

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review

DATE: September 16, 2014

SUBJECT: BZA #18824 – 1740 Church Street, NW

I. RECOMMENDATION

With regard to this proposal to construct a garage with a deck, the Office of Planning (OP) **cannot recommend approval** at this time for the following requested relief:

- **§ 403.2, Lot Occupancy** (60% permitted; 91% proposed);
- **§ 404.1, Minimum Rear Yard** (15 feet required; 6 feet proposed);
- **§ 406.1, Closed Court Width** (15 ft. width required; 5 feet proposed); and
- **§ 2001.3, Additions to Nonconforming Structures** (Expansion of the non-conforming lot occupancy (60% permitted; 91% proposed), creation of new non-conforming rear yard (15 feet required; 6 feet proposed) and non-conforming closed court (15 ft. width required; 5 feet proposed)).

OP has requested that the applicant provide the following information which is needed to adequately access the application.

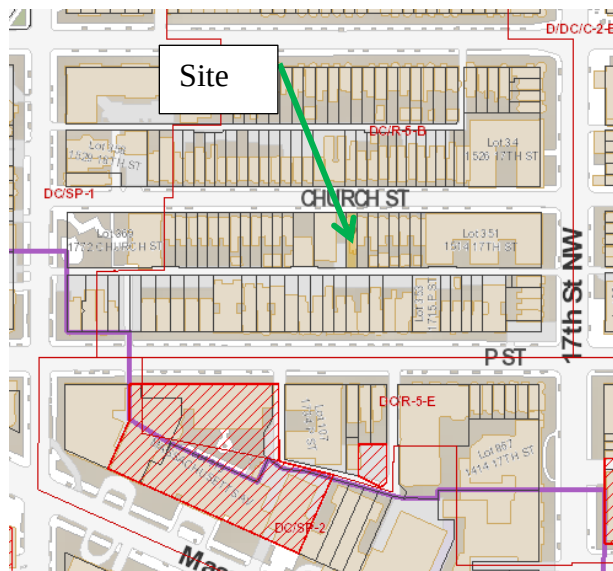
- Existing and proposed FAR;
- Proposed lot occupancy;
- Existing rear yard;
- proposed closed area
- Proposed area of the open court;

II. LOCATION AND SITE DESCRIPTION

Address	1740 Church Street NW
Legal Description	Square 156, Lot 312
Ward and ANC	2, 2B
Lot Characteristics and Existing Development	1,710 square foot rectangular lot (18 ft. x 95 ft.) developed with a 2.5 story rowhouse with a rear deck. The property abuts a 12 foot alley to its rear.
Zoning	DC/R-5-B/Dupont Circle Overlay Moderate Density Apartment Residential
Historic District	Dupont Circle Historic District



Adjacent Properties	To the east is a 2 story rowhouse; to the west is the Andrew Keegan Theatre Company ¹ ; to the north is a 4-storey apartment building and the south is a 3-story row house.
Surrounding Neighborhood Character	Predominantly 2 to 4 rowhouses some of which have been converted to apartments; large apartment, 4-7 stories, near the end of the block at Church and 17 th Streets; and a church at 18 th and Church Streets.



Site Location



Site

III. APPLICATION IN BRIEF

The applicant proposes to demolish the existing deck and construct a 2-car garage with a deck on top.

¹ This site was the subject of recent BZA Case #18722, to allow continued use of this site as a theatre.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The site is zoned DC/R-5-B (Dupont Circle Overlay/Moderate Density Apartment Residential). The Dupont Circle Overlays have no bearing on the proposal. This application was referred by the Zoning Administrator who noted that the following areas of relief were required for the proposed development.

Item	Requirement	Existing	Proposed	Relief
Height	50' max.	Not provided	No change	Conforming
Lot Area	None	1,710 sf	No change	Non-Conforming
Lot Width	None	18 ft.	No change	Conforming
FAR	1.8 max. 3,078 sf	Not provided	Not provided	Not provided
Lot Occupancy	60% max. 1,026 sf	67.8% 1,159 sf	91% 1,564 sf	Required
Parking	1	1	No change	Conforming
Rear Yard	15 ft. min.	Not provided	6 ft.	Required
Closed Court	15 ft. (width) 350 sf. (area)	New	5 ft. (width) Not provided (area)	Required
2001.3 (Addition to non-conforming structure)	Must conform to lot occupancy, must not extend an existing non- conformity or create a new non- conformity.	New	Exceeds lot occupancy, extends non-conformity lot occupancy; Information for FAR, rear yard and court not provided	Required

V. ANALYSIS

The Applicant has been advised to provide the necessary information indicated on the table above to fully analyze the application.

The adjacent property is developed with the Andrew Keegan Theatre Company which is an active theatre which currently has an unsecured side yard that abuts the subject property. The Applicant states that patrons of the theatre are as well as others use the open side yard freely as a passageway and parking and due to the location of the access point to the deck this property and house is easily accessed. The Applicant also state that the trash from the theatre is placed in the side yard which has resulted in a rat infestation which has affected his and other properties along the alley. In conversations with the Applicant, it was conveyed to OP that he is concerned with his family's security and is proposing the garage to secure his property.

However, the theatre has indicated on plans submitted and approved as part of its recent BZA case that this space would be partially filled in, the trash would be stored in an enclosed area and patrons or neighborhood residents would not be able to park or cut through the property. It has also been indicated that a majority of the patrons who attend performances at the theatre arrive by foot.

In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103 is met.

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

The subject property does not exhibit unique or exceptional conditions in relation to the lot, as it is identical to other lots in this square and nearby squares. The house on the lot is also similar to other houses and does not exhibit any unusual conditions that would make compliance with the regulations difficult. The property's adjacency to the Andrew Keegan Theatre Company currently may present an exceptional situation which may compromise the security of the residents of the subject property, but the theatre addition would diminish those conditions.

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

Granting the requested relief would not impair the public good. The proposed garage and deck is in keeping with the character of the alley, where there are many decks and rear additions of varying scales and design. The design of the deck would largely ensure the privacy of neighbors and the security of residents of the subject property. Neither light nor air on adjacent properties would be impacted by the proposed construction.

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

The Zoning Regulations generally support the maintenance of open space on the lot through lot occupancy limits, but also support the continued use of homes for single family residences, and creating a more secure and useable spaces would support this intent.

VI. HISTORIC PRESERVATION

The subject site is located in the Dupont Circle Historic District. The Applicant has been advised of the requirement to contact the Historic Preservation Office (HPO) staff for preliminary review and if necessary review by the Historic Preservation Review Board.

VII. COMMUNITY COMMENTS

The property is within ANC-2B. The ANC was scheduled to review the proposal on September 10, 2014.