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District of Columbia
Office of Planning



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 10, 2013
SUBJECT: BZA Case 18595, 620 9th Street, N E , Supplemental Report

After consultation with OAG and DCRA, OP noted in a report dated July 16, 2013 that the case should be dismissed. At the BZA hearing of July 23, 2013, the Board requested that the Office of Planning review the merits of the case to determine if the subject application would meet the general standards for the granting of an area variance, and consult with OAG and DCRA regarding the recommendation that that the case be dismissed

1 Analysis of the merits of the case as an area variance

The applicant was instructed by the Zoning Administrator to obtain variance relief from § 199 1, definition of "Yard", to permit a rear deck less than four feet in height to occupy more than fifty percent of the rear yard

Section 3103 2 of the Zoning Regulations states that, "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties upon the owner of such property "

The subject property is similar in lot area, lot width and topography to the adjacent properties to the north and south, and to structures built upon them All are developed with similar two-story brick row houses constructed in 1900 on relatively level 1,020 square-foot lots seventeen feet wide abutting a six-foot wide rear alley impacting the subject property no differently than the adjoining properties As the lots are all similar, the subject property exhibits no uniqueness or exceptional situation that would result in a practical difficulty to the owner, and therefore does not meet the general standards for the granting of a variance

2 Reevaluation of recommendation that that the case be dismissed

OP has had further discussions with OAG and DCRA As is standard practice, OP defers to the ruling of the Zoning Administrator's (ZA) Office, which is responsible for the interpretation of the Zoning Regulations As the applicant was directed by the ZA to obtain variance relief in order to construct the proposed deck, the Board should review the application accordingly

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18595

EXHIBIT NO. 30

Board of Zoning Adjustment
District of Columbia
CASE NO. 18595

EXHIBIT NO. 30

