

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 2, 2013
SUBJECT: BZA Case 18530 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 1609 44th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 404 Rear Yard (20 feet required, 18.8 feet existing, 15.8 feet proposed); and
- § 2001.3 (non-conforming structure).

II. LOCATION AND SITE DESCRIPTION:

Address:	1609 44 th Street NW
Legal Description:	Square 1327, Lot 23
Ward:	3
Lot Characteristics:	The rectangular lot has an area of 1,825 square feet. It is 100 feet deep and 20 feet wide along the 44 th Street frontage.
Zoning:	R-3 - Permits matter-of-right development of single-family residential uses (including detached, semi-detached, and row dwellings).
Existing Development:	Single family row dwelling, permitted in this zone.
Historic District:	Foxhall Historic District
Adjacent Properties:	Adjacent properties include rowhouses. Glover-Archbold Park is located to the rear of the subject property (across the 16 foot alley).
Surrounding Neighborhood Character:	The neighborhood is characterized by rowhouses and parkland.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Deborah Drummond
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<p>Proposal:</p>	<p>The Applicant proposes to expand the existing deck on the rear of an existing single family rowhouse. The deck addition would extend three feet into the rear yard and would not meet the minimum rear yard required under § 404.</p>
<p>Relief Sought:</p>	<p>§223 - Additions to a One-Family Dwellings or Flats</p>



Figure 1 - Subject Property



Figure 2 – Map of Subject Property

V. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	26 ft.	26 ft.	None required
Lot Width (ft.) § 401	20 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq.ft.) § 401	2,000 sq.ft. min.	2,000 sq.ft.	2,000 sq.ft.	None required
Lot Occupancy § 403	60% max.	49%.	57%	None required
Rear Yard (ft.) § 404	20 ft. min.	18.8 ft.	15.8 ft.	Relief required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required

VI. 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 rowhouse dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of § 404 Rear Yard.

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 is not anticipated to have an undue effect to the light and air of neighboring properties, including the properties to the north and south. The deck addition would remain open to the sky and largely mirror the height and coverage of existing neighboring decks. The proposed deck would extend no more than an additional 3 feet (a total of 10 feet) toward the rear lot line, as shown in the submitted plan. As reflected in a drawing submitted to the Board, the Applicant’s proposal includes low, open railings which should minimize any light and air effects.

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

The extension of the deck is not likely to have an undue impact on the privacy of use and enjoyment of neighboring properties. According to the Applicant, both abutting neighbors are in support of the proposal. The proposed deck addition would be similar in height to the decks and porches of neighboring properties.

¹ Information provided by applicant.

- (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 proposed deck addition would not be visible from 44th Street NW; it would however, be visible from the rear alley and the park. Historic Preservation staff expressed no concerns with the proposed deck addition. The proposed deck extension would not be inconsistent with the character, scale, and pattern of row houses along the 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 submission provided sufficient information about this proposal.

- 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 of 57% is less than the maximum 70% permitted within the R-3 district.

- 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.*

OP does not suggest any other special treatment for this addition.

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

No nonconforming use would be established under this proposal.

VII. COMMUNITY COMMENTS

As of this writing, OP has not received comments from the adjacent neighbors or the ANC.