

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
MR. TIMOTHY TURNHAM**

**1252 COLUMBIA ROAD, NW
ANC 1A**

STATEMENT OF THE APPLICANT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Timothy Turnham, (the “Applicant”), the owner of 1252 Columbia Road, NW, (the “Property”), (Square 2853, Lot 70). The Applicant seeks a Variance to allow a one-story rear garage and deck addition to an existing non-conforming single family townhouse structure that does not comply with Section 403.2 by exceeding lot coverage, as well as Special Exceptions pursuant to Section 223.1 that do not comply with: 1) Section 404.1 for the minimum rear yard requirement, 2) Section 406.1 by creating a Closed Court that does not conform to the minimum required width, 3) Section 2300.2(b) for minimum alley setback for a garage, and 4) Section 2001.3 for changes to a non-conforming structure.

BACKGROUND

The property is a mid-block, R-4 zoned lot of 1930 square feet improved by a three story brick row house as a single family dwelling constructed c.1910. The residence contains 2088 q. ft. of livable area covering 1111 sq. ft. of the lot (58%). The existing structure's lot coverage and west side yard/open court (4 ft.) became

non-conforming with the adoption of the 1958 Zoning Regulations. The dwelling is flanked on both sides by identical row houses. There was a garage located at the rear of the property as shown on the 1954 Baist Atlas. The property is within the boundaries of ANC 1A.

PROPOSED DEVELOPMENT

The Applicant proposes to construct a one story garage with deck addition at the rear of the existing structure. The addition will be replacing a deck which partially covers the existing parking pad. The garage will be formed by an overhead or roll-up type garage door along the alley and an in-fill frame half-wall with a grill enclosing the east wall. The north side will be enclosed by the existing dwelling structure and the existing garage structure on the west property line. The alley grade is below the cellar floor level. The main living floor opens out at a height of 8'-10" above the alley grade, i.e. the deck level.

The most practical usable outdoor space option is an elevated deck. There are 27 townhouse lots on the north side of this alley. Seven (26%) of those lots have garages and three (43%) of those have decks. Only 6 lots (22%) on the block have yards and even those are relatively undeveloped and unused. A total of 21 lots (78%) have either parking or a garage with no yard space. The 16 ft alley width means a 4 ft lot line setback is required for a garage. The existing garages have setbacks which range from five with 0'-0" (71%), one at 2'-6" and one at 3'-0", i.e. none of the existing garages meet the required standard.

The rear line of the proposed garage will align with the existing garage on the adjoining property. This will place the rear of the garage on average 10'-11" from the centerline of the alley instead of the 12 ft required by Section 2300.2(b).

The proposed addition will result in a net increase of approximately 295 sq. ft. resulting in a lot coverage of 1406 sq. ft. (73%). The addition will be built to zero-lot lines and therefore conform to Section 405.6. The proposed addition will be built to the side lot lines, thus converting the existing non-conforming Open Court into a Closed Court. The rear yard dimension of 3'-1" does not meet the 20' setback required by Section 404.1. Zoning relief for rear the yard setback and closed court requirements is allowed from this Board under Section 223.1. The total height of the building will remain unchanged at its existing height. One off-street parking space is currently provided at the rear of the lot, which is accessible via a public alley. The proposed addition will provide an additional off-street parking space.

NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant requests a Variance from Section 403.2 for lot coverage in excess of 70% in an R-4 zone. Special Exceptions per Section 223.1 are requested for the Rear Yard setback, Closed Court width and garage setback requirements. A Special Exemption for allowable changes to a non-conforming structure under Section 2001.3 is also requested.

Under Title 11 DCMR §3103.2, the Board is authorized to grant an Area Variance where it finds that:

- The strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Under Title 11 DCMR §3104.1, the Board is authorized to grant a Special Exception where it finds that:

- The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and, will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Applicant's compliance under Section 3103.2 and Section 3104.1 with those requirements is:

THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCE

The Property is affected by an exceptional situation and conditions as a result of the following factors: (1) The existing structure is inherently nonconforming in the R-4 zoning district as a result of the adoption of the 1958 Zoning Regulations; (2) The Property has a substandard lot width of 17 ft. where a minimum of 18 ft. is specified in §401.3; (3) The structure is the same size as others

in the row, but the other lots get increasingly larger along the row; (4) The alley grade is 10'-8" below the grade of the main living area, and (5) The property contained a garage of approximately the same size as the proposed addition which had been removed.

The ability to have usable outdoor space is significantly hindered by the change in grade between the rear yard and the main living level. As noted previously there are only 6 lots that have yards and those are undeveloped and largely unused. The clear majority have paved lots or garages. This lot until recently had a garage occupying the rear yard. The only viable outdoor space is an elevated deck accessible from the main level of the home. Of the 7 garages along the alley, 3 already have decks, including the immediately adjacent property. The proposed deck will in essence provide the outdoor "yard" space that is not presently available. The additional "eyes" in the alley is a benefit in reducing unwanted activities as well.

The applicant would encounter practical difficulties and undue hardship if the Zoning Regulations were strictly applied to the project due to these exceptional situations and conditions which preclude the applicant from being able to fully take advantage of outdoor space. The immediately adjacent property has a similar garage and deck with almost 100% lot coverage. Many other lots on the alley are also developed in excess of 70% of the lot. Denial of this application would prohibit the Applicant from the same use and enjoyment of his property as other owners in the same block enjoy.

The Variance will not be substantially detrimental to the public good and will not substantially impair the intent, purpose or intent of the Zoning Regulation and Map. The alley currently contains several garages and decks. All the lots have parking and no yards are regularly used for outdoor activities. The grade change of the lot affects every property and each has constructed at least a minimal above grade deck to provide usable outdoor space. This proposal would be in keeping with the existing conditions in the block and not be in contradiction to the purpose or intent of the Zoning Regulations or Map.

As discussed below, this project meets the requirements for Special Exception.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS

The Property is affected by the exceptional situation and conditions noted in the previous variance section as well as the following factors: (1) The existing nonconforming Open Court and rear yard. The proposed garage and deck will be zero lot line construction as allowed in the R-4 zone. The original structure has a nonconforming Open Court on the west side of the property. The deck will form a boundary at the rear of the structure converting the open court into a closed court. There will be no change in the existing width of the court.

The size of the original structure precludes having a rear yard between the house and the garage. The garage will not be a free standing accessory building but form a continuous structure on the lot. The rear yard will be the alley setback of the

garage wall. The existing condition does not meet minimum requirements nor do most of the structures on the block. The 12' alley setback for the garage can not be achieved given the existing egress landing from the basement and the required 20' depth for the parking space. The proposal aligns the garage with the adjoining garage at an average distance of 3' from the property line, i.e. 10'-11" from the alley centerline. Most of the existing garages on the alley are situated directly on the alley property line.

The Special Exceptions will be in harmony with the general purpose and intent of the Zoning Regulation and Zoning Maps: The existing conditions will not be substantially changed by this proposal. The closed court and rear yard exemptions are consistent with the majority of existing conditions of the similar surrounding lots and hence in harmony with the general purpose and intent of the Zoning Regulations.

The Proposed addition will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The neighboring property has the exact condition that this application is proposing so will not adversely affect it. The addition of an off-street parking space and usable outdoor space, which will "put eyes in the alley," will enhance the residential character of the neighborhood.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for Variance and Special Exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted

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