

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review

DATE: September 2, 2014

SUBJECT: BZA Case 18822- expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a deck addition to an existing single family dwelling at 5101 7th Street, NW in the R-3 Zone

I. RECOMMENDATION

Urban Edge, LLC (Applicant) requests special exception review under §223 to allow the addition of a rear deck not meeting the lot occupancy requirement. The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403, Lot Occupancy (60% permitted, 69.5% proposed)

The property is also currently nonconforming to lot area and lot width.

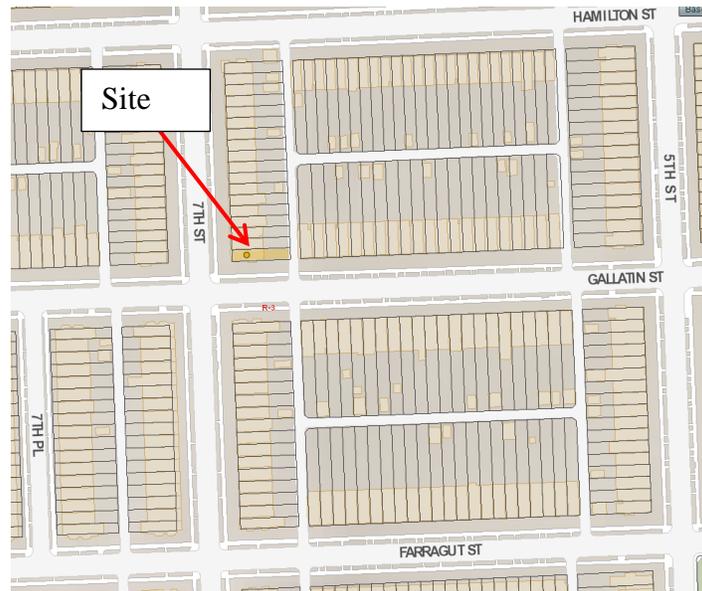
II. LOCATION AND SITE DESCRIPTION

Address	5101 7 th Street, NW
Legal Description	Square 3211, Lot 80
Ward	4
Lot Characteristics	Rectangular lot with an area of 1,445 square feet (17 feet x 85 feet) which fronts on 7 th Street and abuts a 15 foot wide public alley to its rear.
Zoning	R-3 – attached single-family dwellings.
Existing Development	Single-family attached dwelling, permitted in this zone.
Historic District	None
Adjacent Properties	Rowhouses on all sides of the property.

III. PROJECT DESCRIPTION IN BRIEF

The Applicant has requested Special Exception review under § 223 to add a deck to the rear of the property. The deck would have an area of approximately 180.5 square feet and would be 6.3 feet above grade.





Site Location



Looking from 7th Street and Gallatin Street



Looking from Gallatin Street and alley.

IV. ZONING REQUIREMENTS

R-3 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max./3 stories max	30 feet/2 stories	No change	Conforming
Lot Width (ft.) § 401	20 ft. min.	17 ft.	No change	Existing nonconforming
Lot Area (sq. ft.) § 401	2,000 sq. ft. min.	1,445 sq. ft.	No change	Existing nonconforming
Lot Occupancy § 403	60% max.	57%	69.5%	Required
Rear Yard (ft.) § 404	20 ft. min.	34.8 ft.	22 ft.	Conforming
Side Yard (ft.) § 405	None required	None	No change	Conforming

V. 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 has requested special exception relief under § 223 from the requirements of §§ 403, lot occupancy.

223.2 *The 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 proposed deck would be 6.3 feet above grade and would not block the light and air to the adjacent property or cast any shadows on the adjacent property. The extent of the proposed deck addition would be similar to deck additions made previously to adjacent houses.

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

The addition of the deck would be at similar height and size as other rear decks along the alley and would allow views into the adjacent property rear yards and yards along the alley. The adjacent property has a similar deck which has views into the rear yard of the subject property. Therefore, privacy would not be unduly compromised as it would be similar for nearly all the buildings along the alley.

(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; and*

The addition would be visible from Gallatin Street, NW. Stairs and decks on other rowhouse units along the alley are of similar heights and materials and are similarly visible from Gallatin Street and therefore the proposed deck would not introduce a dissimilar structure. The deck addition should not substantially intrude upon the character, scale and pattern of houses along Gallatin Street.

(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.

The applicant submitted plans, photographs, and elevation and section drawings to represent the extent of the addition.

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.

The application proposes a lot occupancy of 69.5%

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.

The Office of Planning recommends no special treatment of the design, lighting, materials or other features.

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

The proposed use is a single family dwelling, permitted in this zone.

VI. COMMUNITY COMMENTS

The property is within ANC-4D. The ANC is scheduled to meet in a special meeting on April 28, 2014 to review the proposal.