

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Megan Rappolt, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 5, 2014

SUBJECT: BZA Case 18849 – variance request pursuant to DCMR 11 § 3103 in order to construct a deck addition to an existing row house dwelling located at 2771 Woodley Place, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) **does not object** to the following relief pursuant to § 3103 Variances listed below. While the requested lot occupancy exceeds the limits of the Zoning Regulations considerably, this particular lot is unique due to the combination of its size, shape and siting, as compared to almost all of the other 76 lots within Square 2206.

- § 403.2, Percentage of Lot Occupancy (60% required, 70.9% existing, 86.8 % proposed); and
- § 404.1, Rear yard (20 feet required, 12.5’ existing, 0 feet proposed).

OP notes it appears relief from § 2001.3 Nonconforming Structures Devoted to Conforming Uses is required because the existing nonconforming rear yard depth of 12.5’ will be reduced to 0’; thus the proposed deck increases/extends an existing nonconforming aspect of the structure and addition combined on the lot.

The Applicant originally requested relief from the lot area (§ 401) lot width (§ 401) and (§ 406) Courts regulations; however these existing nonconformities will not be extended with the proposed deck addition. Additionally, DCRA confirmed relief to allow for a court enclosure with the proposed deck stairway is not required because the proposed deck stairs do not contribute to lot occupancy and thus are not considered enclosing the court.

II. LOCATION AND PROPERTY DESCRIPTION

Address:	2771 Woodley Place N.W.
Legal Description:	Square 2206 , Lot 87
Ward/ANC:	3/3C
Lot Characteristics:	The irregular-shaped lot is 1,067 sf ¹ in area and has a frontage of 16.5 feet on Woodley Place. The rear of the lot is approximately 13.96 feet in width and abuts a 15-foot wide public alley, near its terminus. The lot is the central lot in a row of three irregularly-shaped lots.

¹ Records from the Office of Tax Revenue indicate the lot area is 1,074 sf.

Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	Woodley Park Historic District
Adjacent Properties:	Predominantly row and semi-detached dwellings. The National Zoo is located one block to the east. A church is across Woodley Place to the west. Also to the west are large apartment buildings two blocks away on Connecticut Avenue NW.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Owner Peter Choharis represented by VW Fowlkes
Proposal:	The Applicant proposes a rear, wooden deck of approximately 160 sf located on the main/first floor of the existing residence. The proposed deck addition would be constructed on nearly the entirety of the rear yard area, on top of an existing paved parking area to remain.
Relief Sought:	§3103 - Variances

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ²	Relief:
Height (ft.) § 400	40 ft. max.	~30 ft.	~30 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.5 ft.	16.5 ft.	Existing Nonconformity; None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,067 sq.ft.	1,067 sq.ft.	Existing Nonconformity; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	60% max.	70.9%	86.8%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	12.5 ft.	0 ft.	Relief Required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Courts (ft.) § 406	6 ft minimum	3 ft.	3 ft.	Existing Nonconformity; none required.

² Information provided by the Applicant.

V. OP ANALYSIS: Area Variance Relief

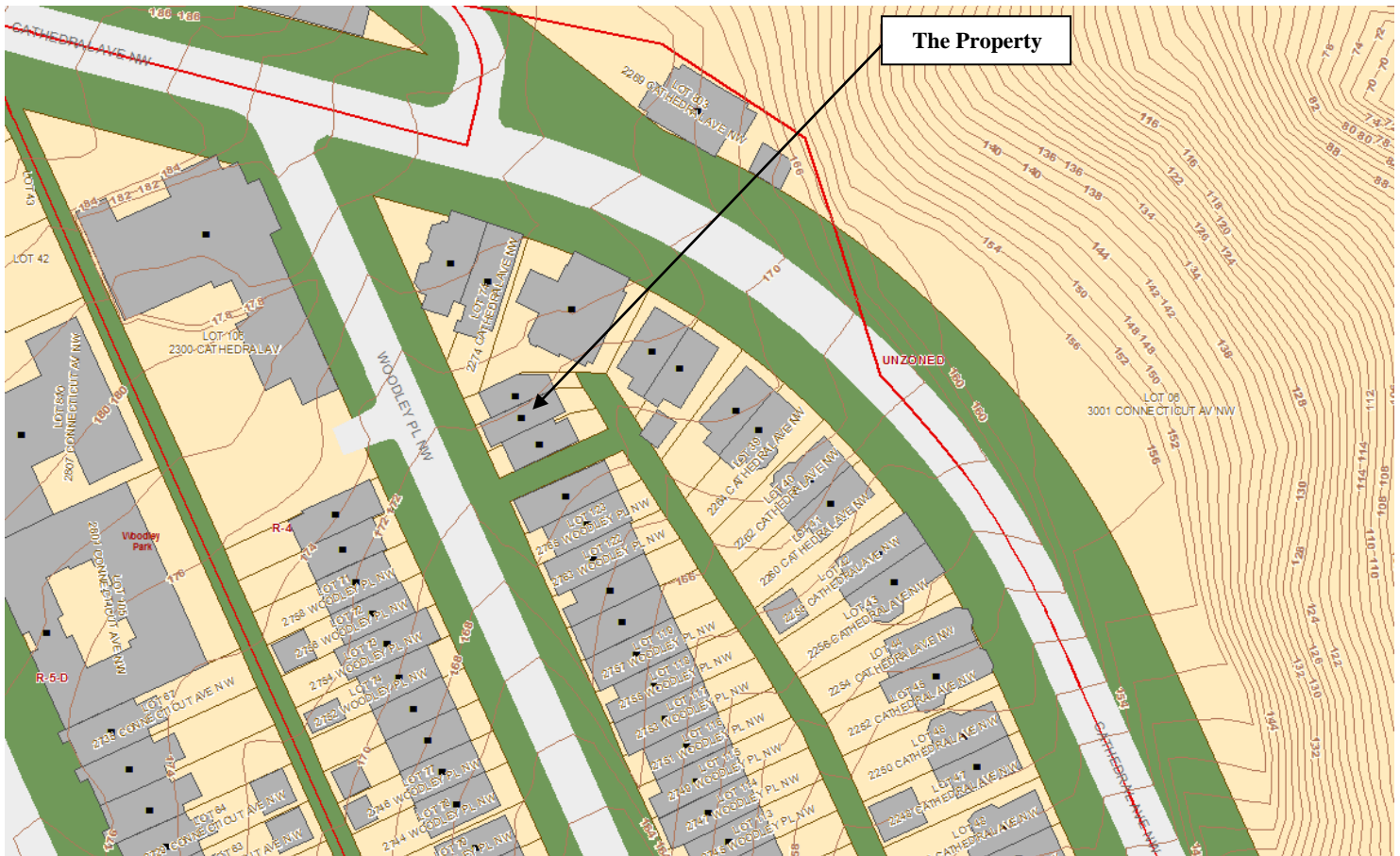
The Applicant requests variance relief from required lot occupancy and rear yard depth in order to construct a proposed rear deck addition. Pursuant to DCMR 11§3103, variances from the zoning regulations can be authorized by the Board of Zoning Adjustment, so long as the following exceptions exist and detriment to the public good or zoning regulations do not result. 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.

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 Property exhibits existing nonconformities including lot width, lot area, court width and rear yard—all a result of the irregular-shaped, small-sized lot and original siting of the home and the alley, and there is a practical difficulty in the Applicant's ability to meet the zoning requirements of R-4 due to the steep topography and resultant original lot shape, size and siting for this particular portion of the Square. Within Square 2206 ("Square"), the lot size, shape and siting of homes, as well as the location of the alley, respond to the curved alignment of Cathedral Avenue, which is both the eastern and northern boundary of the Square. Please see the map on p.4 which includes the topography of the Square and surrounding area.

There are 77 total lots on the Square, of which 60 are row house lots, like the Applicant's. Based on a visual survey as well as aerial and GIS maps, the row homes within the Square appear to be of similar size, bulk and height. There are 9 row homes located near the intersection of Woodley Place and Cathedral Avenue that have lot sizes of less than the required lot size of 1,800 sf—a few lots are significantly less than 1,800 sf, including the Applicant's lot. The lot sizes range from 940 sf (property adjacent to the Applicant's to the north) to 1,758 sf. The Applicant's lot is just over 1,000 sf, which is the second-smallest row house lot on the Square.

There are 47 row home residences within the Square that have 2,000 sf lot size each at minimum, which is in excess of the zoning requirements. As such, those residents would typically not need variance relief for the same-sized deck of 160 sf. Since the majority of the row homes in the Square enjoy rear decks off of the main level of their homes, it is likely they were built as a matter-of-right. Unlike the Applicant's lot, those same homes are typically on rectilinear shaped-lots and therefore can likely meet the rear yard depth requirements.



Location and topography map of the area surrounding the Applicant's Property.

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

Relief for the proposed deck addition could be granted without substantial detriment to the public good as it not visible from nearby streets, it does not eliminate the Applicant's existing private parking, it is keeping with the general character of the immediate area and does not substantially affect light, air and privacy of its adjacent neighbors. The proposed deck will be visible from the public alley. It is similar in height and length to the existing, wooden rear deck of the adjacent property to the north. Since it will also be located on the main floor, it will not block light and air to the residence to the north. The wood material, height, style and railing is in keeping with the character of other residences in the block, as there are similar decks within the block that front the adjacent public alley to the south of the Applicant's property.

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

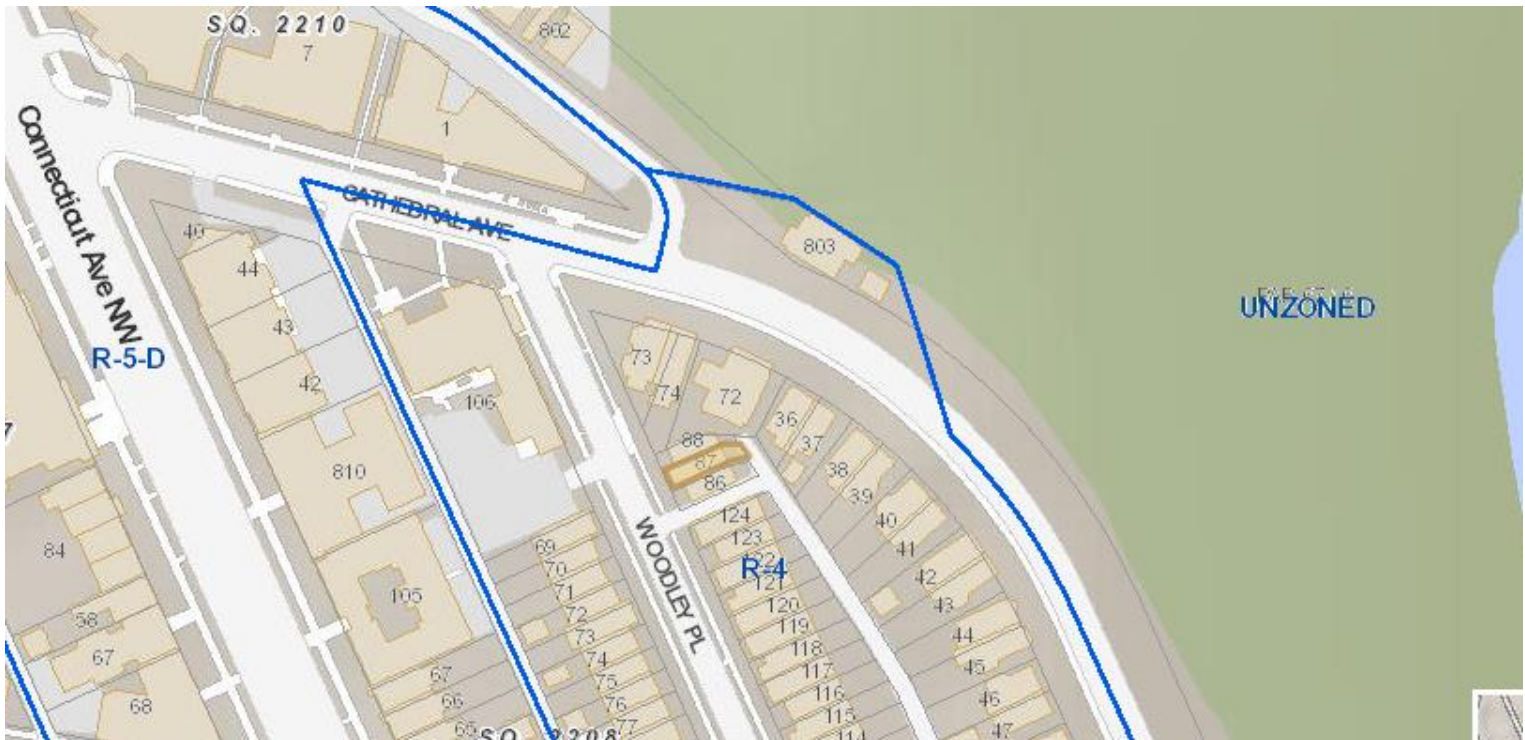
The granting of the requested relief would not impair the intent, purpose and integrity of the Zoning Regulations and Map; however the requested lot occupancy is considerably greater than what is permitted. The proposed deck is in keeping with the residential nature of the surrounding area. Unlike a building addition, the deck provides additional unenclosed, usable open space ancillary to

the primary residential use of the property. Many other properties that abut the public alley behind the Applicant's property have wooden decks of a similar character.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided letters of support from the adjacent owner to the south located at 2769 Woodley Place and two neighbors to the north and east, located across the public alley (2272 and 2270 Cathedral Avenue), as well as letters of support from the nearby owners of 2274, 2276 Cathedral Avenue, 2767 Woodley Place .

ANC Ward 3C: The property is within ANC-3C. At their October 20, 2014 meeting, ANC-3C voted in support of the Applicant's request.



Location Map