

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager

Joel Lawson, Associate Director Development Review

DATE: June 17, 2014

SUBJECT: BZA Case 18779 - request for variance relief from §§ 403.2, 404.1 and 2001.3 (a) and (b) for a proposed deck addition to the 2 ½-story row dwelling located at 2761 Woodley Place 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 78%;
- reduce the minimum required rear yard under § 404 from 20 feet to 9-12 feet;
- extend the existing nonconforming open courts that are less than minimum 6-foot width required under § 406; and
- allow rear deck construction onto the existing dwelling that would be inconsistent with § 2001.3 requirements.

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

This property is also nonconforming for lot area.

II. LOCATION AND SITE DESCRIPTION:

Address:	2761 Woodley Place NW
Legal Description:	Square 2206, Lot 0121
Ward:	3C
Lot Characteristics:	The 1,641 square foot (0.04 acre) is generally rectangular in shape with frontages along Woodley Place NW along the front (western) property boundary and a public alley 15 feet wide that is adjacent to the angled rear (eastern) boundary (refer to Figure 2).
Zoning:	R-4 – one-family row dwellings are allowable uses in this district.
Existing Development:	The property is developed with a 2 ½-story, one-family row dwelling of concrete and masonry construction. The building permit for this construction was issued in 1924, so it predates the Zoning Regulations. The annotated Office of the DC Surveyor plat submitted with this application indicated that the dwelling is set back approximately 17-feet along the Woodley Place frontage and 17-21 feet from the rear boundary and public alley. A front porch 10-foot deep reduces the



	actual front yard setback to approximately 7 feet (refer to Figure 1). The plat also shows narrow open courts that appear to be less than a foot wide¹ along the north and southern property boundaries. A circular stair on the rear façade connects the main floor to the paved rear yard below. This paved yard allows vehicular access from the adjacent alley to an interior basement garage recessed under the main floor. Landscaping, trees and tall “shadow-box” fence sections extend along the side (north and south) boundaries.
Historic District:	None
Adjacent Properties:	Similar 2 ½-story row dwellings (refer to Figure 1).

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Christine T. Trankiem, owner of record.
Proposal:	To replace the existing circular stair on the rear façade with a new 8 x 18.75-foot deck that would be 7.75-feet above grade. No other changes to the existing property are proposed. The existing dwelling is nonconforming for lot occupancy (the current 68% which exceeds the maximum 60% allowed under § 403) and rear yard (the setback in the northeast property corner is less than the minimum 20 feet required under § 404²). In response to permit plans filed with the Department of Consumer and Regulatory Affairs for the above-referenced construction, the Zoning Administrator explained in a memorandum dated February 22, 2013, that variance relief is required pursuant to: • § 2001.3 to construct an addition to a nonconforming structure; • § 403.2 for construction that would increase the current nonconforming lot occupancy; • § 404.1 for a deck addition that would encroach into the minimum required rear yard setback. Accordingly, the applicant filed an application with Board of Zoning Adjustment (BZA).
Relief Sought:	Variance relief from the provisions listed above. Based on the referenced plat, OP observed that the proposed deck construction would align with the existing rear dwelling façade. As a result, this addition would <i>extend</i> the nonconforming open courts that currently exist along both side yards. OP advised the applicant that open court relief from § 406.1, to extend the existing nonconforming courts also appears to be required. The applicant agreed to seek this additional relief.

¹ Equivalent open courts shown on the plat beside the front porch have a width dimension of 0.66 feet.

² According to the Notes and Computation sheet attached to the application.

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed	Relief?
Lot Area § 401.1	1,800 sq. ft. min.	1,641 sq. ft.	SAME	None
Lot Width § 401.1	18 feet min.	20 feet	SAME	None
Lot Occupancy § 403.1	60% max.	68%	78%	+18%
Rear Yard (ft.) § 404.1	20 feet min.	18-21 feet	9-12 foot	- 8-11 feet
Open Court Width § 406.1	6 feet min.	0.66 feet (?)	SAME	5+ feet

Since this dwelling is currently nonconforming for lot occupancy and rear yard, the proposed addition is subject to the following Zoning Regulation standards that apply to additions:

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

Figure 1



This proposal would make the lot occupancy and rear yard setback **more** nonconforming and would **extend** nonconforming open courts that exist along the side property boundaries.

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 notes that the physical characteristics of the property that make it difficult for the applicant to comply with the Zoning Regulations are the size of the property and the distance from the edge (rear boundary) of the property to the edge of the proposed deck. However, the subject property, that is currently developed with a two-story row dwelling, and its neighboring properties have similar front yard setbacks, large front porches and this property it is not significantly smaller than the lots along this street frontage.

As a result, the application does not adequately explain how this developed site has a uniqueness that results in a practical difficulty. The applicant has the option of constructing a smaller 32 square-foot deck over a portion of this space by special exception.³

³ Section 223 allows by special exception an acceptable increase in the lot occupancy allowed as a matter of right. The 2% difference between the existing 68% and the maximum 70% allowed by special exception would provide an additional 32 square feet of building area (0.02 x 1641 square feet = 32 square feet) for applicant's use.

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

It does not appear the deck construction proposed over the rear yard and driveway would negatively impact the surrounding neighborhood. Neighbors on both sides of the subject property currently have similar installations.⁴

Figure 2



- **Substantial Harm to the Zoning Regulations**

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

VI. COMMUNITY COMMENTS

To date no resolution on this application from ANC 3C has been added to the case record file.

⁴ OP was unable to identify any BZA action that authorized the neighboring decks although the Board has granted approval for deck construction elsewhere on the square (Order Nos. 12185, 17031-A and 17225)