

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: October 6, 2017

SUBJECT: BZA #19588 – 2334 Huidekoper 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 requested special exception pursuant to Subtitle D § 5201:

- D § 306 Rear Yard (20' required, 23' existing, 19' proposed);
- D § 504 Lot Occupancy (70% maximum permitted by special exception, 63.7% existing, 64.7% 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 | John and Melissa Goodwyn, Owner |
| Address | 2334 Huidekoper Place, NW |
| Legal Description | Square 1301, Lot 680 |
| Ward / ANC | 3, 3B |
| Zone | R3, Moderate Density Single Family Rowhouses |
| Historic District or Resource | None |
| Lot Characteristics | 18'-wide rowhouse lot sloping slightly down from Huidekoper to the 16' alley at the rear; Angled rear lot line; Lot is 83.1' deep on the north side, and 91.1' deep on the south side. |
| Existing Development | Two story one-family rowhouse |
| Adjacent Properties | Two story rowhouses |
| Surrounding Neighborhood Character | The immediate neighborhood is almost exclusively rowhouses. |
| Proposed Development | Replace an existing deck with a new deck that would be 4 feet deeper. |

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant proposes to replace an existing deck with a new slightly larger deck. Relief would be required as noted in the table below.

| R3 Zone | Regulation | Existing | Proposed | Relief |
|--|--|--|--|-------------------------|
| Lot Width D § 302 | 20' | 18' | No change | Existing Non-conforming |
| Lot Depth | n/a | 83.1' – north side 91.1' – south side | No change | Conforming |
| Lot Area D § 302 | 2,000 sf | 1,568 | No change | Existing Non-conforming |
| Height D § 303 | 40' 3 stories | Not provided 2 stories | No change | Assumed Conforming |
| Lot Occupancy D § 304 | 60%, 70% by special ex. | 63.7% | 64.7% | Requested |
| Rear Yard D § 306 | 20' | 23' | 19' | Requested |
| Additions to Nonconforming Structures C § 202 | Expansion shall not expand an existing noncon- formity or create a new one | Nonconforming lot occupancy; Conforming rear yard | Extends nonconforming lot occupancy; Creates noncon- forming rear yard | 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 a special exception for lot occupancy and rear yard. OP believes a special

exception from the provisions of C § 202.2 is also required.

- 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 a residential building with 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 neighbor to the south would experience no impact to light or air. Because they are to the south and the new deck would not extend past the rear wall of their house, there should be no additional shadow,. The neighbor to the north might experience a slight increase in the amount of shadow, but not an undue amount given the small size of the enlargement. Also, the mostly open “roof” of the proposed deck should allow a significant amount of light through.

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

The privacy of nearby properties should not be unduly impacted. The deck would not extend past the rear wall of the house to the south. The privacy of the house to the north would not be changed from the current condition, where both houses have rear decks.

- (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 new deck would not be visible from the street or intrude upon the character of the alley. The new deck would simply be a slightly larger version of the deck that currently exists at the site. Many homes on the alley also have decks or rear additions, and the proposal would be in keeping with that character.

- (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

| 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 application proposes a lot occupancy of 64.7%

- 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.

- 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 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

The record includes a petition in support from many neighbors, including both adjacent neighbors (Exhibit 10), as well as a letter in support from the ANC (Exhibit 13).