

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: October 30, 2012

SUBJECT: BZA #18466 – Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an rear deck addition to an existing detached dwelling at 5603 Potomac Avenue, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 405 – Side Yard (8 feet min.; 3’0” existing; 3’4” proposed for new deck);
- § 2001.3 – Additions to Nonconforming Structures (addition would extend existing nonconformity).

II. LOCATION AND SITE DESCRIPTION

Address	5603 Potomac Avenue, NW
Legal Description	Square 1450, Lot 41
Ward, ANC	3, 3D
Lot Characteristics	Existing detached house on 75 foot wide, flat lot
Zoning	R-1-B – detached single family dwellings
Existing Development	Detached dwelling, permitted in this zone; Existing rear covered porch.
Adjacent Properties	All single family detached

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Margaret T. Carney, homeowner
Proposal	Deck addition at the rear of the house, next to existing covered porch
Relief Sought	§223 - Addition to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max. 3 stories max	25.5 ft. 2 stories	No change	Conforming
Lot Area (sq.ft.) § 401	5,000 sf min.	8,116.5 sf	No change	Conforming
Lot Width (ft.) § 401	50 ft. min.	75 ft.	No change	Conforming
Lot Occupancy § 403	40% max.	36.8%	38.4%	Conforming
Rear Yard (ft.) § 404	25 ft. min.	34.3 ft.	No change	Conforming
Side Yard (ft.) § 405	8 ft. min.	3'0" (north side)	3'4" (proposed for new deck)	Requested

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.

The applicant proposes to construct a new deck at the rear of the house. The deck would fill in an empty corner between an existing porch and the back of the house. Unlike the existing porch, the deck would remain uncovered.

In order to build as proposed, the application requests special exception relief under § 223 from the requirements of § 405, Side Yard. OP notes that relief under § 223 is also necessary for § 2001.3, Additions to Nonconforming Structures, since the existing side yard is already nonconforming, and the deck would extend that nonconforming aspect of the house.

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;

Light and air available to neighboring properties would not be affected. The new deck, which would be at the level of the main floor, or 7' 8.5" above the ground at the rear of the house, would be about 38 feet from the nearest adjacent residence. The low profile of the deck would result in no impacts to neighbors.

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

The privacy of surrounding properties would not be unduly compromised. The deck would not significantly add to the use of the existing rear porch. In addition, there is considerable landscaping between the proposed deck and adjacent houses.

- (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 addition would likely not be visible from Potomac Avenue, NW, and there is no alley behind the property. The proposed architecture would exactly match the existing house. The scale of the deck addition would be very minor compared to the existing house.

- (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 submitted elevations and floor plans that illustrate the proposed addition.

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.*

With the proposed addition the lot occupancy would be 38.4%.

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 recommends no conditions or special treatments of the addition.

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

The applicant does not propose to introduce a nonconforming use.

VI. COMMUNITY COMMENTS

The applicant provided OP with a letter of support signed by all of the adjacent neighbors. As of this writing OP has not received any other comments from the community or the ANC.