APPLICATION OF HOLLY AND GREGORY PORTER,
OWNERS OF 1523 VERMONT AVENUE, NW

TO THE DC BOARD OF ZONING ADJUSTMENT

For a Variance to Build a Roof Top Deck with Access Pursuant to Section 3103.2 of the DC Zoning Regulations

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This application is made pursuant to Section 3103.2 of the District of Columbia Zoning Regulations for a variance from Section 2001.3 (a), (b), and (c) in order to build a wood deck on the roof accessed by a open metal landing and circular stair from the rear of the third floor of the property located at 1523 Vermont Avenue, NW. The landing will also serve as a platform for an alternate, emergency escape route.

This request for a variance arises due to the exceptional shallowness of the property that existed at the time of the original adoption of the regulations which creates an undue hardship for the owners in complying with the regulations while seeking to enhance the outdoor use of their property (providing light, air, recreation, an increase in land value, and an emergency exit). The requested 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 regulations and zoning map.

The Subject Property and Surroundings

The subject property is located in the Logan Circle neighborhood of the Greater Fourteenth Street Historic District. The property contains approximately 783 square feet of land area and is trapezoid in shape. It is improved with a three-story, plus basement, structure that was built in approximately 1892. The structure as built covers almost the entire available land area; the house covers approximately 740 square feet of the available land area, leaving only approximately 43 square feet (approximately 5.5 percent) of the land without improvement. The front of the property faces Vermont Avenue, the north side and rear of the property are bounded by a public alley, and the south side is bounded by a neighboring townhouse. See Exhibit A (Surveyor's Plat). As is typical in this neighborhood, the house is set back from Vermont Avenue in line with the neighboring properties creating a small, public front yard owned by the city.

The owners, Holly and Gregory Porter, purchased the property in 1997 and reside there. Although the house was originally built as a single-family residence, the property as purchased was (and currently remains) subdivided into four apartment units. The Porters live in the top apartment, which occupies the second and third floors. The owners are planning to reduce the total number of apartments to three by incorporating the first floor into their unit. The basement will then have two efficiency units. Except for the small, unimproved portion of land that allows access to the rear basement unit (the approximately 5.5% of land which is not built upon), there is no back yard. Because of the shape of the house (one section of the house extends the entire length of the property),

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the owners have been told that the unimproved portion of land in the back of their property is called an open court. The majority of the properties surrounding the site are small, multi-unit residences and condominiums, many with decks.

The Proposed Use

The owners wish to enhance the outdoor space, value, and safety of their property by building a wood deck on metal supports on the roof of their property. The proposed deck would be 14 feet wide by 25 feet long (for a total of 350 square feet) located at the rear of the property with a small plant platform at the front of the property. See Exhibit B (Architectural Plans).

This project was referred to the Historic Preservation Review Board (HPRB) because of its location in the Logan Circle/Greater Fourteenth Street Historic District. The staff at HPRB sought to minimize the amount of alteration of historic fabric of the house and the deck's visibility from Vermont Avenue. See Exhibit C (HPRB Staff Report and Recommendation). To this end, the owners agreed to access the deck from an open metal, circular stair from the rear of the third floor of the property (by creating a door where there is currently a window) rather than building a pop-up structure on the roof that would be seen from the street. The stair would start from a small platform that would be just large enough to allow a person to access the bottom step of the stair from the third floor. In addition, the owners agreed to raise slightly a portion of the parapet wall to obscure the deck structure and will erect a metal railing in alignment with the inside face of the chimney to further minimize the visual impact of the deck.

Request for Variance

The owners of the property believe they meet the three requirements that allow a variance under Section 3103.2 of the regulations.

a. Undue Hardship

An exceptional and undue hardship exists at the subject site. Because Vermont Avenue is a diagonal street and because of the location of a public alley behind the house, the property is exceptionally shallow for the house, which is comparably-sized to the surrounding dwellings. See Exhibit D (Site Plan). As a result, the house covers almost the entire lot. The subject dwelling is approximately 108 years old. It was constructed in 1892, 66 years prior to the original adoption of the city's zoning regulations. There has been no major alteration to the exterior of the structure since it was built, and the applicant is unable to do so without the approval of the Board. The building is nonconforming and therefore requires zoning relief in order to fully use the property today.

Since the owners have no private outdoor space, they wish to add a roof deck to more fully use their property. This will provide a necessary area for recreational activities, and allow the owners to grow plants and flowers furthering their gardening

interests. In addition, the present structure is served by only one internal stair accessed through the front of the property. A second egress would provide an alternative escape in the case of an emergency. It is believed that an addition of a fire balcony can project into open space (it would not project beyond the air space of the open court below).

b. Area Impact

The addition of a roof-top deck with stair access would not be detrimental to the public good. To the contrary, the deck would increase the outdoor use of the property and thus increase the value of the property, helping neighboring property values. The owners have satisfied HPRB that the proposed addition would not injure the historical façade by limiting how much of the deck can be seen from the street. Many of the neighboring houses have roof-top decks or balconies on the rear of their properties. Also, all of the closest neighbors support the addition. See Exhibit E (Letters of Support). Letters from the following property owners are attached:

1. Tom Suttle and John Moshier – 1521 Vermont Avenue, NW
   (property immediately south of subject property)

2. William Bonstra – 1519 Vermont Avenue, NW
   (property 2 doors south of subject property)

3. John Dellinger – 1529 Vermont Avenue, NW
   (property 1 door north of subject property)

4. Paul and Vikki Vrooman – 1524 12th Street, NW
   (property directly behind and north of subject property)

5. Barbara Schauer – 1504 Vermont Avenue NW
   (property directly across street of subject property)

Finally, no adverse impacts are anticipated from the proposed addition.

c. Impact on Zoning Regulations

The proposed project is an extenuating condition not impairing the intent, purpose, or integrity of the zone plan as written. In fact, the proposed addition will actually further many of the goals that the regulations try to advance, such as providing adequate light and air to the occupants, adding a recreational use to the property, increasing the value of the property, and providing an emergency exit for the owners. See Zoning Regulation Sections 101.1 and 101.2. Because the proposed deck surface is less than four feet in height above the roof, it is not subject to the requirements for roof structures under section 411 of the Zoning Regulations. See Zoning Regulation Section 411.17.

Conclusion

Based on the facts and analysis presented above, the owners have demonstrated under Section 3103.2 that an exceptional and undue hardship exists at this site and this application should be granted for the following reasons:

1. The house is 109 years old, built 66 years prior to the original adoption of the Zoning Regulations;

2. The location of the lot (between a diagonal street and a public alley) has created an exceptionally shallow lot for the house;

3. The existing non-conforming aspects of the property are inherent;

4. The project has been reviewed and approved by the appropriate historic preservation review agencies;

5. A deck in the urban environment of the Logan Circle/Greater Fourteenth Street Area is an important amenity for outdoor recreation space, will allow an alternative emergency egress, and will improve the value of the property;

6. There would be no negative impacts on the area within which the subject deck is proposed; and

7. The intent, purpose, and integrity of the Zoning Regulations and Map would not be substantially impaired.

The owners respectfully request approval of this application.

Respectfully submitted,

Holly A. Porter
Co-owner

Gregory Y. Porter
Co-owner

EXHIBITS

The following Exhibits are attached as evidence in support of this application:

EXHIBIT A: Surveyor's Plat

EXHIBIT B: Architectural Plans

EXHIBIT C: HPRB Staff Report and Recommendation

EXHIBIT D: Site Plan

EXHIBIT E: Letters of Support

EXHIBIT F: Photographs of the Property

EXHIBIT G: List of Property Owners within 200 Feet

EXHIBIT H: BZA Self-Certification Form