

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: November 11, 2014

SUBJECT: BZA Case 18861 - request for variance relief to construct a deck addition to an existing dwelling at 1330 5th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot support** the following variances:

- § 403.2 Lot Occupancy (56% existing, 60% permitted, 75% proposed);
- § 404 Rear Yard (27 ft. existing, 20 ft. required, 10 ft. proposed); and

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

The property is also nonconforming to lot area and lot width. The Zoning Administrator has determined that this relief is not required for an addition to an existing building.

II. LOCATION AND SITE DESCRIPTION:

Address:	1330 5 th Street NW (the "Subject Property")
Legal Description:	Square 480, Lot 843
Ward:	6
Lot Characteristics:	The rectangular lot is 88 feet in depth and 20 feet wide along the 5th Street NW frontage. A 9.5 foot public alley is located to the rear of the property.
Zoning:	R-4
Existing Development:	Row dwelling, permitted in this zone.
Historic District:	NA
Adjacent Properties:	Adjacent properties include rowhouse dwellings.
Surrounding Neighborhood Character:	The neighborhood is characterized by rowhouse dwellings. Multifamily buildings are located across 5th Street NW.



Subject Property

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Justin and Margaret Kitsch (the "Applicant")
Proposal:	The Applicant proposes to construct a 17' x 20' elevated deck off the rear of the property on the 2 nd floor of the townhouse.
Relief Sought:	Single family row dwellings and rear decks are permitted in the R-4 district, but are limited to 60% lot occupancy by right and 70% lot occupancy by special exception. The owner proposes to cover 75% of the lot and therefore requires lot occupancy relief. Additionally, a minimum 20 foot rear yard is required, but the proposal would provide only 10 feet and, therefore, requires relief.

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed¹	Relief:
Height (ft.) § 400	40 ft. max.	31.3 ft.	31.3 ft.	None required
Lot Width (ft.) § 401	20 ft. min.	18 ft.	18 ft.	Existing nonconforming
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,760 sq. ft.	1,760 sq. ft.	Existing nonconforming
Floor Area Ratio § 401	None prescribed	NA	NA	None required
Lot Occupancy § 403	60% max.	56%	75%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	27 ft.	10 ft.	Relief required
Side Yard (ft.) § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403 (Lot Occupancy) and § 404 (Rear Yard)

i. Exceptional Situation Resulting in a Practical Difficulty

The Office of Planning does not find a specific uniqueness that imposes a practical difficulty for the Applicant. Lot 843 is a typical lot for this area and is in fact identical to other lots in this square. As with several of the neighboring properties, the Subject Property pre-dates the 1958 Zoning Regulations, is 1,760 sf. in total area, has no significant grade changes, and is already developed with a row dwelling that covers more than the permitted amount of the lot.

The application states that the majority of the unbuilt area on the property is dedicated to two parking spaces in the rear of the building, which constitutes the only usable outdoor area. It is unclear how this condition constitutes an exceptional situation. As proposed, the deck would be elevated and would provide partial coverage to the existing two parking spaces below.

The application states that the structure was not properly engineered for a roof deck, necessitating the Applicant's decision to locate the proposed deck at the rear of the property; however, the existing structure does not create an exceptional situation or a practical difficulty to the owner as it relates to a 17' deep by 20' wide elevated deck. The Applicant has the option of constructing a smaller elevated deck at the rear of the existing structure by special exception.

¹ Information provided by applicant.

ii. No Substantial Detriment to the Public Good

OP does not anticipate significant detriment to the public good. The proposed deck would be elevated, and visibility at the ground level would be preserved. The design of the deck would largely ensure the privacy of neighbors and the residents of the Subject Property. Neither light nor air on adjacent properties would appear to be unduly impacted by the proposed construction. The proposed deck would not extend further than the neighboring rowhouse to the south.

iii. No Substantial Harm to the Zoning Regulations

Granting variance relief would impair the intent and integrity of the zone plan as no uniqueness of property exist which immediately relates to a practical difficulty for the Applicant. No nexus has been established between the requested lot occupancy increase or rear yard relief and the practical difficulty in making reasonable use of the rear yard for private purposes. The proposed Project would result in a level of development not anticipated in this zone.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 6E. An adjacent neighbor residing at 1330 5th Street NW submitted a letter to the record in support of the application.