



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 16, 2013

SUBJECT: BZA Case 18593 - request for variance relief from §§ 403.2, 404.1 and 2001.3 (a) and (b) for a proposed deck addition to the three-story row dwelling located at 1412 Hopkins Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot support** variance relief requested to:

- increase the allowable lot occupancy under § 403 from 60% to 90%;
- decrease the minimum required rear yard under § 404 from 15 feet to 0 feet; and
- allow rear deck construction onto the three-story, one-family row dwelling located at 1412 Hopkins Street NW, that would not be consistent with the § 2001.3.

The application did not adequately explain what unique characteristic of the subject property creates a practical difficulty in the case.

II. LOCATION AND SITE DESCRIPTION:

Address:	1412 Hopkins Street NW
Legal Description:	Square 0096, Lot 0093
Ward:	2B
Lot Characteristics:	The 17 x 83.75-foot rectangular interior lot with an area of 1,424 square feet (0.03 acre) with a rear boundary that abuts an alley 10-feet wide (refer to Figure 2).
Zoning:	DC/R-5-B – one-family row dwellings and multiple dwellings are allowable uses in this district.
Existing Development:	According to Historic Permits Database the row dwelling on the subject property was constructed in 1840. Although the existing use is described as a one-family dwelling in the submitted application, DC land records classify the property as a “conversion less than 5 units” consisting of two units. The dwelling is set back 7-feet from the front property boundary and Hopkins Street, and 10-feet from the rear property boundary and adjacent alley which is 10-feet wide. The paved rear yard allows vehicular access to an interior basement garage large enough for one vehicle (refer to Exhibits 1 and 2).
Historic District:	Dupont Circle
Adjacent Properties:	Very similar three-story row dwellings (refer to Figure 1).

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18593



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District of Columbia
CASE NO. 18593
EXHIBIT NO. 26

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Glenn Engelmann, owner of record.
Proposal:	The application stated that a balcony partially extends from the dwelling into a 5-foot wide open court along the southern façade. This proposal would extend this balcony beyond the court to form an elevated deck that would occupy the entire rear yard. The existing dwelling is nonconforming for lot occupancy (currently 76% which exceeds the maximum 60% allowed under § 403) and rear yard (a rear setback of 10 feet deep instead of the minimum 15 feet required under § 404¹). When permit plans were submitted to the Department of Consumer and Regulatory Affairs for the above-referenced construction, the Zoning Administrator responded in a memorandum dated February 22, 2013, that variance relief is required pursuant to: • § 2001.3 to construct an addition onto a nonconforming structure; • § 403.2 for construction that would increase the nonconforming lot occupancy; • § 404.1 for an expansion that would not comply with the minimum required rear yard setback. In response the applicant filed an application to Board of Zoning Adjustment (BZA).
Relief Sought:	Variance relief from the provisions listed above.

IV. ZONING REQUIREMENTS

DC/R-5-B District	Regulation	Existing	Proposed	Relief?
Lot Occupancy § 403	60% max.	76%	90%	Yes
Rear Yard (ft.) § 404	15 feet min.	10 feet	0 foot	Yes

Since this dwelling is currently nonconforming, the proposed addition is subject to the following Zoning Regulation standards for additions to nonconforming structures:

2001.3 Enlargements or additions may be made to the structure; provided:

- (a) *The structure shall conform to percentage of lot occupancy requirements, except as provided in § 404; and*
- (b) *The addition or enlargement itself shall:*
 - (1) **Conform to use and structure requirements;**

Figure 1



¹ According to the Notes and Computation sheet attached to the application.

and

- (2) *Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

This proposal would **not** bring the current lot occupancy on the subject property into conformance. In fact, proposed changes would make the current lot occupancy and rear yard setback even **more** nonconforming.

V. OP ANALYSIS:

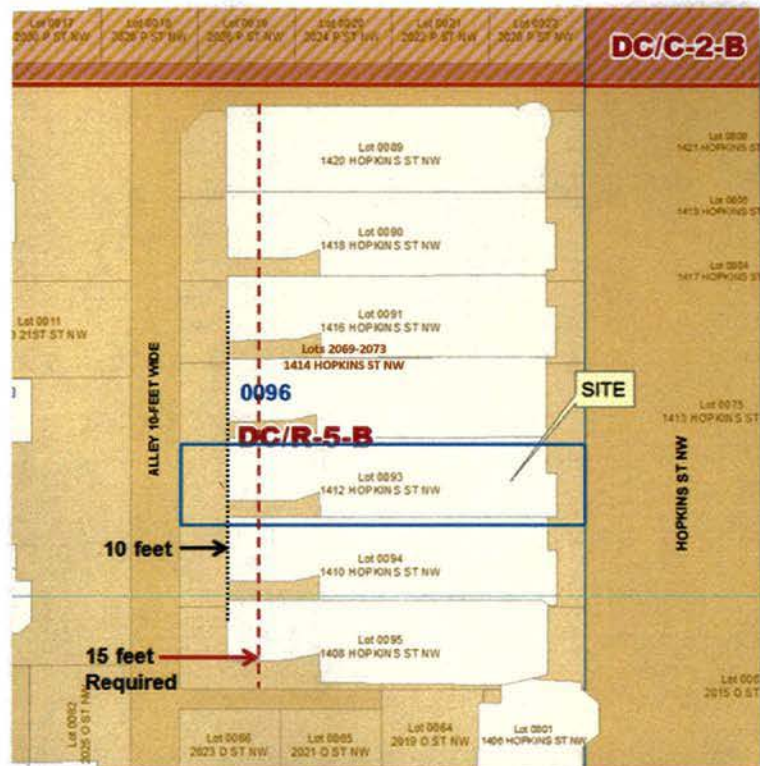
Area variance relief from §§ 403.2, 404.1 and 2001.3 in accordance with §§ 3103.2 and 3103.5 (a)

- **Uniqueness Resulting in a Peculiar and Exceptional Practical Difficulty**

The application explained what the rear deck would be used for but did not describe any characteristics of the building or lot that are unique. The application supplement dated July 3, 2013, notes that the subject property is one of only two lots on the square currently occupied single-family dwelling as a unique characteristic, and stated that property is therefore “uniquely” impacted by the inability to place furniture and other features in the rear yard.

Office of Planning notes that the subject lot is one of six along the Hopkins Street frontage of the square that are nearly identical in size and shape (refer to Figures 1 and 2). These existing row dwellings are all setback 10 feet from the adjacent public alley, around 7 feet from Hopkins Street and predate the Zoning Regulations. It is unclear how the stated inability to sit in the small rear yard would impact this single-family dwelling to a greater extent than the neighboring multiple-dwellings. Furthermore, as noted above, the paved rear yards on each lot serve the useful purpose of allowing vehicular access to the basement garages.²

Figure 2



- **No Substantial Detriment to the Public Good**

It does not appear that constructing a deck as proposed over the rear yard and driveway

² It is unclear when the rear deck or stair was constructed onto the rear of the two neighboring dwellings to south. The Office of Zoning archive includes no record indicating that associated zoning relief was ever granted.

would impact the surrounding neighborhood. OP noted that the applicant promised to modify the deck design in response to concerns expressed at the Advisory Neighborhood Commission (ANC) meeting (refer to the Community Comments section below).

- **Substantial Harm to the Zoning Regulations**

Granting the variance zoning relief necessary for this proposed construction, without the identification of peculiar and exceptional practical difficulty resulting from a unique property characteristic and that would bring the property even *further* out of zoning compliance, would be contrary to the intent and detrimental to the integrity of the Zoning Regulations.

VI. COMMUNITY COMMENTS

On April 13, 2013, ANC 2B unanimously voted to support this relief request based the applicant's agreement to amend the submitted plans to locate the northern structural column and bollard at the midpoint of the balcony instead of in the northwest property corner.