

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 6, 2012

SUBJECT: BZA Case 18470 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing detached dwelling at 3605 Patterson Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The applicant has requested the following special exception relief pursuant to § 223:

- § 404, Rear Yard (25 feet required, 15.1 feet proposed)

The Office of Planning (OP) recommends **approval**, noting that only the rear yard is being increased or altered. While the applicant has requested relief from § 401 for lot width and lot area, the Zoning Administrator has determined that such relief is not required. In addition, the applicant has not requested, but qualifies for relief from § 2001.3 for the enlargement of a nonconforming structure, which is permitted under § 223.

II. LOCATION AND SITE DESCRIPTION:

Address:	3605 Patterson Street, N.W.
Legal Description:	1893 Square , 36 Lot
Ward:	3
Lot Characteristics:	Flag lot with dwelling oriented toward Patterson Street N.W. and rear yard access from Nevada Avenue N.W.
Zoning:	R-1-B – high density one-family detached dwellings
Existing Development:	Detached dwelling, permitted in this zone
Historic District:	None
Adjacent Properties:	Predominantly one-family detached dwellings

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Tektonics Architecture
Proposal:	Replacement of existing covered deck with larger screened deck
Relief Sought:	§223 - Additions to One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	40 ft. max.	16.5 ft.	16.5 ft.	None required
Lot Width (ft.) § 401	50 ft. min.	40.1 ft.	40.1 ft.	Existing non-conforming
Lot Area (sq.ft.) § 401	5,000 sq.ft. min.	2,965 sq.ft.	2965 sq.ft.	Existing non-conforming
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	32%	35%	None required
Rear Yard (ft.) § 404	25 ft. min.	15.1 ft.	15.1 ft.	Required
Side Yard (ft.) § 405	8 ft. min.	4.9 ft.	4.9 ft.	Existing non-conforming, not impacted by this proposal

V. OP ANALYSIS:

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.

Single family detached dwellings are a permitted use in this zone. The Applicant requires special exception relief under § 223, § 404, Rear Yard and § 2001.3, addition to a nonconforming structure.

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 existing deck is located at the rear of the dwelling and is 72 sq. ft. in area. The request under consideration consists of the removal of the existing deck and replaces it with one that is 145 sq. ft. in area. The additional area would be achieved by extending the deck south, along the existing dwelling, and east, up to the required side yard. The existing dwelling has a side yard of 4.9 feet, which is less than required by current code; however, the proposed deck would maintain a side yard of eight feet, which is consistent with zoning regulations. Further, the proposed structure would maintain the existing 15.1 foot rear yard. The stairs and landing project approximately five feet into the rear yard, but are permitted to do so as specified in § 2503, Structures in Required Open Spaces. The impact of the deck on adjacent property owners would be minimal given that the structure would comply with the side yard requirement and maintain the existing rear yard with an allowable

¹ Information provided by applicant.

projection. Therefore, the addition would not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

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

The proposed deck would maintain an eight foot side yard, which is required by current code, and would not further reduce the rear yard. The deck would be about eight feet above grade, but partially screened by the house and existing side yard fencing. The elevations were approved at the September 27, 2012 Advisory Neighborhood Commission meeting and several neighbors have signed letters supporting the structure. As a result, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

- (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 applicant submitted drawings illustrating that the deck would be consistent with the design of the dwelling and an improvement upon the existing deck. The deck would not be visible from Patterson Street and would be screened from view from Nevada Avenue and the alley by fences and vegetation. As a result, the proposed deck would not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

- (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 applicant has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

- 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.*

The proposed lot occupancy is 35 percent, which is less than the maximum of 40 percent permitted within the R-1-B district without a special exception.

- 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.*

The Office of Planning has no recommendations for special treatments for this application.

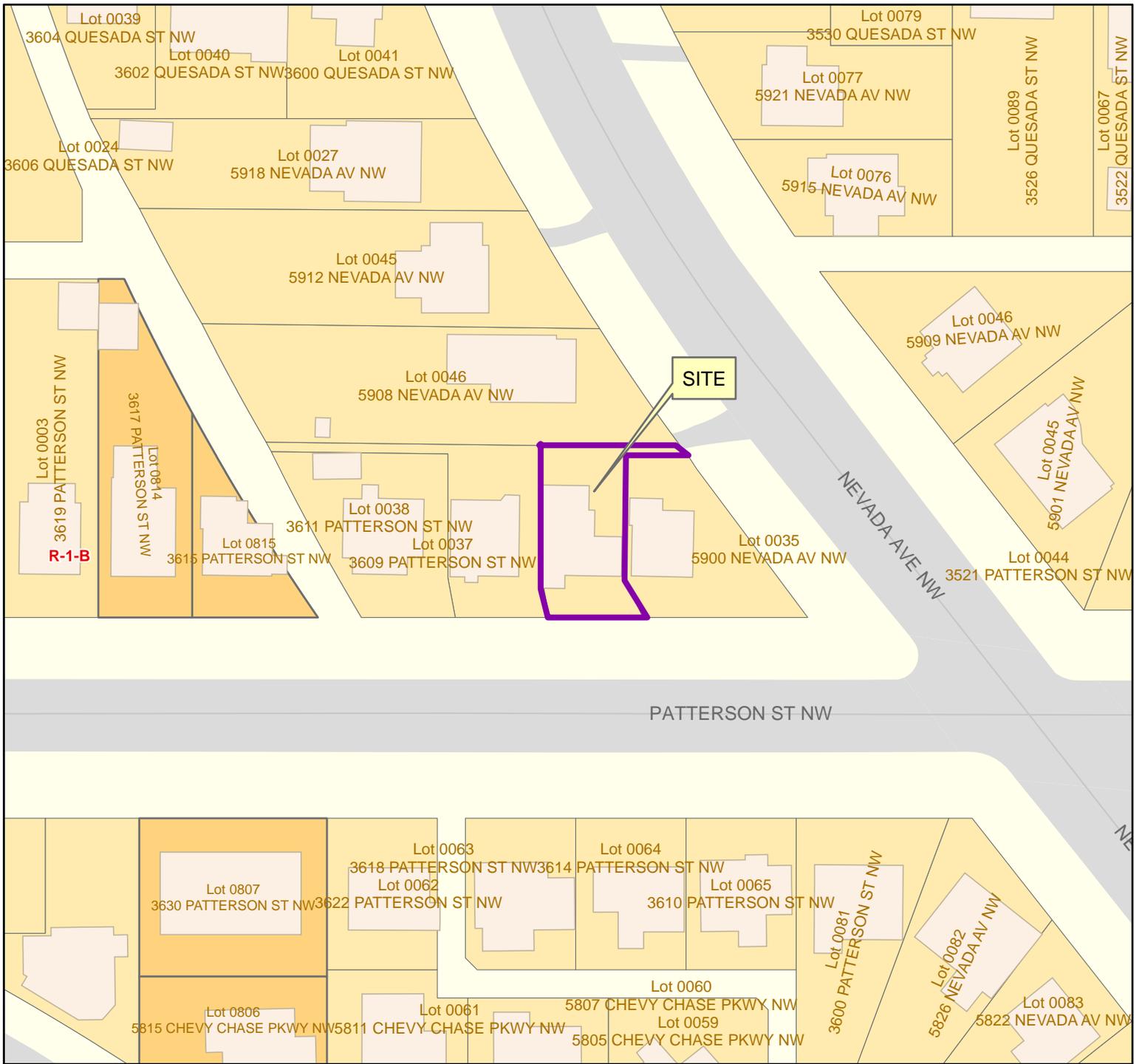
- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

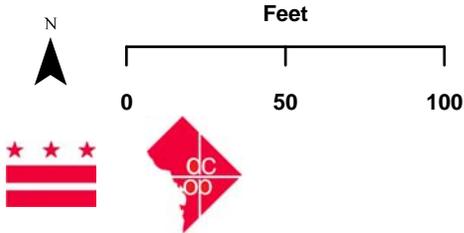
Advisory Neighborhood Commission 3G voted unanimously to approve the proposed deck at its regularly held meeting on September 24, 2012. Further, the application includes letters from four neighboring property owners indicating that they have no objection to the proposed addition, including from both adjacent owners.

Attachment: Location Map



3605 Patterson Street, N.W. - BZA Case 18470

OPID0022579



-  Buildings
-  Zoning Districts
-  Parks
-  Water
-  Roads
-  Street Centerlines
-  Development Review Sites



Government of the District of Columbia
Office of Planning ~ October 22, 2012

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.