GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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2002 APR 22 PM 5:48

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: April 23, 2002

SUBJECT: BZA Case # 16862 Variance Request

APPLICATION-IN-BRIEF

Applicant: Jeffery Tomasevich
1459 Corcoran Street, N.W.
Square 208, Lot 72

Relief Sought: Pursuant to 11 DCMR 3103.2, the applicant is requesting two variances; the first is to build an elevated walkway within an existing court; and the second is to build a small portion of the proposed walkway over a portion of the court that is larger than 5' feet wide, thereby increasing the lot occupancy by 1% from existing (8o. 4%) to 81.4%.

Relief Sought Under: Subsection 403 and 2107.3

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

Applicant's Justification:

The applicant is seeking to increase the existing lot occupancy by one percent, to allow for an access walkway to be built from the rear of the first floor of the principle dwelling, directly to an existing patio area, which is on the roof of an existing garage.

BZA
Case No. 16862
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16862
EXHIBIT NO.21

SITE AND AREA DESCRIPTION

The subject site is in the Dupont Circle neighborhood of Ward 2, located on the north side of Corcoran Street, N.W. The premises are one house removed from the northeast corner of 15th & Corcoran Streets, N.W. R Street generally bounds the neighborhood on the north, Q Street is to the south, 14th Street is on the east and 15th Street is to the west. Moderate density row dwellings and mid-rise multi-family buildings are the predominant uses in the neighborhood.

The subject structure was built in 1905, a time that predates the passage of the Zoning Act of 1958. Therefore, the structure does not fully comply with the Zoning Regulations. The previous owner converted the structure from a single-family townhouse into a 2-unit townhouse by adding an apartment to about two-thirds of the basement. The applicant purchased the property in 1999. The property is unique because the front of the dwelling is 5 feet wider than the rear portion. This situation creates a "natural court" at the back of the dwelling. The building is constructed of masonry and wood framing. There is a garage to the north end of the property, with a patio deck on the roof. The patio deck area of the property is challenging for the applicant to use, because presently there is no direct access from the first floor of the structure, to the deck.

There are two mixed-use areas, on either side of the subject site that provide commercial support. The frontage on both sides of 14th Street, between U Street and Massachusetts Avenue is moderate density commercial/residential. The frontage on 17th Street, between Riggs & Q Streets is moderate density commercial and medium density residential.

AREA ZONING

The subject premises are in the R-5-B zone district. The R-5 districts are designed to permit a flexibility of design by permitting in a single district, all types of urban residential development if they conform to the height, density and area requirements. In the R-5-B district, moderate height and density shall be permitted.

APPLICANT'S PROPOSAL

The applicant proposes to build an elevated walkway within an existing court, which leads to a patio deck, which is on the roof of an existing garage. The proposed walkway will be fabricated of a metal grate material. A small portion of the walkway will be larger than 5' wide thereby increasing the lot occupancy by 1%, from 80.4% to 81.4%.


1459 Corcoran St. NW
SQR0208
R-5-B
C-3-A
R St NW
Corcoran St NW
O St NW
15th St NW
14th St NW
Feature Key
Zoning Boundaries
Square Index
Board of Zoning Adjustment
Application No. 16862
DC Office of Planning
April 12, 2002
Scale 1:1399
25 0 25 50 75 100 Feet
Attachment 1

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject premises as being in the ***Moderate Density Residential Land Use Category.*** Row houses and garden apartments are the predominant uses in this land use category.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3103.2, the applicant is requesting two (2) area variances, the first is to be allowed to build an elevated walkway within an existing court; **(§ 2001.3)** and the second is to build a small portion of the proposed walkway over a portion of the court that is larger than 5' feet wide, **(§ 403).**

§ 403 Percent of Lot Occupancy (R) The percentage of lot occupancy for Structures in the R-5-B zone district is sixty percent (60%). The subject structure is a row dwelling, which presently occupies 80.4% of the subject lot. This situation existed prior to the property being purchased by the applicant in 1999. A portion of the proposed new-elevated walkway will be constructed partially over a section of the court area, which is slightly wider (5.5 feet) increase the lot occupancy by one percent. However, this portion of the elevated walkway will be built over an existing court, which is already included in the lot occupancy count. The walkway will be constructed of metal grating and will not serve as a roof.

§2001.3 Enlargements or additions may be made to structures, provided. That the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements.

(b) The addition or enlargement itself shall conform to use and structure requirements.

(c) The addition or enlargement itself shall not increase or extend any existing, nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

Does the structure conform to percentage of lot occupancy requirements?

No. The subject structure was built in 1905, a time that predates the passage of the Zoning Act of 1958. Therefore, the structure does not fully comply with the Zoning Regulations. The principal structure and the garage occupy 80.4% of the subject lot. The requested variances will not increase the livable space of the principal structure or increase the size of garage, but would increase the percentage of lot occupancy from 80.4% to 81.4%. If approved by the Board, the elevated walkway would permit the

applicant to fully use an existing patio deck, on the roof of the garage. Presently, the applicant does not have direct access to the patio from the first floor of the structure.

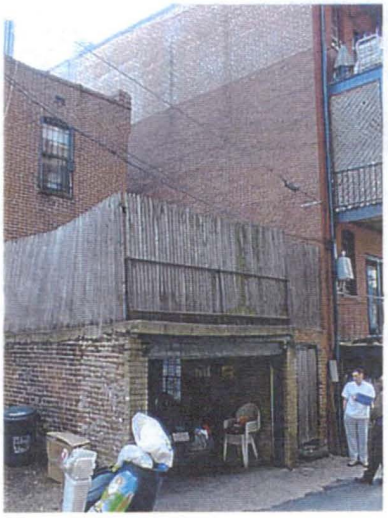
Does the addition or enlargement itself conform to use and structure requirements?

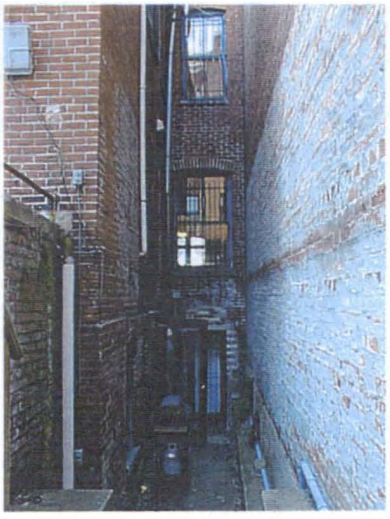


Yes. The proposed elevated walkway will conform to all applicable building codes, including the BOCA Code. An accredited architect prepared the building plans and a professional contractor will be hired to supervise the construction of the walkway.

Does the addition or enlargement itself increase or extend any existing, nonconforming aspect of the structure, and create any new nonconformity of structure and addition combined.

Yes. That portion of the proposed elevated walkway that is wider than 5 feet (approximately 20 feet, measuring 3' 9"x 6'0) will increase the percentage of lot occupancy by one percent. The new addition will be constructed of metal grating material and will not serve as a roof. The addition will slightly enlarge an existing non-conforming aspect of the structure by one percent, and will create a new nonconformity and addition combined.



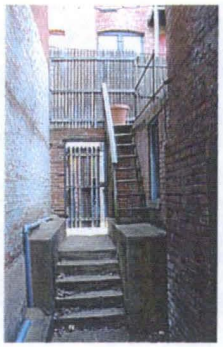


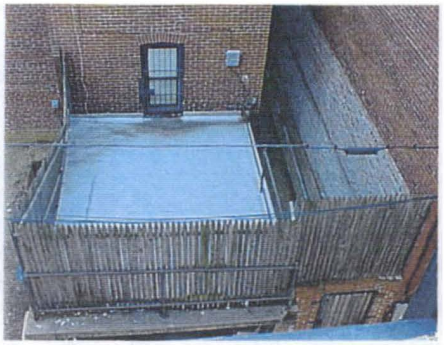
DOES THE APPLICATION MEET THE VARIANCE TEST

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

Yes. It is the applicant's position that the lack of direct access to the patio, from the rear of first floor of the subject dwelling, creates a practical difficulty, and that the strict application of the regulations would continue an exceptional and undue hardship for the owner to enjoy maximum use of his property. Presently, there is no direct access from the rear portion of the first floor of the subject dwelling to the patio, because there is a four-foot difference between the height of the patio floor and the floors in the kitchen and the dinning room. Access to the patio is provided by going down a flight of steps from the first floor, into the basement and existing to a small court area, then climbing up four concrete steps, then walk approximately 20 feet to a set of wooden steps on the west side of the garage.







What makes it difficult for the owner to build on the property in compliance with the Zoning Regulations?

It would be difficult for the owner to have direct access to the patio from the first floor of the principal structure without converting the rear windows in the kitchen or the dinning room into doors. The roof of the garage is approximately four feet higher than the first floor, which prohibits direct access to the patio. If the applicant were to convert the rear kitchen and/or dinning room windows into door (s), thereby eliminating the present circuitous route to the patio, the practical difficulties would be removed.

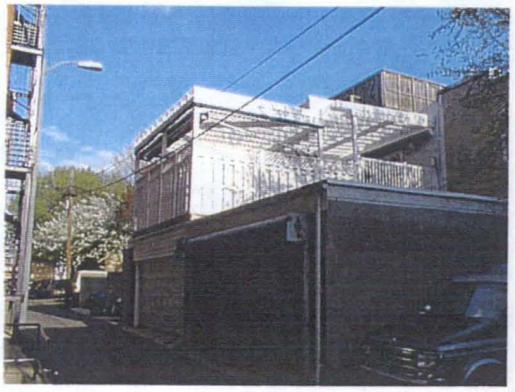


Will the granting of the application cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

The granting of the application will not cause substantial detriment to the public good and if granted, the requested variance will not impair the intent, purpose and

integrity of the zone plan as embodied in the Zoning Regulations and Map. The proposed walkway will be constructed over a narrow court area, which will not be visible from most of the neighboring properties, with the exception of the higher floors of the rear of the properties behind the subject property on R Street. There will not be any substantial increases in the percent of lot occupancy, or increases to the size of the principal dwelling or the garage.

There is a residential structure on the same block as the applicant, three doors to the east, with a more elaborate garage deck structure, that is widely excepted by neighboring property owners.



COMMUNITY COMMENTS

The applicant made a presentation to the Community Development Committee of Advisory Neighborhood Commission (ANC) 6B, on March 25, 2002. The Committee voted unanimously (7-0) to support the proposed two variances, and agreed to recommend that the full ANC 6B Commission approve the request, at its regular monthly ANC meeting, to be held on April 2, 2002.

AGENCY COMMENTS

The new-elevated walkway proposed to the rear of 1459 Corcoran Street, has been reviewed conceptually by the Historic Preservation Office staff, which has indicated to the applicant a willingness to approve the permit, contingent with the necessary zoning approval. The permit would not require review by the Historic Preservation Review Board, but could be approved by the Historic Preservation staff.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Jeff Thomasevich, requesting two variances to allow for an access walkway to be built from the rear of the first floor of the principle dwelling, directly to an existing patio area, which is on the roof of a garage, in the R-5-B Zone District, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactorily met the tests specified in **Section 3103.2, subsections 403 and 2001.3** and concluded the application will not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.