

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 11, 2022

**SUBJECT:** BZA Case 20682: Special exception relief to permit a rear deck addition to a two-story principal dwelling at 5526 MacArthur Boulevard NW. (Expedited)

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitles D § 5201 and X § 901.2:

- D § 306.1 Rear yard (25 feet min. required, 25.42 ft existing; 12.09 feet proposed)

**II. LOCATION AND SITE DESCRIPTION**

|                                    |  |
|------------------------------------|--|
| Address                            | 5526 MacArthur Blvd NW   |
| Applicants                         | Robert and Asure Contee  |
| Legal Description                  | Square 1445, 0065  |
| Ward, ANC                          | Ward 3, ANC 3D   |
| Zone                               | R-1-B  |
| Historic Districts                 | None   |
| Lot Characteristics                | The 5,000 square feet lot is rectangular with gentle grade at the front yard. There is no rear alley access.   |
| Existing Development               | The property is developed with a two and a half-story, stone and frame single-family detached home.  |
| Surrounding Neighborhood Character | Adjacent homes are also single-family detached two-story homes within the R-1-B district.  |
| Proposed Development               | The homeowners have proposed the addition of a rear deck - 10 ft. x 16 in. and 7 ft. 10 in. above grade. The proposed rear deck is intended for additional outdoor space for recreational use. |

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

| <b>R-1-B Zone</b>        | <b>Regulation</b>  | <b>Existing</b>  | <b>Proposed</b>  | <b>Relief</b>   |
|--------------------------|--------------------|------------------|------------------|-----------------|
| Height D § 303           | 40 ft. max.        | 35.23 ft.        | 35.23 ft.        | None required   |
| Lot Width D § 302        | 50 ft. min.        | 55 ft.           | 55 ft.           | None required   |
| Lot Area D § 302         | 5,000 sq.ft. min.  | 5,000 sq.ft.     | 5,000 sq.ft.     | None required   |
| Lot Occupancy D § 304    | 40% max.           | 33.36%.          | 37.20%           | None required   |
| <b>Rear Yard D § 306</b> | <b>25 ft. min.</b> | <b>25.42 ft.</b> | <b>12.09 ft.</b> | <b>Required</b> |
| Side Yard D § 206        | 8 ft. min.         | 8 ft.; 8.88 ft   | 8 ft.            | None required   |
| Pervious Surface D § 308 | 50%                | 66.64%           | 66.64%           | None required   |

**IV. OP ANALYSIS**

**a. Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

(a) *Lot occupancy subject to the following table:*

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

| <b>Zone</b>  | <b>Maximum Lot Occupancy</b> |
|--|------------------------------|
| R-3, R-13, and R-17<br>R-20 - Row dwellings                      | 70%                          |
| R-20 - Detached and semi-detached dwellings<br>All other R zones | 50%                          |

The deck addition is to a principal dwelling, with an existing lot occupancy of 33.36% which is proposed to increase to 37.20% in the R-1-B zone, less than the maximum of 40% permitted by right.

(b) **Yards**, including alley centerline setback; and

The deck addition would reduce the rear yard from 25.42 feet to 12.09 feet. Special exception relief from this requirement is requested.

(c) *Pervious surface.*

Pervious surface would remain in excess of the minimum required 50%.

**5201.2 & 5201.3**

Not applicable to this application.

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or*

*property, specifically:*

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The light and air to neighboring properties should not be unduly affected by this open deck, located off the main level of the house, about eight feet above grade. The side yards would not be reduced and the effective distance between the subject deck and the home at the rear would be well in excess of 25 feet.

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

The privacy of use and enjoyment of neighboring property should not be unduly compromised as there are permitted rear decks on the homes of some neighbors, including at 5528 MacArthur Blvd (BZA 17419). This neighbor is recorded at Exhibit 9 in support of the application. The adjacent neighbor at #5524 at Exhibit 10 is also in support of the subject application.

- (c) *The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The deck would not be visible from MacArthur Boulevard and there is no rear alley. There is one home abutting the rear which is a flag lot with access to MacArthur Boulevard. The rear of this home faces the rear of the subject property. The deck addition should be obscured by a tree on the subject property, fencing and evergreen shrubbery of the neighbors, as can be seen in photos of Exhibit 4.

- (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.*

The applicable documents were submitted in the record including Exhibits #4, and 5.

*5201.5 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 suggest additional screening for the subject deck.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.*

The proposed deck would not result in the introduction or expansion of a conforming use. A rear deck is a customary addition for passive recreation to a home. The proposed lot occupancy would remain within the matter-of-right limit.

**b. Special Exception Relief from Subtitle X § 901.2**

- i. Is the special exception in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposed one story rear deck addition would not be inconsistent with the intent of the Regulations which is to ensure that additions generally meet the bulk requirements for the zone. This proposal does this, as the deck would not result in a building that is inconsistent with the intent of the zone.

**ii. Would the special exception appear to tend to affect adversely, the use of neighboring property?**

The deck addition would satisfy the requirements as stated and as such is not anticipated to adversely affect the use of neighboring property.

**V. OTHER DISTRICT AGENCIES**

District agency reports had not been added to the record at the writing of this report.

**VI. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit 16 is a report from ANC 3D's indicating support for this application.

**VII. COMMUNITY COMMENTS TO DATE**

There are three letters of support including from immediate abutting neighbors at 5528 and 5524 MacArthur Boulevard, NW.

Attachment: Location Map

**Location Map:**

