GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: June 26, 2001

SUBJECT: BZA Case # 16741 Variance Request

APPLICATION-IN-BRIEF

Applicant: Holly & Greg Porter.
1523 Vermont Avenue, N.W.
Square 278, Lot 818

Relief Sough: Variance to allow a roof deck addition on an existing non-conforming structure.

From Section: 11 DCMR §3102.2

Relief Sought Under: §2001.3, (a), (b) and (c)

BZA Case No. 16741 Exhibit No. 29

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF
The Office of Planning recommends the subject applicant be approved.

Applicant's Justification:
The applicants are requesting a variance to allow a roof deck addition on an existing non-conforming structure, located in the R-5-B Zoned District.

SITE AND AREA DESCRIPTION
The subject premise is in the Logan Circle neighborhood of Ward One. The neighborhood is generally bound by S Street on the north, M Street on the south, New Jersey Avenue on the east and 15th Street on the west. The subject premise is at 1523 Vermont Avenue, N.W., is in the "Logan Circle/Greater 14th Street Historic District." As

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such, the Historic Preservation Review Board, prior to implementation, must approve alterations to structures.

The Logan Circle neighborhood, in the immediate vicinity of the subject premise is developed with moderate density residential structures. Many of the structures have been converted into condominiums or dwellings for two or more families. Most of the neighborhood to the north and east of the subject premise is developed with row dwellings. The areas to the south and west of the subject premise are developed with high height and density residential structures. Commercial services in the neighborhood are along the 11th & 14th Street corridors. Additionally, the Logan circle neighborhood is located within close proximity to central downtown.

The subject premise is developed with a three-story house, which was built around 1892. The property is trapezoid in shape and contains only 783 square feet of land. The house covers almost the entire land area, consuming approximately 740 square feet of the 783 square feet of total land. The property was developed before the original zoning regulations were adopted. The house is built right up to the two alleys that bound the property on the north and east. There is a townhouse attached to the subject house on the south side. There is a small front yard, which is technically owned by the District.

The applicants purchased the subject property in 1997 and currently live in the top apartment, which occupies the second and third floors. The house was built as a single-family residence, but was later subdivided into four apartment units. The applicants plan to reduce the number of units in the building from four to three by reincorporating the first, second and third floors into one primary residence for themselves. When the conversion is complete, the basement will contain two efficiency units.

AREA ZONING
The subject premises are in the **R-5-B** (moderate density residential) Zoned District. The **R-5** districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 360, all types of urban residential development, if they conform to the height, density, and area requirements established for these districts under chapter four of Title 11DCMR.

The subject **R-5-B** zoned **district is situated between an R-4 (row dwellings) zoned area to the north and east and a R-5-D** (high height and density) zone to the south. Most of the 11th Street corridor to the east of the subject premise is in the **C-2-A** (community business district) zoned district. The 14th Street corridor, which is to the west of the subject premise, is in the **A/C-3-A** (The Uptown Arts-Mixed Use (Arts) Overlay District). The **C-3** district is designed to accommodate important sub-centers supplementary to the Central Business district.

APPLICANT'S PROPOSAL
The applicants are requesting a variance to allow a roof deck addition on an existing non-conforming structure, which is in a R-5-B zoned district. The applicants' desire to

enhance the outside space, add value and safety to their property by building a wood deck on metal supports, on the roof at the rear of the subject property. The proposed deck would be 14 feet wide by 25 feet long, which computes to 350 square feet of total space. Because the proposed deck will be less than four feet in height above the roof, it is not subject to the requirements for roof structures under section 411 of the regulations.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the area surrounding the subject premises (north of Logan Circle) as being in the ***Moderate Density Residential Land Use Category.*** Row houses and garden apartments are the predominant uses. Low-density housing may also be included in this category. The area south of Logan Circle, between Vermont Avenue and 12th Street, is designated as being in the ***High Density Residential Land Use Category.*** High-rise apartment buildings are the predominant uses in this category. Low, moderate and medium density housing are also included in this category.

The 14th Street corridor, which is to the west of the subject premise, is in the ***Mixed Use Land Use Category***. A combination of land use categories is depicted in areas where a variety of uses are to be encouraged. Mixed-use areas include existing commercial areas and areas proposed for significant land use changes.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR § 3102.2, the applicant is requesting a variance under §2001.3, (a), (b) and (c) to allow a roof deck addition on an existing non-conforming structure in the R-5-B zoned district.

AUTHORITY TO GRANT VARIANCE

11 DCMR § 3103.2 is the D.C. Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested variances.

DOES THE APPLICATION MEET THE VARIANCE TEST?

> **Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?**

Yes. The subject property is exceptionally small, only 783 square feet in area. The lot is very shallow and abuts three public ways, Vermont Avenue and two alleys. There have been no major alterations made to the exterior of the subject structure since it was built in 1892. The location of the public ways and the physical dimensions of the improvements on the property (almost full lot coverage) existed prior to the Zoning Act of 1958, and cause undue hardship on the applicants' ability to completely use the property by limiting

their full use and enjoyment of the outside. The applicants are unable to implement the deck project without Board approval.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property?

Yes. The applicant's pursuit of outside use of their property; i.e. providing light, air, recreation space, is hampered by the subject house consuming nearly all of the available land area. The structure was built in 1892, approximately 66 years before the Zoning Act of 1958. The fact that the structure pre-dates zoning, places an undue hardship on the applicants to comply with the current Zoning Regulations.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. The limitations on outside use of the subject property, results from the almost one hundred per cent lot coverage and the fact that the property was developed well before the zoning regulations were adopted. Most of the houses on the 1500 block of Vermont Avenue (as is the case with the subject property) can be characterized as residential structures that pre-date zoning and consume most of the deeded land area. At lease nine other residential structures in the immediate vicinity of the subject structure (five on the subject block) have built wooden decks on the rooftops, as a means of taking advantage of the outside of properties.

The proposed rooftop addition will actually further many of the goals of the zoning regulations, such as providing adequate light and air to the occupants, adding recreational opportunities for the occupants and increasing the property value.

If the Board were to grant the requested variance, it would not cause substantial detriment to the public good and would not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

COMMUNITY COMMENTS

Applicant will provide letter of support from ANC.

AGENCY COMMENTS

The project was referred to the Historic Preservation Review Board (HPRB) because of it's location within the Logan Circle/Greater 14th Street Historic District. The HPRB staff recommended minimizing the amount of alterations to the house and the deck's visibility

from Vermont Avenue. The applicants agreed to access the deck from an open metal, circular stair from the rear of the third floor 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 Vermont Avenue. 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. Additionally, the applicants agreed to slightly raise 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.

RECOMMENDATIONS

After having reviewed the application submitted by Holly & Greg Porter, seeking a variance to allow a roof deck addition on an existing non-conforming structure in the R-5-B Zoned District, the Office of Planning finds that the subject application meets all the tests specified in Section 3103.2 and will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Office of Planning recommends that the Board approve the application.

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