**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: January 21, 2014

SUBJECT: **BZA Case 18696** – Request for variance relief to allow construction of a rear deck at the first floor level of an existing two-story row dwelling located at 1431 Parkwood Place NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **cannot support** the variance relief requested from.

- § 403.2 (a maximum lot occupancy of 60% allowed, 82.4% is proposed);
- § 404.1 (a minimum rear yard of 20 feet is required, a 2.6-foot setback is proposed);
- § 406.1 (a minimum open court width of 10 feet is required, open courts of 7.25 and 11.25 inches on either side of the proposed deck are proposed), and
- § 2001.3 (for an addition that would exceed the allowable lot occupancy and increase an existing nonconformity)

The application did not sufficiently explain either the uniqueness associated with the subject property or the associated practical difficulty in this case.

This proposal also appears to require relief from the zoning definition standard in §199 that no structure occupy more than 50% of a required yard. However, since this relief was not identified in the Zoning Administrator referral, it is not addressed in the analysis that follows.

II. AREA AND SITE DESCRIPTION

Address	1431 Parkwood Place NW
Legal Description	Square 2688, Lot 0063
Ward	1A
Lot Characteristics	The subject rectangular 1,260 square-foot (0.03 acre) property fronts Parkwood Place along the southern (front) boundary and a 15-foot public alley wide along the northern (rear) boundary. A driveway in the rear yard allows vehicle access directly from this alley (reference Figure 1).
Existing Development	DC land records indicate the existing two-story masonry row dwelling was constructed in 1927. A 1926 DC Surveyor's plat (reference Exhibit 1) shows that the subject dwelling is one of several in this subdivision that were uniformly set dwellings back 18 feet from Parkwood Place and 13-feet from the rear boundary and public alley. The dwelling first floor elevation is slightly above the adjacent street but since the alley behind the dwelling is

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EXHIBIT NO. 27

	much lower, the rear yard in front of the lower-level garage and basement doors open directly onto the alley. Since the garage is currently used for storage the concrete rear yard serves as a parking pad. The unfinished deck structure, trash receptacles, heating and air conditioning compressor, and a thick concrete slab in front of the door to the basement storage room also occupy this space. On both sides of the rear yard are sections of wooden stockade fence approximately 6-feet tall. A shorter section of fence 4-feet tall extends along the rear property boundary (reference Figure 2) west of the driveway.
Zoning	R-4 – row dwellings are allowed as a matter of right
Historic District	None
Adjacent Properties	Developed with other masonry row dwellings of similar size
Surrounding Neighborhood Character	Moderate-density residential

III. APPLICATION IN BRIEF

Applicants	Michael Runyan, owner of record
Proposal	To construct a new elevated rear deck at the ground floor level that would be 15 feet 10 75 inches wide and extend 12 feet 7 25 inches north from the rear dwelling façade according to the submitted plans. The deck addition is intended to provide “useable outdoor space.” The deck floor would be 9 feet 9 inches above grade.
Relief Sought	When the applicant submitted Permit Application B1309616 to the Department of Consumer and Regulatory Affairs (DCRA) in August 2013, the Zoning Administrator responded in a memorandum dated September 24, 2013 that the following zoning relief is required: • § 403.2 (a lot occupancy of 60% is allowed, 82.4% is proposed), • § 404.1 (a minimum rear yard of 20 feet is required, a 2 6-foot setback is proposed), • § 406.1 (a minimum open court width of 10 feet is required, open courts of 7 25 and 11 25 inches are proposed on opposite sides of the proposed deck), and • § 2001.3 (for a proposal that would exceed the allowable lot occupancy and increase an existing nonconformity) Based on the plat submitted with the application and DC land records, the dwelling and front porch currently occupy 67.1% of the site.¹ This addition would increase the nonconforming lot occupancy to 82.4%, reduce the nonconforming rear yard setback

¹ Open courts less than 5 feet wide beside the front porch and along the rear façade are included in the building area (per the Zoning Regulation definition) and lot occupancy calculations. The same would be true for the new deck.

	from 13 feet to 2.6 feet and create new nonconforming open courts along both sides of the property. OP explained a possible alternative to the applicant that could be approved by special exception. Section § 223 allows up to a 70% lot occupancy on row dwelling properties in an R-4 District. The additional 3% lot occupancy allowed, equal to an additional 36 square feet, could be used to construct for a 4 x 9-foot deck above the driveway/parking pad. The applicant responded that the resulting recreation space was not enough.
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IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed	Relief:
Lot Occupancy § 403.2	60% (maximum) ²	67.1%	82.4%	+22.4%
Rear Yard § 404.1	20 feet (minimum)	13 feet	2.6 foot	-16.4 feet
Open Court Width § 406.1	10 feet (minimum)	1 and 2 feet	7.25 and 11.25 inches	-9 feet+
Parking § 2101.1	1 space per dwelling	1 space	1 space	None

As a result, relief is also required from §§ 2001.3 (a) and (b)(2).

V. OFFICE OF PLANNING ANALYSIS

- Unique and exceptional conditions resulting in a practical difficulty:

The unique conditions identified in this case by the applicant are: the existing dwelling was constructed in 1927 prior to the adoption of the current Zoning Regulations; the front yard setback is 18 feet; and the resulting rear yard setback is small and primarily serves as a parking pad. The applicant does not feel this space is suitable for recreation and does not want to be limited to a Juliette balcony. ³

However, the subject property to be one of at least ten subdivision lots developed with the same site characteristics including the shallow rear yard dimension and basement garage with driveway access to the alley (reference Exhibits 1 and 2). The subject property is therefore not unique. In fact the neighboring property to the west at 1433 Parkwood Place shares many of the same limitations including a Juliette balcony (also reference the photographs submitted with the application).

- Determent the public good:

Construction of the proposed deck could impact the privacy and security of neighbor living at 1433 Parkwood Place because of the increased visibility of the rear façade windows from this new structure. Construction of the smaller deck that could be allowed by special exception, however, could have less

Figure 1



² Maximum lot occupancy allowed for row dwellings in R-4.

³ The slab in the rear yard appears to be the concrete foundation of an accessory building that no longer exists.

of an impact.

- Detriment to the intent, purpose and integrity of the zoning regulations:

Approval of the requested deck addition without any uniqueness identified that leads to a practical difficulty, would be contrary to the intent and purpose, that detrimental to the integrity of the Zoning Regulations.

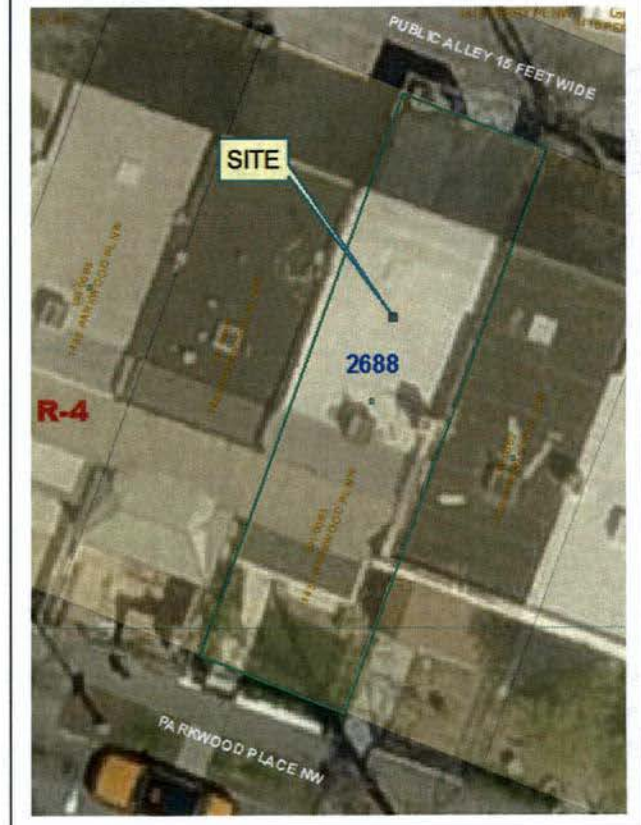
VI. AGENCY COMMENTS

To date, no DDOT comments have been added to the case record file.

VII. COMMUNITY COMMENTS

On January 8, 2014, Advisory Neighborhood Commission (ANC) 1A voted unanimously to support this application during a regularly scheduled meeting.

Figure 2



Attachments: Exhibit 1 Plat of 1926 DC Surveyor Foundation Survey
 Exhibit 2 2009 Aerial of the Vicinity

Form 595 - E. D. - (TM) - 1-1-55

Hale

B-55

Surveyor's Office
DISTRICT OF COLUMBIA

PERMIT NO. _____

Washington, D. C. 417 102 2

Plat, for Building Permit of Lots 63 to 73 Eq. 2085

Recorded in Book 81 page 160

S. O. 73569

The owner or applicant shall show upon such plat or survey, drawn to any scale as the plat or survey, all buildings or additions, located and to be located thereon, and the buildings or additions must be located and erected as shown on said plat or survey. - Building Regulations, paragraph No. 27.

Scale: 1 inch = 30 feet

Issued in accordance with Section 27, Building Regulations

Furnished to Morris Caputo

Returned for _____

Complete

Surveyor, District of Columbia.

Per F



1431 Parkwood Place NW



Government of the District of Columbia
Office of Planning ~ October 28, 2013

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique Imagery ©Pictometry International

- Owner Points
- Metro Bus Routes
- Metro Stations
- Property Squares
- Street Centerlines
- Water