

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** September 27, 2019  
**SUBJECT:** BZA Case 20123: Request for special exception relief pursuant to Subtitle D § 5201.1 from D § 306.2 and D § 206.2, to allow deck and porch additions at 1440 T Street, SE.

**I. OFFICE OF PLANNING RECOMMENDATION**

Based on a referral from the Zoning Administrator (Exhibit 5), Darius Arod (applicant), requested special exception relief from the requirements of D § 206.2, side yard and D § 306.2, rear yard. In conversations with the applicant and through revised drawings, the applicant stated that the side yard relief is not necessary as the east-side yard meets the five-foot side yard requirement. The applicant was advised to modify the application to reflect the withdrawal of the side yard relief. Although, the applicant has not been amended at the time of filing this report, the Office of Planning (OP) did not analyze side yard relief, which is not necessary based on the revised plans.

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

- D § 306.2, rear yard (20 feet required, 14 feet existing; 14 feet proposed); and

**II. LOCATION AND SITE DESCRIPTION**

Address	140 T Street, SE
Applicants	Darius Arod, owner.
Legal Description	Square 5605, Lot 835
Ward, ANC	8/8A
Zone	R-3 - allows detached dwellings, semi-detached dwellings and row dwellings.
Lot Characteristics	The property is rectangular and measures 50 feet in width and 80 feet in depth for a total area of 4,000 square feet. The property fronts on T Street, SE to the south and a 15-foot wide, improved public alley to the south.
Existing Development	The property is improved with a one-story plus basement and attic detached house.
Adjacent Properties	The properties to the east and south are single family detached houses while to the west and north are two-story row dwellings, all within the R-3 zone.

Surrounding Neighborhood Character	The surrounding neighborhood is generally residential in character with a mixture of single-family detached, row houses and apartment buildings in the R-3 zone.
Proposed Development	The applicant is proposing to construct a deck on the east side of the building and a porch on the west side of the building.



Site Location



Area for the proposed deck

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-3 Zone</b>	<b>Regulation</b>	<b>Existing<sup>1</sup></b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Height D § 303	40 ft./3 stories max.	1 story + attic.	1 story + attic.	None required
Lot Width D § 302	40 ft. min.	50 ft.	50 ft.	None required
Lot Area D § 302	4,000 sq. ft. min.	4,000 sq. ft. min.	4,000 sq. ft. min.	None required
Lot Occupancy D § 304	40% max.	31.62 %	36.19%	None required
Rear Yard D § 306	20 ft. min.	15 ft.	15 ft.	<b>5 ft. requested</b>
Front Setback D § 305	Existing range of block face	17.3 ft., within range	17.3 ft., within range	None required
Side Yard D § 307	5 ft. min.	Right Side – 5 ft. Left Side – 18.25 ft.	Right Side – 5 ft. Left Side – 18.25 ft.	None required
Pervious Surface	20%	59%	51%	None required
Parking C § 701	1 space min.	1 space	2 spaces	None required

<sup>1</sup> Information provided by Applicant

**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 is requesting relief from the rear yard requirement.

*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 applicant is proposing a deck and a porch addition to the existing detached building.

*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 existing building is nonconforming with respect to rear yard setback. The proposed deck would align with the existing rear wall which encroaches 5 feet into the rear yard. The proposed porch would have a rear set back of 17 feet instead of the 20 feet required.

The house to the east would be 20 feet from the deck and the porch would be 23.5 feet away from the house to the west. Therefore, it is not expected that either the proposed deck or porch would cast shadows on the adjacent residences, and they should not cause the light and air available to neighboring properties to be unduly affected. The proposed reduced rear yard of the porch should also not affect the adjacent properties to the north, as they would be separated by a 17-foot rear yard and a 15-foot wide alley.

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

The privacy of use and enjoyment of neighboring properties should not be unduly compromised as the adjacent houses are substantially set back from the adjacent houses. Additionally, the vegetation on both properties should limit views into the 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 deck would not be visible from the street. A portion of the porch would be visible from the street. Both would be visible from the alley. However, neither should substantially visually intrude upon the character, scale, and pattern of houses along the street or alley as they would be similar to decks and other additions along 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 plans, photographs, and elevations at Exhibit 5, 6, 9, 10, which represent the relationship of the proposed addition to adjacent buildings and views from public ways.

*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 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 detached building would remain a single family residential use.

*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 deck and porch additions would not increase the overall height of the existing building which would continue to conform to the zoning height regulations.

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

Comments from other District agencies had not be received at the time this report was written.

#### **VI. COMMUNITY COMMENTS TO DATE**

The property is within ANC-8A. At the time of this report, no recommendations or comments from the ANC or community members have been filed to the record.