

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** October 14, 2016

**SUBJECT:** BZA Case 19357 (712 8<sup>th</sup> Street, N.E.) for variances to permit a rear deck

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- E § 304.1, Lot Occupancy (60 percent permitted, 79.2 percent proposed);
- E § 306.1, Rear Yard ( 20 feet required, 5.4 feet proposed); and
- C § 202.2 Extend an existing nonconforming aspect of a structure.

**II. LOCATION AND SITE DESCRIPTION**

Address	712 8 <sup>th</sup> Street, N.E.
Applicant	Lisa and James Hobbs
Legal Description	Square 890, Lot 66
Ward, ANC	Ward 6, ANC 6C
Zone	RF-1
Lot Characteristics	Rectangular lot with side alley access
Existing Development	End unit row house
Adjacent Properties	Row houses
Surrounding Neighborhood Character	Residential, with commercial uses along H Street
Proposed Development	Addition of a 15-foot, 7-inch wide by 5-foot 1-inch deep rear deck, including new stairs from the rear yard to the basement beneath the deck and new stairs to the deck providing access to back door on the main level of the dwelling

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>Zone – RF-1</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	35-foot max.	30.1 feet.	30.1 feet	Not Required
Lot Width E § 201.1	18-foot min.	16.25 feet	16.25 feet	Not Required
Lot Area E § 201.1	1,800 sq. ft. min.	1,219 sq. ft.	1,219 sq. ft.	Not Required
Lot Occupancy E § 304.1	60% max.	72.4%	79.2%	<b>Required</b>
Rear Yard E § 306.1	20-foot min.	11 feet, 9 inches	10 feet, 1 and 3/8 inches	<b>Required</b>

### IV. OFFICE OF PLANNING ANALYSIS

#### a. Variance Relief from § E § 304.1, Lot Occupancy

##### i. Exceptional Situation Resulting in a Practical Difficulty

The existing lot was created and the dwelling constructed on it prior to 1958. The lot is nonconforming for lot area and lot width, and the dwelling nonconforming for lot occupancy. As a result the lot occupancy is in excess of the maximum permitted and the applicant is not able to construct a rear deck to improve access from the dwelling into the rear yard. The same size structure, if located on a 1,800 square foot lot for which the minimum lot area within the RF-1 zone is 1,800 square feet, would occupy 49.8 percent of the lot, less than the maximum sixty percent permitted in the RF-1, or the seventy percent permitted by special exception. Although the proposed deck would increase the lot occupancy to 79.2 percent of the lot, it would only equal 53.3 percent if the lot were of the minimum size required today for the RF-1.

##### ii. No Substantial Detriment to the Public Good

The addition of a five-foot deep deck across the rear of the property, at a height of five feet and below the height of the seven-foot privacy fence enclosing the rear yard, would neither be visible from the alley and adjacent properties, nor would it result in the shading of adjacent properties due to its height below that of the applicant's privacy fence.

##### iii. No Substantial Harm to the Zoning Regulations

The increase in lot occupancy is approximately 62.5 square feet and would improve the applicant's ability to use rear yard for residential recreational purposes, consistent with the Zoning Regulations. It would also not result in a structure in excess of that otherwise expected within the RF-1.

#### b. Variance Relief from § E § 306.1, Rear Yard

##### i. Exceptional Situation Resulting in a Practical Difficulty

At a depth of 75 feet, the lot is less than the typical depth for a lot in this zone. The lot area is 67.7 percent of the minimum required, and the building footprint is 882 square feet,

limiting the size of the rear yard and the applicant's ability to utilize that space due to the size of the lot. At a depth of 20.7 feet, the applicant is unable to construct a five-foot deep deck and stairs to the rear yard to provide access from the basement and main level of the row house to that yard without the need for a variance.

**ii. Substantial Detriment to the Public Good**

The existing rear yard is nonconforming and construction of a small rear deck, 5.1 feet deep across the rear of the structure with new stairs to the basement and first level of the dwelling compliant with the current building code, would be minimally visible from the public alley as the deck would be five feet in height, less than the seven-foot high wooden fence enclosing the rear yard.

**ii. No Substantial Harm to the Zoning Regulations**

The proposed deck and stairs would allow the applicants to utilize their rear yard as outdoor private residential space and as an extension of the living area of the subject property within a residential zone. It would not result in the appearance of excessive bulk on the property as the deck would be screened from public view by a seven-foot privacy fence.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT, in a memorandum dated October 6, 2016, indicated that it had no objection the application.

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

ANC 6C was scheduled to review the application at its regularly scheduled meeting of October 13, 2016.

One community resident submitted a letter to the file in support of the application.

