GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: October 21, 2003

TO: *District of Columbia Board of Zoning Adjustment*

FROM: JLS for Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17060
Fuad Alykhan addition
2609 P Street, NW
Square 1265 Lot 95

Summary

The applicant seeks a variance from the lot occupancy provisions of §772.1 to allow 90% lot coverage and from the rear yard provisions of §774.1 for the existing rear yard of four feet in the C-1 zone. The applicant seeks to construct a second story wood deck to the side of the rear ell on the existing three story house. The building setback will remain at four feet. The Office of Planning **recommends approval** of this variance based on the findings below.

Site and Area Description

The subject property is located at 2609 P Street NW. The existing house is a three-story row home. Properties on both sides of P Street on this block are zoned C-1 commercial and the subject property is the only property on this block of P street that is used solely for residential purposes. The area to the north of the property is residential.

Project Description

The applicant proposes a second story wood deck to the side of a rear ell on the existing house. The house currently occupies approximately 500 square feet of the 607 square foot lot. The deck would increase lot occupancy to 546.5 square feet. The existing rear yard is four feet. The proposed deck would not change this setback.

BZA
Case No. 17060
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17060
EXHIBIT NO. 25



Figure 1: Property Location

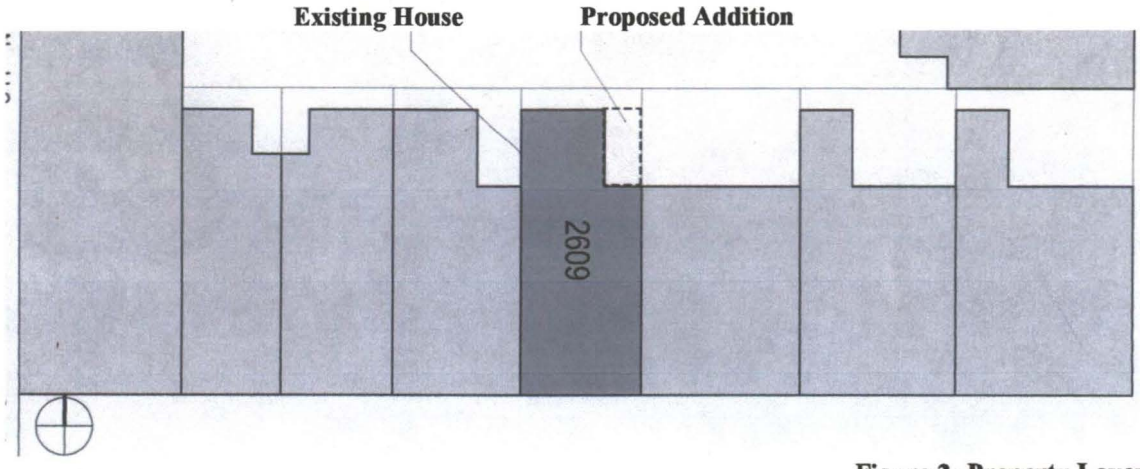


Figure 2: Property Layout

Zoning Requirements

The applicant is requesting a variance from the lot occupancy and rear yard requirements, to allow an addition to a nonconforming structure.

Section	Item	Required/Allowed	Existing	Requested	Deviation
772.1	Lot Occupancy	60%	500 sq ft(82%)	546.5 sq ft(90%)	182.5 sq ft(30%)
774.1	Rear Yard	20 feet	4 feet	N/A	16 ft

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

In accordance with §3103.2, the Board has the authority to grant a variance if, by reason of exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.

The exceptional situation for this property is a combination of the existing conditions on the property and the use of neighboring properties. There is a one-story high brick wall that extends along the rear property line of the buildings fronting on P Street. The rear ells on all but one of these buildings extend to within a few feet of the wall. The result is a small, sunless, nearly inaccessible area in the rear of each building. This property is unique in that it is the only property on the P street frontage of this block not used for commercial purposes. The unusable rear yard, therefore, has a more significant impact on the use of the subject property than the neighboring properties.

Practical Difficulty

The practical difficulty arises from the lack of any potential use of the area behind the house for recreation or any other purpose. Ideally, the rear yard could be used for outdoor recreation, however the lack of sunlight, the very limited area between the house and wall, and the neighboring commercial uses remove all reasonable use of this area. A second story deck would actually provide open space for use by the residents at the level of the top of the wall creating a much more practical situation for outdoor enjoyment, light, and air.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. The proposed deck will provide the benefits of yard space (i.e.

open recreation area) intended by the zoning ordinance but prevented by the existing conditions.

The Generalized Land Use Map calls for moderate density residential in this area. The viability of this structure as a residence in light of the conversion of nearby structures to commercial uses will be enhanced by the proposed addition. OP concludes the expansion will not impair the intent of the Zoning Regulations or the integrity of the Plan.

ANC Recommendation

The applicant has informed OP that ANC 2E is in support of the application. The applicant has stated an intention to obtain letters of support from the ANC and neighboring property owners.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of a variance to permit the addition of a wood deck at 2609 P Street N.W. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the variance by the Board of Zoning Adjustment to allow the addition to the property at 2609 P Street NW.

AA/tp