



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: March 29, 2011

SUBJECT: **BZA Case 18194** - request for special exception relief under § 223 to construct a deck addition to an existing one-family detached dwelling at 4508 Q Place NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of the special exception relief requested pursuant to §223** to increase the lot occupancy on the subject property from the 40% allowed under § 403.2 of the Zoning Regulations to 42.5% and to reduce the minimum required rear yard setback under § 404.1 from 25 feet to 15.4 feet. The property is also nonconforming to current the minimum lot area requirement under § 404.1.

II. LOCATION AND SITE DESCRIPTION:

Address:	4508 Q Place NW
Legal Description:	Square 1367 Lot 0060
Ward:	3D
Lot Characteristics:	A rectangular interior lot that is 52 x 90 feet and 4,680 square feet (approximately 0.11 acre) in size with frontages along Q Place NW (front) and a rear alley 16 feet wide that connects to 45 th Street, Q Place and Q Street NW.
Zoning:	<i>R-1-B</i> – detached one-family dwellings are allowed as a matter-of-right in this district.
Existing Development:	The first floor of the two-story dwelling is elevated and appears to be approximately 10-feet above finished grade at base of the rear façade. A vehicle garage and a walk-out basement occupy the lower level. A driveway of brick-pavers allows vehicular access to the garage from the adjacent alley. The rear yard is developed with a short retaining wall and masonry patio. Wooden posts were erected around the patio area in anticipation of the proposed deck. Property side and rear yards are bordered by wooden board-on-board fences approximately 7-feet tall that do not continue across driveway and curb cut.
Historic District:	None
Adjacent Properties:	Similar two-story detached dwellings.
Surrounding Neighborhood Character:	Moderate density residential uses.



II. PROJECT DESCRIPTION IN BRIEF

Applicant	Michael Iwanicki, owner of record
Proposal:	To construct a rear deck addition with overall dimensions of 10 x 34 feet at the first floor level. This deck would extend into the required rear yard, reducing the 25-foot setback to approximately 15.4 feet and increasing the lot occupancy from the current 40% to 42.5%.
Relief Sought:	Special exception relief in accordance with § 223 to allow reduction of the required rear yard setback under § 404.1 from 25 feet to 15.4 feet, and to increase the allowable lot occupancy under § 403.2 from 40% to 42.5%.

III. ZONING REQUIREMENTS

The subject property is located in an R-1-B district which allows detached one-family dwellings as a matter of right. Existing lot dimensions of 52 x 90 feet exceed the minimum lot width required under § 401.3 but the resulting lot area of 4,680 square feet is less than the minimum required 5,000 square feet. The property is therefore nonconforming to current the minimum lot area requirement.

In a letter dated December 1, 2010, the Zoning Administrator referred this proposal to the Board of Zoning Adjustment (BZA) for special exception relief pursuant to § 223 because the dwelling with the proposed addition would not comply with either the maximum lot occupancy under § 403.1 or the required rear yard setback under § 404.1. The Office of Planning also noted that exceeding the allowable lot occupancy and creating new nonconforming lot characteristics would be inconsistent with § 2001.3.

Accordingly, the applicant submitted this request for a special exception in accordance with § 223 for the referenced relief. Securing zoning relief from §§ 403.1 and 404.1 would eliminate the need for relief from § 2001.3. No other zoning relief was requested.

In a supplemental submission dated March 22, 2011, the applicant questioned whether the proposed deck would contribute to the overall lot occupancy. The building area definition in § 199 excludes "... portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property." In response to a similar query from the OP, the Zoning Administrator stated that a deck that extends more than four feet above grade is deemed "structure" in accordance with § 2504.2. Consequently, the area of this proposed deck should be included in the lot occupancy calculation.

IV. OP ANALYSIS

Consistency with § 223

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

One-family detached dwellings are permitted uses in this district.

223.2 *The addition or accessory structure shall not have a substantially adverse affect 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 proposed deck addition would not cast shadows on either of the neighboring properties to the east and west, or properties to the south across the alley.

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

The privacy of neighboring properties would not be compromised because the visibility into those rear yards from the deck would not be greater than what currently exists from the dwelling first and second floor windows.

Letters in the case record file from the owners of the properties located at 1600 and 1610 45th Street (eastern neighbors), 4510 and 4512 Q Place (western neighbors), and the contract-purchaser and owner of the properties immediately across the alley (4507 and 4513 Q Street) did not express concern that the proposed deck would impact their 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; and*

The wooden post and beam construction of the proposed deck appears similar to the existing decks on the neighboring properties.

- (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.*

Sufficient graphical information for this case was submitted.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed **fifty percent (50%)** in the **R-1** and **R-2** Districts or seventy percent (70%) in the **R-3**, **R-4**, and **R-5** Districts.*

This proposed 42.5% lot occupancy would not exceed the 50% allowed under this provision.

- 223.4 *The Board 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.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

No non-conforming use would be introduced under this proposal.

Based on the above analysis, this application meets the standards for special exception approval.

V. COMMUNITY COMMENTS

On March 8, 2011, Advisory Neighborhood Commission 3D voted not to support this proposal out of concern about the potential negative impacts on the use, privacy and enjoyment of the neighboring dwelling across the 16-foot wide alley.

Case Manager: Arthur Jackson, Development Review Specialist
JS/afj

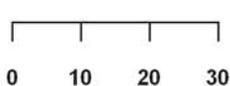
Attachment: Exhibit 1 Site Aerial with Zoning



CPID00-18194



Feet



Office of Planning ~ January 26, 2011

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

BZA Application No. 18194

LEGEND

-  Commercial (CAMA)
-  Property Squares
-  Street Centerlines
-  Water
-  Parks