

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Crystal Myers, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: June 29, 2022

SUBJECT: BZA #20753 – 1443 S ST NW – Relief to construct a rear deck

I. RECOMMENDATION

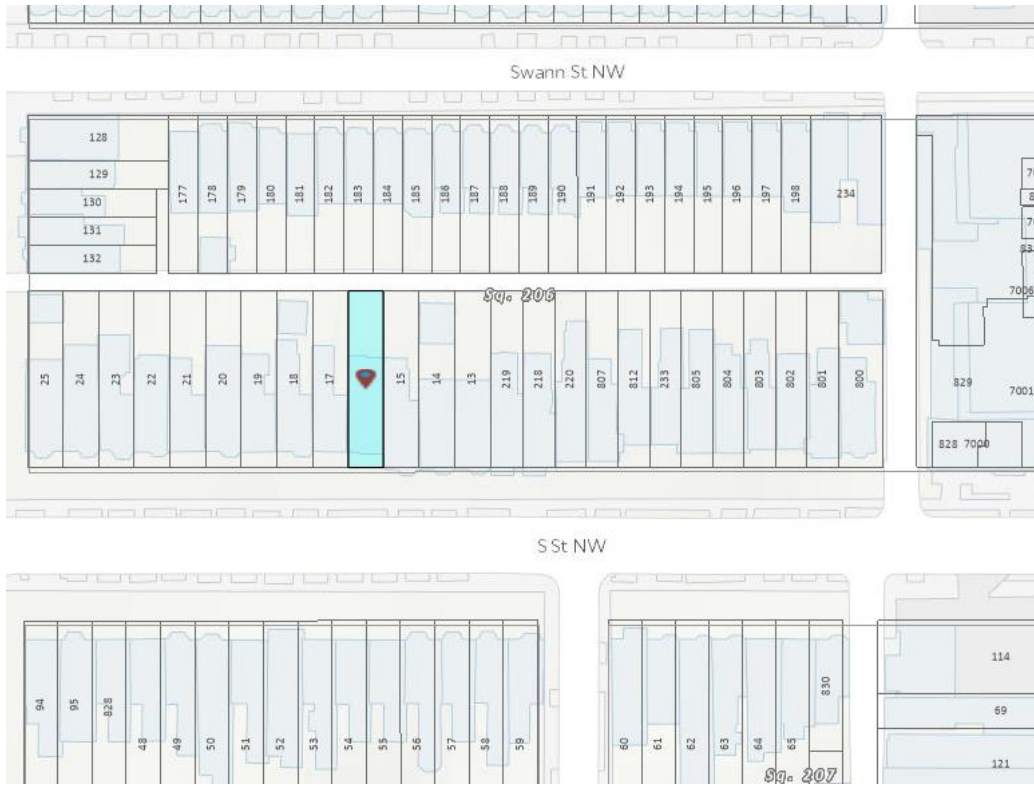
The Office of Planning (OP) recommends **approval** of the following requested special exception, pursuant to E§ 5201:

- E § 404.1 Lot Occupancy (60% max., 53% existing, 67% proposed)

II. LOCATION AND SITE DESCRIPTION

Applicant	Sullivan and Burros on behalf of Donald Pashayan
Address	1443 S. ST. NW
Legal Description	Square 206, Lot 16
Ward / ANC	2/2B
Zone	RF-2
Historic District or Resource	Greater U ST. Historic District
Lot Characteristics	20.40 ft x 100 ft rectangular lot with a 10 ft-wide alley in the rear.
Existing Development	Three-story two-dwelling rowhouse
Adjacent Properties and Neighborhood Character	The adjacent properties are also rowhouses. The neighborhood is predominantly composed of rowhouses.
Proposal	The proposal would convert the existing first floor deck into enclosed living space, remove the metal spiral staircase that connects all three floors, and remove the patio. A new rear first-floor deck with wooden stairs that connect the second and first floors are proposed.

III. VICINITY MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RF-2 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width E §201	20.44 ft. min.	20.44 ft.	20.44 ft.	Existing
Lot Area E §201	1,800 sq.ft. min.	2,040 sq. ft.	2,040 sq. ft.	Existing
Rear Yard E§ 306	20 ft. min.	37 ft. 10 in.	24ft. 10 in.	Conforming
Lot Occupancy E§ 304	60% max. 70% by spec. ex.	53%	67%	Relief Requested

V. ANALYSIS

SUBTITLE X § 900 General Special Exception Review

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed deck would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The zone is intended for one and two-dwelling residential use and the proposal would improve the outdoor environment for the residents of this two-dwelling rowhouse

¹ Measurements provided by Applicants

while sufficiently addressing the relevant review criteria for relief, as noted below and with the development standards of the RF-2 zone.

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;

As described below, the proposed lot occupancy should not result in an undue impact on the use, light, air, or privacy of the neighboring properties.

SUBTITLE E § 5201 Special Exception Relief from Certain Required Development Standards

5201.1 For an addition to a principal residential building 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** up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The proposal requires lot occupancy relief.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new 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 relief requested should not have an undue impact on the light and air to neighboring properties. The proposal is for a rear one-story open deck with spaced out slats that allow light and air to pass through the railing.

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

The enjoyment and privacy of the adjacent neighbors should not be unduly compromised. There is an existing wooden privacy fence on each side of the property that would partially screen the deck from the adjacent neighbors.

The proposed deck conforms to all the other standards of the zone so the neighbors should not be unduly impacted.

(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;

The proposed deck should not substantially visually intrude on the character, scale, and pattern of the houses along the street or the alley. The deck would not be visible from the street, but it would be visible from the rear alley. There are similar decks along this alley so the deck should not be out of character. Furthermore, replacing the spiral staircase with wooden stairs would be more in line with most of the neighboring houses along this 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.

The record is complete with plans, drawings, elevations, and photographs, (Exhibit 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.

No special treatment is recommended.

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.

No height relief is requested.

VI. COMMENTS FROM HISTORIC PRESERVATION STAFF

The Historic Preservation Staff reviewed the plans and has no objections.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of the writing of this report, there are no other comments from other District agencies.

VIII. ANC COMMENTS

At Exhibit 27 is a memo in support of the application from ANC 2B.

IX. COMMUNITY COMMENTS

There are letters in support from the surrounding neighbors, including both adjacent neighbors, (Exhibits 18-25).