



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: July 13, 2010
SUBJECT: BZA Case 18086 - request for special exception relief under § 223 to construct a rear deck addition to an existing single-family dwelling at 1348 Perry Place, NW (Square 2827, Lot 4)

I. OFFICE OF PLANNING RECOMMENDATION

Background: This application replaces one considered by the Board in BZA Case No. 18054. That application had requested variances to construct a rear deck addition that would have increased lot occupancy to 77%. The Board voted to deny the application on April 13, 2010. The applicant withdrew the case before a BZA order was published, and has returned with a new application that shows a smaller proposed deck that would increase the lot occupancy to only 70% and enable the application to be considered as a special exception under § 223.

OP Recommendation: The Office of Planning (OP) recommends **approval** of this application pursuant to §223, to permit a deck addition to a row dwelling flat on a non-conforming lot at 1348 Perry Place, NW, which is located in an R-4 zone district. The applicant has requested the following special exception relief:

- § 403.2, to allow lot occupancy relief (60% MOR; 70% max requested and needed through § 223);
- § 404.1, to allow rear yard setback relief
(20 feet required; 2.5 ft. to 6 ft. requested through § 223;

The following additional relief is required to permit the proposed construction:

- § 406.1, to allow setback relief. for two side yards
(8ft. & 8 ft. required; 6 in. & 6 in. provided ; no relief requested; 7’6” & 7’6” relief needed through § 223).

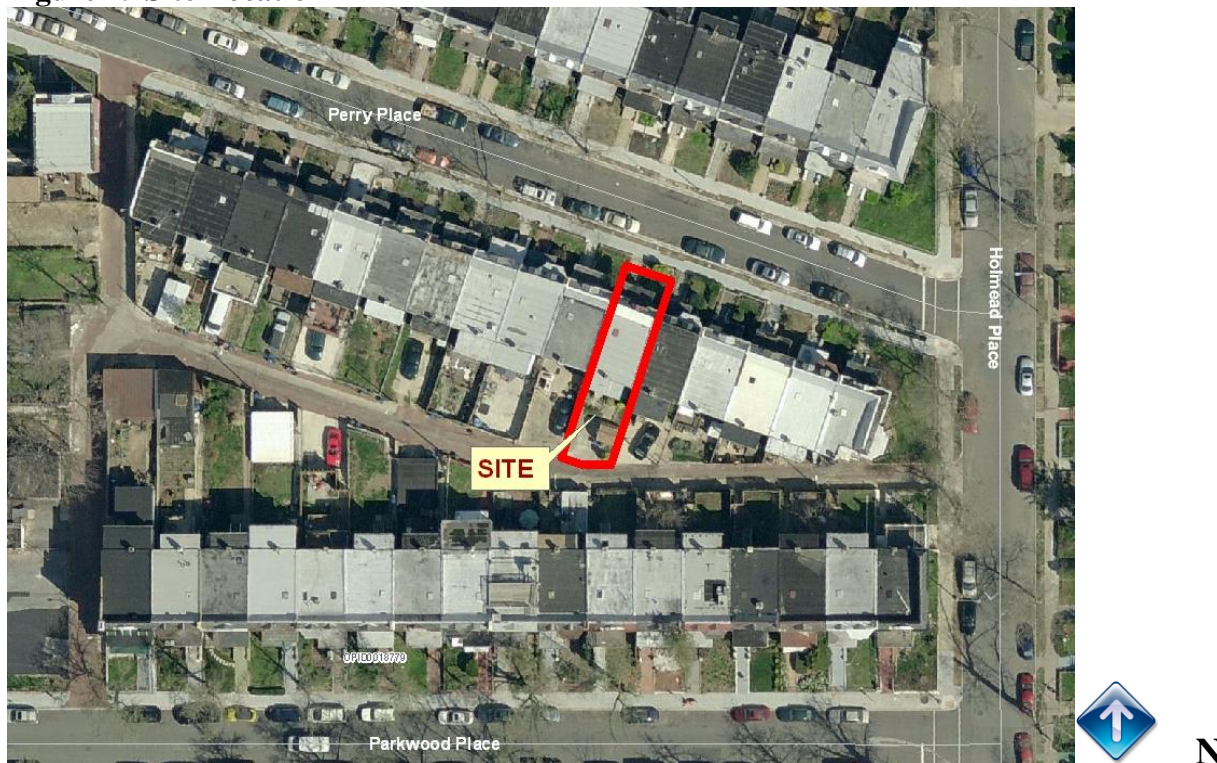
II. LOCATION AND SITE DESCRIPTION:

Address:	1348 Perry Pl., N.W. (Columbia Heights, near 13 th & Spring Sts.)
Legal Description:	Square 2827, Lot 4
Ward:	1, ANC 1A
Lot Characteristics:	Essentially ¹ rectangular lot with a two to three foot slope from front to back. Rear property line and width of rear alley varies.
Zoning:	R-4
Existing Development:	<ul style="list-style-type: none"> • Two-story row-house with basement • Existing 11.5’ (w) x 8’ (d) porch/deck at rear of first floor; 4’ above grade, with stairs leading down to yard. • 2 cars parked in yard
Historic District:	None
Adjacent Properties:	Single family detached houses
Neighborhood Character	Modest single family cottages and bungalows

¹ 20’(w) x 84.5’(d) rectangle, with 20’(w) x 3’(d) x 9.99’ = 10.09’ rhomboid at rear, adjacent to slight bend in alley



Figure 1. Site Location

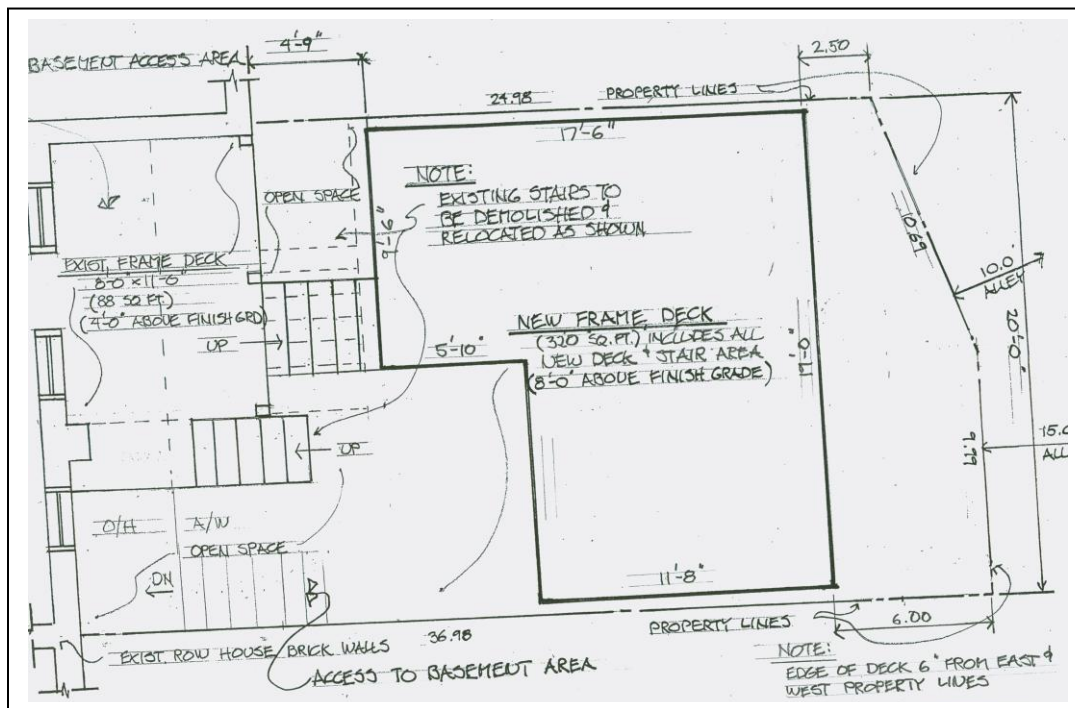


III. PROJECT DESCRIPTION IN BRIEF

Applicant	Raymond C. Fay, owner. Self-certified application.
Proposal:	<ul style="list-style-type: none"> Demolish portions of existing deck Construct new stairs to the yard and basement door; Build a new 19' wide, 8-foot high, 320 SF deck connected to existing deck. Construct 7' high fences 6" from the east and west property lines.
Relief Sought:	Special Exception relief under § 223



Figure 2. Proposed Deck Plans



IV. ZONING REQUIREMENTS

The table reflects both the requested relief (**in bold**) and the additional relief that is required (*in bold italics*).

Item: R-4 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400.1	40 ft. max.	Deck - 4 ft. above grade.	Deck – 8 ft. above grade	None required
Lot Width (ft.)§401.3	18 ft. min.	20 ft	20 ft.	None required
Lot Area (SF)§401.3	1800 sq.ft. min.	1661 sq.ft.	1661 sq.ft.	Existing non-conformity (-139 SF ; - 7.3%)
FAR §402.4	None prescribed	n/a	n/a	None required
Lot Occ. §403.2	60% max.	60%	70%	Requested
Rear Yard (ft.) §404.1	20 ft.	24.9 ft	Varies, 2.5 to 6.0 ft.	14.5 ft. (-27%)
<i>Side Yard (ft.) § 405.3 & 405.9</i>	8 ft.& 8 ft min.	0 ft.E & 0 ft.W	0.5 ft.E; 0.5 ft. W	7.5 ft) on West & East required³
Court, Open§ 406	6 ft. min.	none	none	None required
Parking Space(s) §2301.1	1	2	2	None required

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Single family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403.2, and 404.1, consistent with the procedures for additions to non-conforming properties under § 2001.3. The applicant’s lot is non-conforming. Because the proposed deck would be more than 4 feet above the grade, it would count toward lot occupancy and would be covered by rear and side yard requirements. The applicant has requested rear yard setback relief, but not side yard relief.

Side yard relief would be required to construct the deck shown in the plans. The proposed deck would be supported by uprights whose footings would be six inches wider than the uprights, resulting in the uprights being set back six inches from the property line. The uprights would also support seven-foot high double-faced screening fences on the east and west side of the property. The six inch gaps would constitute non-conforming side yards, which would require relief from the otherwise required 8 feet. OP would support such additional relief.

223.2 *The addition or accessory structure shall not have a substantially adverse affect 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;*

² Information provided by applicant.

³ Regulations do not require a side yard in R-4, and the existing rowhouse has no side yards. However, if side yard provided it must be 8 ft, minimum. The proposed deck appears to have 6 inch side yards on each side.

Complies: The 8-foot-above-grade elevation of the deck would cast some shadows on the rear yard of the property to the west in the morning, and to the east in the late afternoon. However, it would not unduly interfere with the light or air available to those properties.

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

Complies: The proposed deck's elevation could compromise the neighboring properties' privacy. However, the addition of seven-foot high double-faced fencing at the ground level may provide sufficient screening to compensate for potential intrusions on privacy. The adjacent property owners, and the owner behind and across the alley from the applicant's property, have filed letters in support expressed of the application.

(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;*

Complies: It would not be visible from the street. While it would be visible from the public alley behind the applicant's property, it would not intrude on the character of the alley, which has several accessory structures, or tall retaining walls or structures that already define the alley's edges. This is illustrated in photos supplied by the applicant

(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.*

Complies: These have been supplied.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

Complies, at 70% lot occupancy.

223.4 *The Board 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 has not identified such a need.

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

Not applicable.

COMMUNITY COMMENTS

The neighbors at 1348 and 1350 Perry Place have submitted letters of support, as has the neighbor to the rear. ANC 1A voted on March 10, 2010 to support the application when it was still categorized as a variance.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No other agencies have commented.

JS/slc
s.cochran, case manager