

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 6, 2020

**SUBJECT:** BZA Case 20224: to permit construction of a rear deck at 407 51st Street, S.E.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area special exceptions pursuant to Subtitle F § 5201:

- F § 304.1, Lot Occupancy (40 percent permitted by-right or 70 percent by special exception, 53.7 percent existing; 61.3 percent proposed); and
- F § 305.1, Rear Yard (20 feet required, 17 feet existing; 7 feet proposed).

**II. BACKGROUND**

The subject property was developed pursuant to a consolidated planned unit development (PUD), ZC Case No. 05-24 (Eastgate Family Housing), effective July 26, 2006, and as modified by ZC Case No. 05-24A, effective October 26, 2007 and ZC Case No. 05-24B, effective January 2, 2009.

**III. LOCATION AND SITE DESCRIPTION**

Address	407 51 <sup>st</sup> Street, S.E.
Applicant	Brittney Etheridge
Legal Description	Square 5318, Lot 164
Ward, ANC	Ward 7, ANC 7E
Zone	Base Zone: RA-1
Lot Characteristics	Rectangular corner lot with rear alley access
Existing Development	Two-story semi-detached dwelling with a one-car garage on the basement level
Adjacent Properties	Row and semi-detached dwellings
Surrounding Neighborhood Character	Moderate density residential and churches
Proposed Development	Construction of rear deck over a driveway

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>RA-1 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height F § 303	3-story max.	2 stories	2 stories	None Required
Lot Width	24 feet (See Note 1 below)	24 feet	24 feet	None Required
Lot Area	1,560 sq. ft. (See Note 1 below)	1,560 sq.ft.	1,560 sq.ft.	None Required
Lot Occupancy F § 304	40% max.	53.7%	61.3%	<b>REQUIRED</b>
Rear Yard F § 305	20 feet min.	17 feet	7 feet	<b>REQUIRED</b>
Side Yard	2 feet (See Note 1 below)	2 feet	2 feet	None Required
Parking C §	1-space min.	1 space	1 space	None Required

**Note 1:** Required lot width, lot area and side yard are as prescribed by the approved PUD.

**V. OP ANALYSIS**

**Subtitle F Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

*5201.1 The Board of Zoning Adjustment may grant special exception 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.*

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Green area ratio.*

The application requests relief from lot occupancy and rear yard

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

- (a) An addition to an existing residential building; or*
- (b) A new or enlarged accessory structure that is accessory to such a building.*

The application requests relief to permit an addition to an existing residential building.

*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 compromised;*

The application proposes the construction of a rear deck over an existing driveway. As the deck would be off the main level of the house and an open structure with no walls or ceiling, light and air available to neighboring properties should not be unduly compromised.

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

The subject property and adjoining row houses were constructed with sliding glass doors, outdoor light fixtures and exterior electrical outlets designed for use with a future rear deck. The applicant proposes the construction of a rear deck consistent with this intent, similar to others constructed within the development. Therefore, use and enjoyment of neighboring properties should be unduly compromised.

*(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 deck would be visible from Kimi Gray Court and the rear public alley, and would be similar in design, scale, and height above the ground to other rear decks constructed along the same alley and within the development. Therefore, it would not visually intrude upon the character, scale and pattern of houses along the street frontage.

*(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 plans, photographs and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

*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 makes no recommendations for special treatment.

*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 result in the introduction or expansion of a nonconforming 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 subject application would not result in the introduction or expansion of a nonconforming height or number of stories.

## **VI. OTHER DISTRICT AGENCIES**

DDOT, in a memorandum dated February 14, 2020, stated that it had no objection to the approval of the application. (Exhibit 30)

No other comments were received from District agencies as of the date of the filing of this report.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

The Single Member District Commissioner for ANC 7E04 submitted a letter to the file dated

December 30, 2019 in support of the application. (Exhibit 13) No comments were submitted to the record from the full ANC as of the date of the filing of this report.

### VIII. COMMUNITY COMMENTS TO DATE

The Glenncrest Resident Association, Inc., submitted a letter to the file dated January 9, 2020 in support of the application. (Exhibit 11)

Attachment: Location Map

