District of Columbia
Office of Planning

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Elisa Vitale, AICP, Case Manager
Joel Lawson, Associate Director Development Review

**DATE:** February 25, 2014

**SUBJECT:** BZA Case 18717 – request for special exception relief under § 223 to construct a deck addition to an existing row dwelling at 3416 13th Street, NW.

---

## I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to add a rear deck addition to an existing row dwelling, the Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 404, Rear Yard (20 feet required, 13.3 feet provided; and 5.5 feet proposed); and
- § 406, Courts (6 feet required, 2.6 feet proposed).

OP notes that the property is nonconforming with respect to lot area and lot width.

## II. LOCATION AND SITE DESCRIPTION

| | |
|---|---|
| Address: | 3416 13th Street, NW |
| Legal Description: | Square 2838, Lot 0027 |
| Ward/ANC: | 1/1A |
| Lot Characteristics: | Irregularly shaped lot bounded on the north and south by row dwellings, the east by 13th Street, NW, and the west by properties fronting on Monroe Street, NW. |
| Zoning: | R-4 – detached, attached, semi-detached, single family dwellings and flats. |
| Existing Development: | Three-story single family residential row dwelling, which is permitted in this zone. |
| Historic District: | Not applicable. |
| Adjacent Properties: | The property is surrounded by row dwellings in the R-4 zone. |
| Surrounding Neighborhood Character: | The surrounding neighborhood is primarily residential in character, with commercial properties fronting on 14th Street, NW located to the west of the subject property. |

## III. PROJECT DESCRIPTION IN BRIEF

| | |
|---|---|
| Applicant: | Jared S. Pettinato, owner. |

| | |
|---|---|
| Proposal: | The applicant is proposing to construct a deck at the rear of the existing single family row dwelling. |
| Relief Sought: | The applicant is seeking area variance relief from the minimum required rear yard depth (§ 404) and court width (§ 406) requirements. |

## IV. ZONING REQUIREMENTS

| | Required | Existing | Proposed | Relief |
|---|---|---|---|---|
| Lot Area § 401 | 1,8000 sq. ft. | 1,600 sq. ft. | No change | Not required |
| Lot Width § 401 | 18 ft. | 17 ft. | No change | Not required |
| Lot Occupancy § 403 | 60% | 51.4% | 57.2% | Not required |
| Rear Yard § 405 | 20 ft. | 13.3 ft. | 5.5 ft. | 14.5 ft. |
| Side Yard § 405 | 12.5 ft. | 44 ft. | No change | Not required |
| Court § 406 | 6 ft. | Not applicable | 2.6 ft. | 3.4 ft. |

## 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.*

A single-family row dwelling is a permitted use in the R-4 district. The proposed addition requires special exception review under § 223 from the requirements for minimum rear yard depth (§ 404) and court width (§ 406).

*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 composite wood deck would be supported by wood posts and framing with an open wire mesh rail infill that would facilitate the passage of light through the structure. Therefore, it does not appear that the proposed deck would unduly impact the light and air available to the neighbors.

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

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. The proposed deck would not extend the full width of the property and would be removed from the southern property line. The applicant is proposing to preserve two existing trees adjacent to the

northern property line. The trees should serve as a buffer between the proposed deck and the adjoining property to the north.

> *(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 subject property does not have alley access. The proposed deck would not be visible from 13th Street NW and 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 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 57.2% percent is less than the maximum 70 percent permitted within the R-4 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.*

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 nonconforming use would be established under this proposal.

## VI. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District agencies had not been received at the time this report was drafted.

## VII. COMMUNITY COMMENTS

ANC 1A reviewed the subject application at its February 12, 2014 meeting; however, the official ANC position was not available at the time this report was drafted.

Attachment: Location Map

2833
MONROE ST NW
2834
HOLMEAD PL NW
2836
Site
2839
R-4
13TH ST NW
R-5-B
1A
2838
HOLMEAD PL NW
2837
C-3-A
PARK RD NW
2842
2843