet min.	15 feet	No change	None required
Lot Occupancy	40% max.; 70% by sp.ex.	40%	48.9%	<b>Relief required</b>

**V. OP ANALYSIS**

**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 has requested relief from the maximum 40% lot occupancy allowed under Subtitle D, Section 304.1.

*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 proposal is for a rear deck addition to a building with only one principal dwelling unit on the lot.

*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 light and air available to neighboring properties would not be unduly affected by the proposed rear deck on the house. The uncovered deck would extend off the first floor and would have an open picket railing. The adjacent neighbor to the east has a rear deck with a tall railing located between the properties. There are no other neighboring properties where the light and air would be affected since to the west of the subject property is a street and to the south is a 16' alley.

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

The neighboring properties' privacy should not be compromised by the proposed rear deck. The adjacent neighbor has a tall railing on the side of their deck that would separate the two decks and provide privacy between them. There are no other neighboring properties' privacy that would be affected since to the west of the subject property is a street and to the south is a 16' alley.

*(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 rear deck would not visually intrude upon the character and scale of the house and the pattern of houses along the street and alley. The adjacent property has a similar size deck that is also visible from the alley.

*(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 provided the necessary photos and plans included with the submission.

- (e) *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

According to the DCRA memo in Exhibit 2, the proposed lot occupancy would be 48.9% which is within the maximum of 70% that is permitted by special exception.

*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 does not recommend any 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 use of the property would continue to be as a single-family residence, which is a conforming use, and no nonconforming use would be introduced.

*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 rear deck is within the maximum height permitted as a matter-of-right in this zone.

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

DDOT filed a report stating they have no objection to this application but noted issues related to public space that will need to be addressed at the time of permitting (Exhibit 31).

## **VII. COMMUNITY COMMENTS**

The ANC filed a report in support of the application (Exhibit 29). Letters of support from the adjacent property owner and other neighboring property owners are in Exhibits 12-14.