

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Katherine Klein and John Gomperts
ANC: 2D02

RECEIVED
D.C. OFFICE OF ZONING
2012 JAN 19 AM 10:27

STATEMENT OF THE APPLICANT:

This is the application of Katherine Klein and John Gomperts ("Applicant") for variance relief to construct a deck-terrace addition to the rear of their rowhouse. The subject property is located at 1618 22nd Street NW, Square 2512, Lot 23 ("Property"). The Property is located in the R-3 Zone District and Overlay District D. A surveyor's plat is attached as Exhibit C, and an excerpt of the D.C. Zoning Map is attached as Exhibit D.

I. Nature of Relief Sought:

The Applicant requests that the Board of Zoning Adjustment ("BZA" or "Board") grant variances, pursuant to Section 3103.2 of DC Zoning Regulations, to allow a small deck-terrace addition at the rear of an existing historic rowhouse dwelling. Specifically, the Applicant requests variances pursuant to Section 403.2 for a one-story rear deck addition to a structure that will be in excess of the allowable lot occupancy, pursuant to Section 404.1 for a one-story rear deck addition to a structure that does not comply with the minimum rear yard setback requirements, and pursuant to Section 2001.3 for a one-story rear deck addition to a nonconforming structure that does not comply with maximum lot occupancy.

The Property was originally subdivided in the 19th century, and the Residence constructed c. 1891, prior to establishment of the current Zoning Regulations. The property has a non-conforming lot area of 1,100 square feet; 55 per cent of the 2,000 square feet presently required as the minimum lot area in R-3 Zone District. The existing Residence is setback 10 feet 2 inches at the rear yard,

Board of Zoning Adjustment
District of Columbia
CASE NO.18343
EXHIBIT NO.4

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18343

EXHIBIT NO.

4

whereas 20 feet is the minimum in the R-3 Zone District. The Residence occupies 80 per cent of Lot 23, whereas lot occupancy of 60 percent is the maximum allowable in the R-3 Zone District. No changes are proposed with respect to the lot size, the rear yard setback, or the lot occupancy of the Residence. Interpreting deck-terrace structures higher than 4 feet above grade as counting toward lot occupancy, and with the deck-terrace addition, the non-conforming lot occupancy will increase from 80 percent to 100 percent, as the proposed deck-terrace is at 6 inches below the main floor level or approximately 7 feet above ground level. Zoning Regulation Section 2503.2 does, however, permit decks to be constructed up to 4 feet above ground level over the entire rear yard.

II. Jurisdiction of the Board:

The Board has jurisdiction to grant the variance relief request pursuant to Section 3103.2 of DC Zoning Regulations.

III. The Property and the Surrounding Neighborhood:

The Property, in the Kalorama-Sheridan Circle neighborhood of Ward 2, is 22 feet by 50 feet in size and is improved with a brick Victorian row dwelling. Based on information from the Historic Preservation Office, the property is one of three contiguous rowhouse dwellings constructed c. 1891 by developer Thomas King. By 2011, the structure had served as the Embassy of the Central African Republic for approximately ten years. During that time, the Embassy had allowed water or sewer service to lapse and the Embassy staff had not performed typical maintenance. Because of the lapse in water service the steam heating system had not been used. The Applicant purchased this property from the Central African Republic in 2011. The general condition of the residence was very poor due to deferred maintenance and the absence of water and sewer service.

On the south lot line is a single-family dwelling, improved with rear additions that include a First Floor deck extending to both side lotlines and the rear lot line. On the north boundary is a single family dwelling of similar size to subject Property that has a First Floor deck extending to the rear property line. As the rear of subject Property adjoins parking for the neighboring Embassy of Niger to the west, the Property has no access to an alley, though the alley for this block is just 15 feet from the rear lot line.

The property is in a neighborhood of moderate density. The neighborhood includes a few detached, and semi-detached, buildings, but mainly consists of row structures having apartments and single-family residences. The neighborhood within 200 feet of the Property includes 18 embassies and properties of foreign governments, a parking garage, two institutions, a bed and breakfast inn, and two apartment/condominium buildings. The commercial district of Connecticut Avenue is 1½ blocks away. Massachusetts Avenue and Sheridan Circle are within a block of the Property.

IV. The Project:

After purchase of the Residence, the Applicant engaged an architect to make designs for the exterior space at the rear of the Residence, as well as to plan the interior renovation. The basic structure of the rowhouse dictates that the living spaces are on the First Floor as is typical for this type of house and, indeed, for the adjacent houses on 22nd Street. The First Floor is above street level at the front and is a full story above ground at the rear. The space to the rear is minimal in area, 10 feet 2 inches by 22 feet, with the perimeter of this space being occupied by brick walls.

Study of the exterior found that ground level space is confining and ill proportioned, creating the sense of being at the bottom of a well. This ground level space cannot be connected to the main living spaces on the first floor without losing most of the space itself to stairs. Light and air at ground level are minimal given the surrounding structures. Raising a deck surface to the 4-foot

allowable height does not solve the issues of the lower ground level space. Also, the problem remains of having stairs to connect the deck to the First Floor. These stairs would occupy part of an already small exterior space. Thus, as proposed, a deck-terrace raised to 6 inches below the First Floor provides a modest, 200 square foot, deck-terrace for the Residence, with sufficient light and air, and without sacrificing space for stairs.

V. Requirements for Variance Relief:

As described in Section 3103.2, the standards for variance relief are that the Property presents exceptional practical difficulties or present an exceptional situation, that strict interpretation of the regulations would result in practical difficulties or hardship, that the proposed work be of no substantial detriment to the public good, and that the proposed work be consistent with the general intent and purpose of the Zoning Regulations.

The situation of this property is exceptional due to the 'landlocked' nature of the lot, because of the height of the main level above the ground, and because the lot is small compared against others in the block and as compared to the requirements for R-3 Zone District. For these reasons the Property presents exceptional practical difficulties and presents an exceptional situation for creation of private outdoor space for the Residence.

The proposed deck-terrace allows outdoor family spaces to have some separation from neighboring embassy parking, and from the frequent parking garage traffic in the nearby alley. Building the deck-terrace a few feet higher than the regulatory maximum of 4 feet will provide a deck consistent in height with neighboring structures, and proposed screening will maintain and improve privacy of Property and adjacent neighbors, without significantly impeding light or air. Thus, the proposed work will be of no substantial detriment to the public good.

Though not a requirement when the Property was an embassy, building the deck is consistent with the general intent of the Zoning Regulations in that outdoor private space is a customary and usual component of single-family dwellings which is the intended primary dwelling type in the R-3 Zone District.

VI. Community:

The Applicant will contact the Advisory Neighborhood Commission ("ANC") 2D and will remain in communication with the ANC about the status of the project. In addition, the Applicant has contacted the immediate neighbors and will continue to communicate with them about progress of the project.

VII. Exhibits:

Exhibit A: Zoning Administrator's Memorandum and Calculations

Exhibit B: Application Forms, Authorization Letter

Exhibit C: Applicant's Statement.

Exhibit D: Surveyor's Plat.

Exhibit E: Excerpt from D.C. Zoning Map.

Exhibit F: Architectural Plans and Photographs.

Exhibit G: Neighbor's Support Letters.

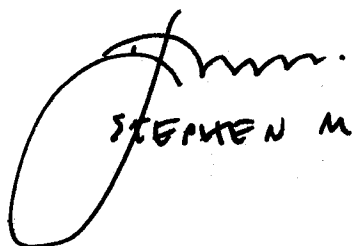
Exhibit H: Property Owner's List.

VIII. Conclusion:

The Applicant has taken on restoration of an historic property, returning it to residential use, and returning the Property to city tax rolls. The lot is unusual due to its small size and its lack of access to an alley. The transition from office use by a foreign government, to use as a single-family residence, creates need for private exterior space. This need is typical to rowhouse dwellings in general and is consistent with decks of rowhouse dwellings on this block. A deck, constructed just three feet lower than proposed, is allowed by right. Raising the deck to First Floor height is consistent with decks of adjacent neighbors. Thus, the proposed deck will not be of substantial detriment to public good, and conforms to the intent of the R-3 Zoning District which supports residential use. Without requested relief, the Applicant will suffer a permanent and undue functional hardship in use of the Residence. The Owner would also suffer financial hardship, anticipating that, without the proposed deck, the value of the house would be lower than similar rowhouses on this block that have exterior spaces raised similar heights above ground level.

For all of the above reasons, the Applicant should be granted variance relief in this case.

Respectfully submitted,


STEPHEN MUSE, PAIA.