

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: September 1, 2022

SUBJECT: BZA #20780 – 1817 Irving St NW; to replace an existing nonconforming deck

I. RECOMMENDATION

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

- F § 304.1 Lot Occupancy (40% max., 52.2% existing, 52.2% proposed)

II. LOCATION AND SITE DESCRIPTION

Applicant	Aaron and Lauren Eastlack
Address	1817 Irving St NW
Legal Description	Square 4208, Lot 35
Ward / ANC	5/5C
Zone	RA-1, moderate density residential
Historic District or Resource	None
Lot Characteristics	35 ft. x 88.5 ft. rectangular lot with a public alley in the rear.
Existing Development	Single-dwelling semidetached house
Adjacent Properties and Neighborhood Character	The house on the adjacent lot to the west is attached to the subject house. It is also a single-dwelling semidetached house. The adjacent house to the east is a single-dwelling detached house. The immediate neighborhood is a mix of apartment buildings, various types of single-dwelling houses, and commercial uses along Rhode Island Avenue.

Proposal	The proposal would allow the Applicant to replace their existing nonconforming rear deck off the main level of the house with a new same-sized deck that would now include stairs and privacy fence walls.
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III. VICINITY MAP



IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

RA-1 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width		35 ft.	35 ft.	Existing
Lot Area F §201	1,800 sq.ft. min.	3,135 sq. ft.	3,135 sq. ft.	Conforming
Rear Yard F § 305	20 ft. min.	23.7 ft.	23.7 ft.	Conforming
Lot Occupancy F § 304	40% max. 70% by spec. ex.	52.2%	52.2%	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 allows a range of low to moderate density residential development which includes one-dwelling semidetached houses. The proposal would replace an

¹ Measurements provided by Zoning Administrator

existing deck. This would maintain and improve the outdoor environment for the residents of this semidetached house while sufficiently addressing the relevant review criteria for relief, as noted below and with the development standards of the RA-1 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 F § 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) Green Area Ratio.*

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 available to neighboring properties. The proposal is for a rear one-story open deck off the main level of the house, which would replace an existing similar sized open deck.

- (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. The proposed deck would be the same size as the existing deck but would appear to include a taller, privacy fence which would add to the privacy of the neighbors and the applicant.

- (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 alley. Both adjacent neighbors have rear decks and one of them has a deck with privacy fence walls, similar to the proposal. Rear decks off the main level of houses appear to be common in the neighborhood, so the proposed deck would not be out of character.

(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 and photographs.

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.

This application is requesting special exception relief to continue the existing nonconforming lot occupancy on the site. The application would not result in a building bulk, form or use that is inconsistent with the intent of the zone

VI. COMMENTS OF OTHER DISTRICT AGENCIES

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

VII. ANC COMMENTS

As of the writing of this report, there is no report from ANC 5C.

VIII. COMMUNITY COMMENTS

As of the writing of this report, there are no comments from the community in the record.