



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Megan Rappolt, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** November 18, 2014

**SUBJECT:** BZA Case 18823 - variance request pursuant to DCMR 11 § 3103 to construct additions to an existing row house dwelling and detached garage located at 738 Quincy Street, N.W.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **cannot recommend approval** of the following relief pursuant to § 3103 Variances. Although OP supports the Applicant's efforts to improve their property, the unique qualities of the lot discussed by the applicant do not result in practical difficulty sufficient to warrant the extent of the relief proposed. The applicant has requested the following relief:

- § 403.2, Percentage of Lot Occupancy (60% required, 70 % existing, 82.3 % proposed); and
- § 404.1, Rear yard (20 feet required, 6.5 feet proposed).

It appears relief from §2001.3 Additions or Enlargements to Nonconforming Structures is required as the existing structures (residence and garage) are nonconforming in terms of lot occupancy and the proposed additions increase the nonconformity.

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	738 Quincy Street, N.W.
Legal Description:	Square 3130 , Lot 55
Ward/ANC:	4/4C
Lot Characteristics:	The rectangular lot is 2,434 sf <sup>1</sup> in area and has a frontage of 20 feet on Quincy Street. The rear of the lot is approximately 20 feet in width and abuts a 15-foot wide public alley. The lot is an end row lot adjacent to public space/lot to the west.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	None
Adjacent Properties:	Predominantly row dwellings.

<sup>1</sup> Records from the Office of Zoning indicate the lot area is 2,426 sf.



### III. PROJECT DESCRIPTION IN BRIEF

Applicant	Peggy Joyner represented by Catarina Ferreira
Proposal:	The Applicant requests the following: enclosure of an existing porch; a new second-story addition for a gym located above an existing one-story detached garage located at the rear of the property; and a new wooden deck, stairs and elevated walkway connecting the new second-story garage with the main floor of the existing residence.
Relief Sought:	§3103 – Variances to lot occupancy and rear yard regulations.

### IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed <sup>2</sup>	Relief:
Height (ft.) § 400	40 ft. max.	29 ft.	29 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	20.13 ft.	20.13 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	2,434 sq.ft.	2,434 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	60% max.	70%	82.3%	<b>Relief required</b>
Rear Yard (ft.) § 404	20 ft. min.	6.5 ft.	6.5 ft.	<b>Relief Required</b>
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required

### V. OP ANALYSIS: Area Variance Relief

The Applicant requests variance relief from required lot occupancy and rear yard depth in order to construct a porch enclosure, a second-story gym above an existing garage, and a deck, covered walkway and stair access. Area variances allow for relief of requirements that affect the size, location, and placement of buildings and other structures such as height, floor area ratio, lot occupancy, yard width and depth, and minimum court size. Pursuant to DCRM 11§3103, variances from the zoning regulations can be authorized by the Board of Adjustment, so long as the following exceptions exist and determinant to the public good or zoning regulations do not result.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?*

The application notes that the property as it exists exceeds the lot occupancy regulations by 10% and therefore, any improvement to their property that affects the size, location, placement of building, bulk, density, etc. would require an area variance instead a special exception or matter-of-right process. Based on GIS information, tax records and a visual survey of Square 3130, it appears

<sup>2</sup> Information provided by the Applicant.

that most row homes in the square likely exceed the lot occupancy requirements of the R-4 District. In addition, the Applicant's property is an end-row house adjacent to a landscaped, elevated (level with the elevation of Applicant's property) and enclosed public space area that has been used and maintained by the Applicant. The area of the public space is estimated to be approximately 2,400 sf. While this helps to minimize the visual impact of the proposed additions, this is neither a unique circumstance, nor does it result in a practical difficulty to the applicant.



A view of the adjacent public space from 8<sup>th</sup> St. NW, looking north east.



A view of the adjacent public space and Applicant's existing rear porch, garage and rear yard, taken from 8<sup>th</sup> St. NW.

***2. Can the relief be granted without substantial detriment to the public good?***

The relief can be granted without substantial detriment to the public good for the following reasons: the renovation of the existing garage will allow for additional off-street parking; the proposed privacy fence/trellis element under the walkway and railings along the deck and walkway will aid in privacy and separation of rear yard uses from the adjacent neighbor to the east (which enjoys at-grade rear yard uses); and the proposed bulk of the additions will be perceived in conjunction with the adjacent public open space. In terms of perceived visual impact, the proposed improvements will appear of a mass or bulk that is closer to 40% of the lot because of the adjacency to the fairly large public space area.

Additionally, the proposed garage addition and adjacent neighbor's privacy fence will obscure the view of the addition from the public alley. Some structures along the public alley in the Square are in various states of disrepair and a new garage structure will be a visual improvement. The proposed additions will, however, be very visible from public space along 8th Street NW, as compared to similar additions to interior-located row homes which benefit from decks, garages, trees, etc. obstructing views into their rear yards from public space. The Applicant states the proposed improvements seen from public space will improve the experience of passersby, instead of causing a detriment.

***3. Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?***

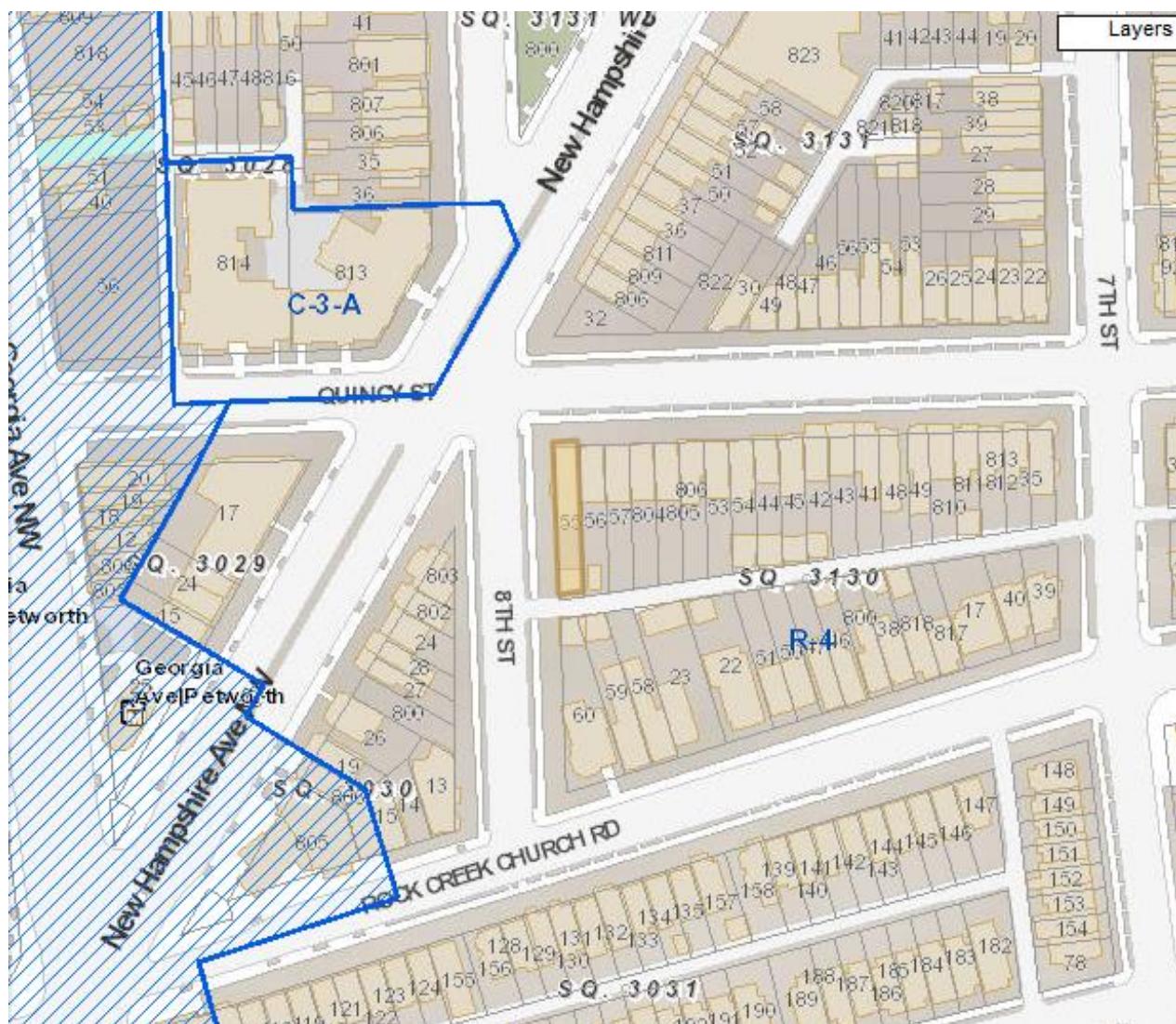
The proposed additions result in a lot occupancy greater than what is permitted by a significant amount, and the Applicant's lot is one of the largest row house lots on Square 3130 which means it includes more bulk as compared to its neighbors. As such, the increase in lot occupancy on a large lot begins to erode the building bulk, light, air separation, etc. intent and purpose of the R-4 district use regulations. However, the proposed additions are similar in size to other similar deck and walkway additions in other R-4 districts and are essentially accessory uses to the main residential use of the Property as they are one-story and unenclosed.

**VI. COMMUNITY COMMENTS**

Adjacent neighbors: The Applicant submitted to the record letters of support from the adjacent property owner (736 Quincy Street NW) and a property owner across the public alley to the rear of the Applicant's property (739 Rock Creek Church Road).

ANC Ward 4C: The property is within ANC-4C. The Applicant obtained a vote in support of the requested relief from ANC-4C at their October meeting.

Attachment: Location Map



Location Map