

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: May 28, 2013
SUBJECT: BZA Case 18549 - request for special exception relief under § 223 to construct an addition to an existing row dwelling at 1458 Spring Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403, Lot Occupancy (60 percent permitted, 70 percent proposed); and
- § 2001.3, Nonconforming structures.

The Office of Planning notes that the property is nonconforming for lot area.

II. LOCATION AND SITE DESCRIPTION

Address	1458 Spring Road, N.W.
Legal Description	Square 2690, Lot 43
Ward	1
Lot Characteristics	Rectangular lot with alley access
Zoning	R-4 – flats, row dwellings and conversions
Existing Development	Row dwelling, permitted in this zone
Adjacent Properties	Row dwellings
Surrounding Neighborhood Character	Mix of row houses and apartment buildings

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Carlos Jackson
Proposal	Construction of rear deck
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats



The applicant proposes to construct a rear deck onto his row house, built in 1923. Stairs on the east side of the deck that would provide access to the rear yard. The existing driveway would remain, but would be lowered to permit the parking of one car beneath the deck.

V. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area § 401	1,800 SF min.	1,520 SF	1,520 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60 % max. 70% with SE	58.4%	70%	Required
Rear Yard § 404	20 ft. min.	30 ft.	23 ft.	None required
Court Width § 406	6 ft. min. width	2 ft. width	2 ft. width	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.*

223.2 *The addition or accessory structure shall not have a substantially adverse effect 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 addition would consist of a one-level deck, with no walls or roof that could affect light or air, and the entire rear yard would be provided as required.

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

The proposed deck would not encroach into the required rear yard, minimizing the impact this deck would have on neighboring 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 proposed deck would only be visible from the public alley and would be consistent with the existing character, scale and pattern of houses.

- (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 submitted plans, photographs and elevations sufficient to represent the relationship of the proposed deck to adjacent buildings and 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 70 percent, the maximum permitted within the R-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 makes no recommendations for special treatment.

- 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 permit the introduction or expansion of a nonconforming use.

VII. AGENCY COMMENTS

The District Department of Transportation, in a memorandum dated March 26, 2013, had no objection to the application.

VIII. COMMUNITY COMMENTS

ANC 1A, at its regularly scheduled meeting of April 10, 2013, voted to support the application.

Six community residents, including the residents of the adjoining properties to the east and the west, submitted letters in support of the application.

Attachment: Location Map

