

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 16, 2015

SUBJECT: BZA Case 19012 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a two-level deck addition to an existing one-family dwelling at 451 Tennessee Avenue N.E.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2 Lot Occupancy (60% max. permitted, 63% : existing: 70% proposed);
- § 404.1 Rear Yard (20 feet min. required: 15’ 8” provided (average depth of rear yard)); and
- § 2001.3 (Addition to an existing nonconforming structure).

The application was revised by the owner to include relief from the rear yard and Section 2001.3 requirements pursuant to Section 223 (Exhibit #41). OP noticed that the existing nonconforming court is not impacted by this proposal, so relief is not required.

II. LOCATION AND SITE DESCRIPTION

Address:	451 Tennessee Avenue, N.E.
Legal Description:	Square 1053, Lot 066
Ward:	Ward 6/ANC 6A
Lot Characteristics:	The lot is a small narrow, flat lot, with an irregularly shaped rear yard, which abuts a 10-foot wide public alley
Zoning:	R-4 – single family dwellings row dwellings and flats.
Existing Development:	Single-family dwelling, permitted in this zone.
Historic District:	The property is not located in a historic district.
Adjacent Properties:	Predominantly row dwellings with some small apartment buildings.

III. PROJECT DESCRIPTION-IN- BRIEF

The applicant wishes to construct a two-level deck to the rear of an existing non-conforming one-family home.

IV. ZONING REQUIREMENTS

The property does not satisfy the maximum lot occupancy requirement under § 403, and the minimum rear yard requirement under § 403. Relief from the nonconforming provision of § 2001.3 is required, as the existing structure does not conform to the lot area, lot width, court and lot occupancy requirements.

<i>R-4 Zone</i>	<i>Regulation</i>	<i>Existing</i>	<i>Proposed</i> ¹	<i>Relief</i>
Height (ft.) § 400	40 ft. max.	App. 30 ft.	No change	None required
Lot Width (ft.) § 401	18 ft. min.	15 ft.	No change	Existing nonconformity
Lot Area (sq.ft.) § 401	1,800 sq. ft min.	1,330 sq. ft.	No change	Existing nonconformity
Floor Area Ratio § 401	None prescribed	N/A	N/A	None required
Lot Occupancy § 403 and § 2001.3	60 % max.	63 %	70%	Relief requested
Rear Yard (ft.) § 404	20 ft. min.	12 ft. 7ins.	15ft. 8 ins. (Average depth of rear yard)	Relief requested
Court (closed) § 406	Width: 4"/ft. height, but not less than 5 ft.	4 ft.	No change	Existing nonconformity
	Area: Not less than 350sf.	31 sf	No change	Existing nonconformity

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.

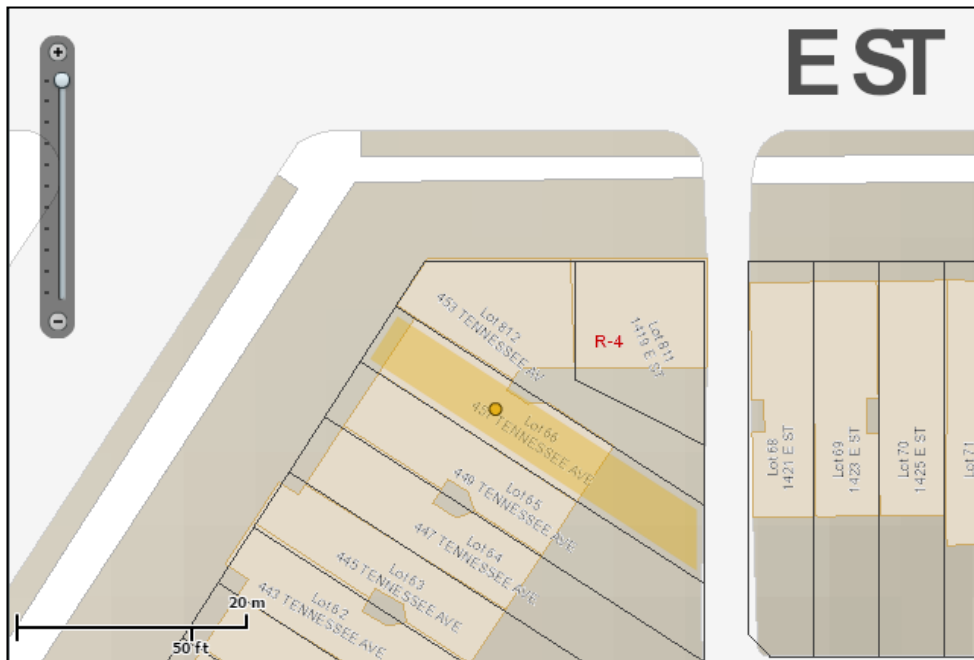
Single-family row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §403. As stated prior, OP discussed with the applicant, inclusion of Section 404 and 2001.3 as part of the required relief for this application.

¹ Information provided by applicant.

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 to neighboring properties would not be adversely impacted, as the proposed decks would be open structures, no different in scale, to the neighboring property at 449 Tennessee Avenue NE (south). The proposed deck should not impact light and air to the property to the north (453 Tennessee Avenue, N.E.), as the subject dwelling extends and the future deck would be placed well beyond the rear façade of that home (as can be seen below).



Location and Zoning Map

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

Privacy of use and enjoyment of neighboring properties are not anticipated to be unduly compromised for either neighboring property. As stated, the closest adjacent neighbor to the south has an open air deck system, which has privacy screening on both levels along the adjoining property line, as observed in the applicant’s photo submissions (Exhibit #6).

(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;*

The proposed deck addition would not be out of character with existing decks or rear additions as viewed from the 10-foot wide alley. The proposed decks would not be visible from the street frontage along Tennessee Avenue or E Street N.E.

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 the required plans and photographs to represent the relationship of the proposed deck addition to the adjacent buildings and potential views from the alley.
(Exhibit # 6)

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 lot occupancy under the revised plan is noted at 70% (Exhibit #31).

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.*

Additional treatment or screening for the protection of adjacent properties is not required.

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

The existing use is a permitted residential use and the proposed decks are accessory to the residential use.

VI. COMMUNITY COMMENTS

Adjacent neighbors at 451 Tennessee Avenue and 453 Tennessee Avenue submitted letters in support of the application, shown as Exhibits #11 and # 38, respectively. The ANC 6A's letter of support is Exhibit #40 of the record.