Government of the District of Columbia
Advisory Neighborhood Commission 4B

[DRAFT] RESOLUTION #4B-22-0402

Supporting Special Exceptions for Rear Enclosed Deck at 515 Oglethorpe Street, NW (BZA 20708)
Adopted April 25, 2022

Advisory Neighborhood Commission 4B takes note of the following:

- Patricia Probst and Jourdan Miller (the Applicants) reside at 515 Oglethorpe Street, NW (Square 3202, Lot 218) in a semi-detached row home in the R-2 Zone located within the boundaries of Advisory Neighborhood Commission 4B. They seek to install a screened-in deck at the rear of the property above a sloped driveway. The Applicants will continue to use the property as a single-family dwelling.

- The proposed screened-in deck will increase the lot occupancy and decrease the rear yard, requiring special exceptions. Specifically, the Applicants have requested the following:

  (1) a special exception from the lot occupancy requirements in 11 DCMR Subtitle D § 304.1, which provides a maximum of 40% lot occupancy, where the existing structure covers 34.63% of the lot and the proposed screened-in deck would occupy 44.89% of the lot; and

  (2) a special exception from the rear yard requirements of 11 DCMR Subtitle D § 306.2, which requires a minimum rear yard of 20 feet, where the proposed screened-in deck decreases the existing 25.95-foot rear yard to 11.95 feet.

  They are seeking relief under 11 DCMR Subtitle X § 901.2 (special exception review standards), which allows the Board of Zoning Adjustment to grant special exceptions that will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and will meet such special conditions as may be specified in the regulations.

- The physical characteristics of the property at 515 Oglethorpe Street, NW, make use of the lot difficult. Due to the steep topography, access to the rear portion of the property, driveway, and public alley is limited. The

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basement-garage level of the yard is at the bottom of a steep slope that is approximately 10 feet below the first floor and is not a usable space other than for parking. The screened-in deck will serve to connect the first floor of the residence directly to the rear yard and driveway.

- The Applicants have demonstrated no undue adverse impact. *See* 11 DCMR Subtitle X § 901.3. As noted in the Applicants' Statement to the Board of Zoning Adjustment, the light and air available to neighboring properties will not be unduly affected; the privacy of use and enjoyment of neighboring properties will not be unduly compromised; and the screen-in deck, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale, and pattern of houses along the street. As stated by the Applicants in their Statement to the Board of Zoning Adjustment, there are similar existing decks of comparable size at nearly all of the houses on the 500–600 blocks of Oglethorpe Street, NW, and Oneida Place, NW. *See* 11 DCMR Subtitle D § 5201.3(a)–(c).

- As noted by the Applicants, there will be no interference with any solar system on surrounding properties, as the neighboring properties do not have solar systems at this time. (It does not appear that the proposed screened-in deck would impact future solar systems, either.) *See* 11 DCMR Subtitle D § 208.1(d)(1).

- The Applicants have communicated with Advisory Neighborhood Commission 4B and provided all underlying materials to the Commission. The Advisory Neighborhood Commissioner for Single Member District 4B04 has visited the residence and finds the proposal in keeping with rear decks and additions at other residences in the surrounding area.

- The Commission understands that the existing pervious surface area will not be changed. The Commission recommends consideration of stormwater management and green infrastructure as part of the project, to the extent feasible.

RESOLVED:

That Advisory Neighborhood Commission 4B supports the application for special exceptions for 515 Oglethorpe Street, NW (BZA 20708) and recommends that it be approved.

FURTHER RESOLVED:

That the Commission designates Commissioner Brenda Parks, ANC 4B04, to represent the Commission in all matters relating to this Resolution.

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That, in the event the designated representative Commissioner cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of __ members was present) on April 25, 2022, by a vote of _ yes, _ no, _ abstentions.

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