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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 24, 2012

SUBJECT: BZA Case 18385 - request for variance to construct a pergola for an existing single family dwelling at 2100 1st Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following:

- Variance from § 403.2 Maximum Lot Occupancy (60% required, 70% permitted by special exception, 90% proposed) and § 2001.3(b) to allow a pergola for an existing single family residence that does not comply with the maximum lot occupancy requirement.

OP notes that the existing lot is also nonconforming for §401 Lot Area (1,800 sf. required, 1,788 existing, 1,788 proposed). The proposal also appears to require relief from §404 Rear Yard (20 ft. required, 8 ft. existing, 8 ft. proposed) and §405 Court (10 ft. required, 4 ft.2 in. existing, 4 ft.2 in. proposed), although these were not requested by the applicant so are not analyzed by OP.

II. LOCATION AND SITE DESCRIPTION

Address	2100 1 st Street NW
Legal Description	Square 3119, Lot 0024
Ward	5
Lot Characteristics	The rectangular lot has an area of 1,788 square feet. It is 19.87 feet wide along the 1 st Street, NW frontage and along the rear abutting the 10-feet wide public alley. The lot is 90 feet deep.
Zoning	R-4
Existing Development	Single-family row dwelling, permitted in this zone.
Adjacent Properties	Predominantly Semi-detached single family row dwellings.
Surrounding Neighborhood Character	The neighborhood is predominantly single family row dwellings.

III. APPLICATION IN BRIEF

Applicant	Angela Ray (Owner of Record)
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BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18385

EXHIBIT NO. 29

Board of Zoning Adjustment

District of Columbia

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EXHIBIT NO. 29



Proposal:	The applicant proposes to obtain a variance for an existing pergola located on an existing patio (the patio is located above the garage). The applicant did not apply for the necessary permit for the pergola from the Department of Consumer and Regulatory Affairs (DCRA) prior to the pergola's construction. After the pergola was completed, the applicant applied for a "permit after the fact" with DCRA.
Relief Sought:	Sections 403.2 and 2001.3 (b) to allow the pergola for an existing single family residence that does not comply with the maximum lot occupancy requirement.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	19.87 ft.	19.87 ft.	None required
Lot Area § 401	1,800 sf. min.	1,788 sf.	1,788 sf.	None required
Lot Occupancy § 403	60% max (70% by special exception)	90%	90% ¹	Relief required
Rear Yard § 404	20 ft. min.	8 ft.	8 ft. ¹	Relief required
Court § 406	10 ft. min.	4 ft. 2 in.	4 ft. 2 in. ¹	Relief required

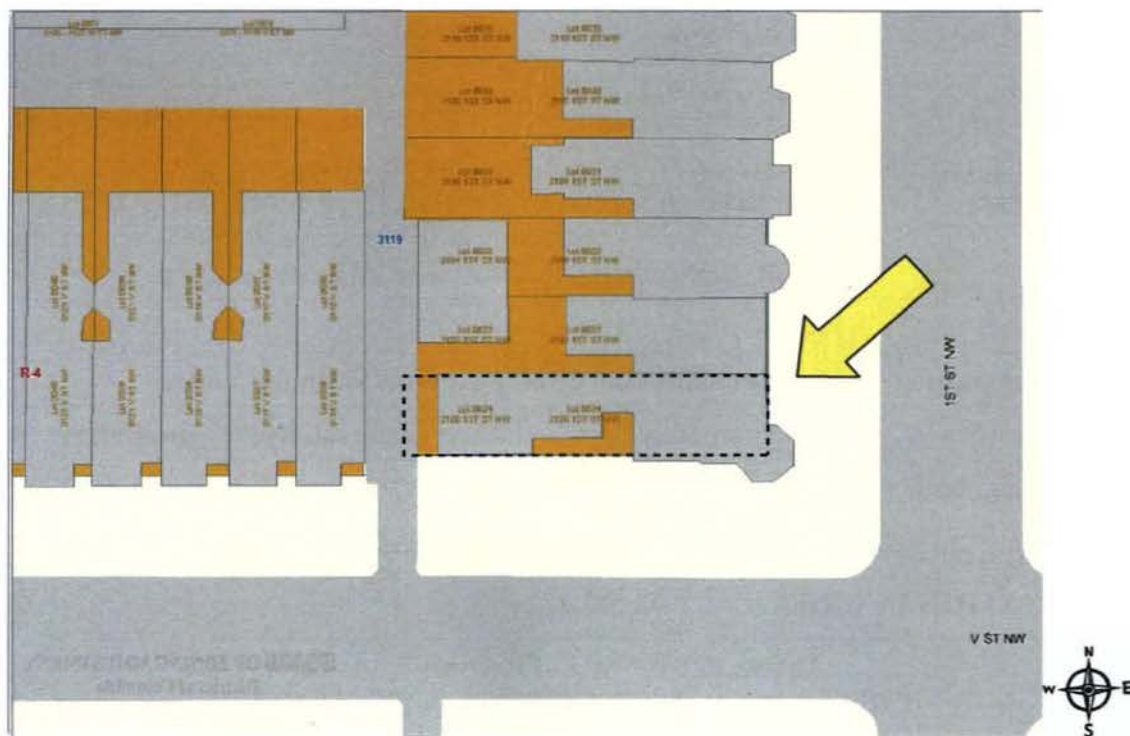


Figure 1: Subject Property

¹ Although the nonconformity is not increasing numerically, the addition of the pergola on top of the garage increases the "volume" or extent of the nonconforming structure, necessitating relief.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403.2

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot is not unique or exceptional. It is rectangular and of a similar size as adjacent lots and other rowhouse lots in the vicinity. The structure on the property is also not unique or exceptional. The zoning administrator has advised that the pergola could be changed through design modifications from a “structure” to a “trellis,” which does not require relief.

ii. No Substantial Detriment to the Public Good

The requested variance would not result in a substantial detriment to the public good. OP notes that the pergola is located at the rear of the house and that there are currently other properties in the vicinity of the applicant’s property with pergolas. Furthermore, the application included indications of community support from adjacent property owners.

However, granting a lot occupancy variance would impair the intent, purpose, and integrity of the zone plan as it relates to the excessive lot occupancy. OP views vertical additions on existing nonconforming structures as intensifying the nonconformity. The project’s lot coverage would result in a greater intensity of residential development than permitted in R-4 zones.

DCRA classifies the pergola as a structure because the pergola’s slats are located 16 inches O.C., (8 inches less than the minimum 24 inches O.C. DCRA requires). Modification of the existing pergola slats to adhere to a minimum of 24 inches O.C. would allow the applicant to build the pergola as a matter of right. OP notes the applicant’s argument that substantial modification of the pergola to conform to this requirement could result in potential safety issues; DCRA would work with the applicant to alleviate potential safety issues during the permitting process.

iii. No Substantial Harm to the Zoning Regulations

The requested variance would have no substantial harm to the Zoning Regulations. Granting relief, however, would increase the intensity of the previously nonconforming lot occupancy, rear yard, and court.

VI. COMMUNITY COMMENTS

OP has received positive comments from adjacent neighbors. As of this writing, OP has not received comments from the ANC.