

**MEMORANDUM**

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

**FROM:** Matt Jesick, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** January 20, 2017

**SUBJECT:** BZA #19420 – 720 Tewkesbury Place, NW – Request for special exception relief under Subtitle D § 5201 in order to construct a rear deck

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- D § 304 Lot Occupancy (31.5% existing, 40% permitted, 49% proposed);
- D § 306 Rear Yard (32’ existing, 20’ required, 13’ proposed);
- D § 307 Side Yard (5.7’ existing, 8’ required, 1.4’ proposed).

OP believes that associated relief from C § 202.2 (addition to a non-conforming structure) is also needed, and would support that relief.

**II. LOCATION AND SITE DESCRIPTION**

Applicant	Steven and Stephanie Hoehn, homeowners
Address	720 Tewkesbury Place, NW
Legal Description	Square 3163, Lot 31
Ward / ANC	4, 4B
Zone	R-2, Single family semi-detached
Historic District or Resource	None
Lot Characteristics	Rectangular lot 21.68’ X 82.5’, sloping down from Tewkesbury Place in the north to the 15’ public alley in the rear.
Existing Development	Single family semi-detached residence with existing side door, landing, and stairs down to the rear yard
Adjacent Properties	Single family semi-detached homes
Surrounding Neighborhood Character	Mix of semi-detached and detached homes
Proposed Development	Construct a new rear deck and stair extending from existing side door.

### III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant proposes to replace an existing side stair and landing with a new deck, extending from the same side door and wrapping around the rear of the house. A new stair would continue to provide access to the rear yard at the back of the deck. In order to construct as proposed, the applicant has requested side yard relief.

<b>R-2 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width D § 302	30'	21.68'	No change	Existing nonconforming
Lot Depth	n/a	82.5'	No change	n/a
Lot Area D § 302	3,000 sf	1,789 sf	No change	Existing nonconforming
Height D § 303	40', 3 stories	Not provided	No change	Assumed conforming
<b>Lot Occupancy D § 304</b>	<b>40% 50% by special exception</b>	<b>31.5%</b>	<b>49%</b>	<b>Requested</b>
<b>Rear Yard D § 306</b>	<b>20'</b>	<b>32'</b>	<b>13'</b>	<b>Requested</b>
<b>Side Yard D § 307</b>	<b>8'</b>	<b>West – 5.7'* East – 0'</b>	<b>West – 1.4' for deck East – No change</b>	<b>West - Requested East - Conforming</b>

\* The existing landing is 1.4' from the property line, but landings do not count toward yard measurements.

### IV. ANALYSIS

#### Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

- 5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:**
- (a) Lot occupancy;**
  - (b) Yards;**
  - (c) Courts;**
  - (d) Minimum lot dimensions;**
  - (e) Pervious surface; and**
  - (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.**

The applicant seeks special exception relief for lot occupancy, rear yard and side yard.

- 5201.2 Special exception relief under this section is applicable only to the following:**

- (a) An addition to a building with only one (1) principal dwelling unit; or**
- (b) A new or enlarged accessory structure that is accessory to such a building.**

The subject site has only one principal dwelling unit.

**5201.3 An applicant for special exception under this section shall demonstrate that the proposed 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 light and air available to nearby properties should not be unduly impacted. Some additional shadow would be created on adjacent yards and properties, but it should not be enough to have an undue negative impact on next door lots. The amount of air flow to adjacent properties should not be unduly impacted as the structure would be largely open underneath the deck.

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

If the porch were to be constructed, the privacy of nearby properties should not be unduly compromised. The deck would allow some additional view angles toward adjacent properties, but not more than might be expected in a relatively dense urban neighborhood. Any potential privacy impacts could be mitigated by the addition of privacy screening on the sides of the deck.

- (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 would not be visible from a public street and should not intrude on the character of the alley. The backs of houses facing the alley exhibit a mix of decks, enclosed porches and fences.

- (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; and**

The application includes plans, elevations, photographs and renderings to represent the proposed addition.

- (e) **The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table:**

**TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy</b>
<b>R-3 , R-13, R-16</b>	<b>70%</b>
<b>R-20 – attached dwellings only</b>	<b>70%</b>
<b>R-20 – detached and semi-detached dwellings All Other R zones</b>	<b>50%</b>

The proposed lot occupancy would be 49%

- 5201.4 The Board of Zoning Adjustment 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.**

OP recommends no special treatments to the design of the deck.

- 5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.**

The existing and proposed use as a single family dwelling is a permitted use.

- 5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.**

The height of the building, while not provided with the application, would not change as a result of this application.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of this writing OP has not received comments from other agencies.

## **VI. COMMUNITY COMMENTS**

As of this writing OP has received no comments from the community.