

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: March 3, 2017

SUBJECT: BZA Case 19444 (2335 3rd Street, N.E.) to permit the construction of a deck

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201.1:

- D § 304.2, Lot Occupancy (60 percent permitted; 70 percent by SE; 60 percent existing; 69.2 percent proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2335 3 rd Street, N.E.
Applicant	Daniel A. Vega
Legal Description	Square 3558, Lot 49
Ward, ANC	Ward 5; ANC 5E
Zone	R-3
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	Two-story row house
Adjacent Properties	Row houses
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Construction of a 14-foot wide by 6-foot deep deck onto the rear of an existing one-family row house

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: R-3	Regulation	Existing	Proposed	Relief
Height D 303.1	40 feet & 3 stories max.	< 40 feet & 2 stories	< 40 feet & 2 stories	None Required
Lot Width D § 302.1	20-foot min.	15 feet	15 feet	Existing None conforming
Lot Area D § 302.1	2,000 sq. ft. min.	975 sq. ft.	975 sq. ft.	Existing None conforming
Lot Occupancy D § 304.2	60% max. (70% by SE)	60%	69.2%	Required
Rear Yard D § 306.2	20-foot min.	26 feet	20 feet	None Required

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.

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 property is improved with 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 proposal is for the construction of a rear deck, providing the minimum rear yard as required. As an open structure with no roof or solid enclosing walls, light and air should not be adversely affected.

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

The proposed deck would provide the required twenty-foot rear yard and would be at the ground floor level of the existing house, minimizing its impact on the use and enjoyment of neighboring properties. Existing privacy fencing between this and neighboring properties should further minimize potential impacts.

- (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 intrude on the character of the alley and would be similar to others existing within the same 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 applicant submitted photographs and section drawings to represent the proposed deck.

- (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

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

The proposed lot occupancy would be 69.2 percent, less than the maximum 70 percent permitted within the R-3 zone.

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 subject application would not introduce or expand a nonconforming use. The existing and proposed use as a single-family dwelling is permitted in the R-3 zone.

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

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

No comments were received from ANC 5E.

The SMD Commissioner for ANC 5E10 submitted a letter to the file in support of the application.

The adjacent neighbors to the north and south of the subject property submitted letters to the file in support of the application.

Attachment: Location Map

