

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** *JL* Karen Thomas, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 14, 2016  
**SUBJECT:** BZA Case 19364 (34 Seaton Place, NW.) for variance relief to allow a 2-story rear deck structure

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following variances per Subtitle X § 1000:

- Subtitle E § 304.1, Lot Occupancy (60 percent permitted, 76.64 percent proposed);
- Subtitle E § 306.1, Rear Yard ( 20 feet required, 6 feet proposed); and
- Subtitle C § 202.2 Extend an existing nonconforming aspect of a structure.

The applicant, based on the DCRA referral, also requested relief from the definition for “Yard, which includes the clause *“No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title”*. The application states that the rear yard coverage would be 62.5% under the proposal. Typically, relief from a definition cannot be requested. However, should the BZA grant the rear yard relief, then the proposal could conform for coverage of the new, smaller required rear yard and relief would not be necessary.

**II. LOCATION AND SITE DESCRIPTION**

Address	34 Seaton Place, NW
Applicant	Shane Harris
Legal Description	Square 3106, Lot 0109
Ward, ANC	Ward 5, ANC 5E
Zone	RF-1
Lot Characteristics	The lot is rectangular and flat. It is encumbered with a 15-foot building restriction line facing Seaton Place.
Existing Development	The lot is developed with a 3-story brick row house with a basement.
Adjacent Properties	Row houses to the east and west and a 20-foot alley at the rear.
Surrounding Neighborhood Character	Residential, with small commercial uses in the MU-4 District along Rhode Island Avenue to the northwest.

Proposed Development	The applicant proposed the addition of second and third story rear decks, utilizing the same footing locations as prior decks, which were removed in 2014, by a previous owner.
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**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.	18.75 feet	18.75 feet	Not Required
Lot Area E § 201.1	1,800 sq. ft. min.	1,688 sq. ft.	1,688 sq. ft.	Not Required
Lot Occupancy E § 304.1	60% max.	65.54%	76.64 %	<b>Required</b>
Rear Yard E § 306.1	20-foot min.	16 feet	6 feet	<b>Required</b>

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from Subtitle E § 304.1, Lot Occupancy**

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

The existing lot was created and the dwelling constructed prior to 1958. The lot is nonconforming for lot area and the dwelling is nonconforming for lot occupancy.

The exceptional situation is derived from the history of the property’s design and its location on the lot due to a 15-foot building restriction line. The home’s original design shows evidence of decks up until 2014, which were removed by the previous owner, prior to the applicant’s purchase in 2014. The deck footings are remnants on the property as evidence of the decks prior existence.

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

The replacement of the former decks is not anticipated to result in undue shading of adjacent properties. Screening is proposed to facilitate privacy between and among the neighbors at the rear of the property. The proposed decks would not be out of character with the neighborhood as viewed from the alley.

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

The increase in lot occupancy due to the proposed decks should not impact the purpose and intent of the Regulations which is the stabilization of remaining one-family dwellings in the RF-1 District. It would improve the applicant’s ability to use the rear yard for residential purposes, consistent with the Zoning Regulations and it would not result in a structure in excess of that otherwise anticipated within the RF-1 District.

**b. Variance Relief from Subtitles E § 306.1 - Rear Yard; B § 100 - Yard Coverage for the rear yard**

As noted in the report above, if approved, the rear yard coverage would be conforming, and relief would not be required.

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

The property's building restriction line reduces the effective rear yard by 15 feet. Thus any meaningful addition to the home would require relief from the rear yard and rear yard coverage. The existing rear yard is currently underutilized, as access is only provided from the basement door. The former decks' removal now precludes easy access for the current homeowner in enjoying the rear of the home for recreation as anticipated with most residential homes.

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

Construction of a rear deck, original to the home and similar to other rear decks would not be out of character with the other homes as viewed from the rear. The proposed deck would only be visible from the public alley and its form and location would be consistent with the existing character, scale and pattern of houses, and with the previous deck on the property.

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

The deck structure would in effect provide a "raised rear yard" for the home, without diminishing the effective area of the rear yard at grade. It would minimally add to the bulk of the building, and would not be out of character with the neighborhood.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT, in a memorandum dated October 6, 2016, indicated that it had no objection the application. ([Exhibit 32](#))

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

ANC 5E voted to support the application at its regularly scheduled meeting of October 18, 2016. The Bloomingdale Civic Association also voted in support of the application on October 17, 2016.

Letters in support are submitted as part of the applicant's submission in [Exhibit 4](#) of the record.

Attachment: Location Map



**LOCATION and ZONING MAP**