GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: December 2, 2003

SUBJECT: BZA Application 17084

APPLICATION
Christina Handley, the Applicant, requested a variance from the required rear yard setback to add a second-floor deck to the existing three-story townhouse on property located at 1418 Q Street, N.W. (Square 209 Lot 875) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning,

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the variances to allow the circular stair to encroach into the open court, and to construct the carport nearer than 12 feet from the centerline of the existing alley. OP also recommends approval of a special exception for lot occupancy subject to the Applicant submitting revised plans into the public record with a tabulation showing the total proposed maximum lot occupancy at 70%.

SITE AND AREA DESCRIPTION
The subject property is a 2,963 square-foot (0.07-acre) interior lot along the southern tree-lined frontage of Q Street, N.W. bounded to the south east by an alley 10-feet wide. The three-story row dwelling of masonry construction is set back approximately 23 feet from Q Street. This is the only structure on this side of the street with a front yard set back. Masonry walls 9-feet tall extend along both side property lines from the rear of the dwelling to the alley. The "L"-shaped building forms an open court 7'- 3" wide next to the western wall. There is a rear door and windows of the ground floor unit facing into the court. The rear yard extends 9-feet from the rear building wall to the rear property line and alley, and a freestanding metal roll-up gate also 9-feet tall secures the rear property line along the alley frontage. The Applicant parks in the rear yard, parallel to alley on existing pavement.

Surrounding development consists predominantly of three-story masonry row dwellings, some with English basements, on both sides and across Q Street. South across the alley a former automobile dealership and service buildings are being converted to condominiums. Properties to the north, west, and two dwelling to the east are zoned Residential (R-5-B). Lots further east and south of the alley are zoned Major Business and Employment Center (C-3-A) with Uptown-Arts

BZA
Case No. 17084
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17084
EXHIBIT NO. 25

Mixed Use (Arts) Overlay District (refer to Exhibit 1). This area is also located within The Greater 14th Street Historic District.

APPLICANT'S PROPOSAL

The Applicant-owner resides on the second floor of the flat, and a tenant occupies the ground floor unit. While the tenant can access their unit from the main entrance facing Q Street or the back door in the court, the Applicant can only access the upper unit from Q Street. As a result, the Applicant walks approximately 530 feet from the rear yard parking down the alley to 14th Street, then around the corner to the main entrance. This proposal would permit the installation of a prefabricated circular stair to a structure at the second-floor level for direct access into the second-floor dwelling through a new doorway. The structure would extend over the rear yard.

The applicant's letter dated 7 September 2003 requests "approval to build an enclosed, attached garage to my residence, complete with a rear entrance that would preclude the need for me to walk outside to enter my house after parking my car." It states "[T]he importance and primary incentive for building an enclosed garage with rear entrance to my home is my personal safety..." The applicant would like "to be able to safely leave my home and enter my car before raising the garage to exit to the outside (alley)." The application also includes a deck atop the garage

In subsequent discussions, the applicant explained the location for the circular stair was chosen to avoid conflicts with the parallel parking in the rear yard, and the space where trash cans are kept. Plans show the circular stair very close to the rear door, however the applicant stated the existing backdoor landing and steps would remain. The circular stair will actually be located south of the steps.

Plans show two options for creating the new exterior door: one option would convert an exterior side window facing the court into a doorway; and the second option would create a new doorway in the rear wall facing the rear yard. The applicant indicated the project engineer described the first option as minor construction, but the rear, and preferred option is more involved and expensive because it requires metal reinforcement of the wall. The proposed circular stair location would allow easy access to either door option.

EXISTING ZONING AND RELIEF REQUESTED

The subject property is zoned R-5-B. Based on definitions in the Zoning Regulations (refer the Exhibit 2), the subject property is a two-family row dwelling or a flat. Section 350.4 (a) of the Zoning Regulations (per Sections 330.5 [a] and [b], and 320.3 [b]) allows row dwellings and flats in this zone district as a matter of right.

The Zoning Regulations do not include a definition of exterior stairs, decks, or outside balconies, however the definition of "Building Area" infers that outside balconies are "projections into open space." Section 2502 lists the allowable the projections into an *open court* such as an "open or lattice-enclosed fire balcony or fire escape" up to 4 feet. Outside balconies and stairways are not on the list.

The submitted plans show an open wooden platform on posts spanning between side property lines and over the rear yard parking, the structure appears to function as a "carport" that also serves as a platform for entering the second floor residence. Staff notes:

- the definition of "parking garage" encompasses similar structures such as "carports";
- Section 2300.2 (a) allows a garage (carport) to be located within a rear yard, but "it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens..."; and
- Section 2300.8 states a "carport shall be attached to the main building ..."

The zoning tabulation accompanying the submitted plans also indicates that lot occupancy would increase from 58.4% to 70.1%, however, the Applicant has agreed to change the plans to reduce the proposed lot occupancy to 70% or less, changing the relief needed from a lot occupancy variance to a special exception under §223. The allowable matter-of-right lot occupancy in the R-5-B zone district is 60% as a matter-of-right and 70% by special exception.

Therefore, this proposal would require:

- A variance to allow the circular stair and carport to encroach into the open court,
- A variance to allow the carport to be located less than 12 feet from the alley centerline; and
- A special exception to increase the allow lot occupancy to 70%.

ANALYSIS

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§ 5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The type of zoning relief needed is an area variance requiring that the regulations present a "peculiar and extraordinary practical difficulty."

Section 3104.1 grants the Board of Zoning Appeals (BZA) the authority "to grant special exceptions where in the judgment of the Board, those 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 referenced special exception to increase the allowable lot occupancy to 70% is subject to the provisions of Sections 223.

Compliance with Section 3103.2:

- Extraordinary or exception conditions: The subject property is exceptional due to the fact that it is the only property on the south side of Q Street, and one of only two residential properties on the square, with a front yard setback. The property has an exceptionally large 23- foot deep front yard, which results in the building being much further back on the lot, leaving the property with an exceptionally narrow 9-foot rear yard. This is illustrated on the attached aerial photograph.

  The minimal 9-foot depth of the rear yard is used as parking and requires the applicant to park parallel adjacent to the extremely narrow 10-foot wide alley. Because the east and west ends of the rear yard must be used for maneuvering vehicles into place from the alley, outdoor storage of trash cans and other activities normally associated the rear yard are forced into the court.

- Practical Difficulty/Exceptional and Undue Hardship: The existence of the ground floor apartment prevents the upper level tenant, in this case the applicant, from accessing the rear yard and on-site parking space without traveling a significant distance through conditions considered unsafe. The only accessible space for the circular stair is in the court, because to place the stair in the rear yard would eliminate the only on-site parking opportunity.

  Given the exceptional condition of the front yard setback, the property has a rear yard of only nine-feet in depth. Given the shallowness of the rear yard, the only location where a carport can be located is next to the narrow alley. The applicant can successfully parallel park a vehicle inside the metal roll-up gate.

  The existing alley is only 10 feet wide. To meet the required 12-foot setback from the centerline of the alley, the carport would need to be seven feet from the rear property line. This results in the practical difficulty of a carport that could only extend two-feet from the rear wall of the building.

Based on these circumstances, staff concludes this variance can be granted without impairing the intent, purpose and integrity of the zone map as embodies in the Zoning Regulations and Map.

Compliance with Section 223
Requirements under this section include the following:

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;

(a) The light and air available to neighboring properties shall not be unduly affected; The subject property is separated from the adjacent dwellings by walls 9-feet tall and by a 10-foot wide alley. Properties to the east and west currently have similar activity space atop garages fronting the alley, both with privacy screens along the common property lines. The construction of the proposed carport would not extend

higher than existing carports, thus, light and air to the neighboring properties would not be affected by the proposed change.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;* The top of the proposed carport would align with similar activity spaces atop neighboring garages, at the rear of adjacent residences. Both adjacent activity spaces above the garages have privacy screens along the common boundaries, and the proposed carport would not increase the visibility of new residences across the alley.

(c) *The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; ...* Staff does not think the proposed addition would "intrude" upon the neighborhood character. Historic Preservation Office (HPO) staff met with the Applicant to review the plans on site. Given the nature of the adjoining rear yards and abutting alley, existing numerous decks and alley buildings, HPO staff expressed no concerns regarding this proposal, and has indicated their ability to approve the plans as submitted without referral to the Historic Preservation Review Board, if the necessary zoning relief is obtained.

(d) *In demonstrating compliance with (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.* Sufficient graphical documentation was submitted for staff review and analysis.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-l and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.* The approximate total lot occupancy of 71% exceeds the lot occupancy allowable by special exception. The Applicant agreed to reduce anticipated lot occupancy to 70% by reducing the area of the addition. Staff requested the applicant submit plans into the public record with illustrating tabulations showing the revised building area and lot occupancy totals.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.* Additional treatment is not recommended.

OP concludes that the application meets the requirements of Section 233 subject to the applicant providing revised plans documenting that the lot occupancy will not exceed 70%.

Compliance with Section 3104.1:
Subject to lot occupancy, granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates this area for Moderate Density residential development characterized by row houses and garden apartments as predominant uses. The Comprehensive Plan states, as its first principle, the importance of stability for residential neighborhoods.

Policies in support of Section 1103, Objectives for Residential Neighborhood include: "Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses; ..."

Based on these provisions, the proposal is not inconsistent with the Comprehensive Plan.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 2C reviewed this application during a regularly scheduled meeting and unanimously recommended approval.

AGENCY COMMENTS

HPO staff reviewed this proposal and did not express any concerns. This request was also forwarded to the Fire and Metropolitan Police Departments. To date, no comments have been received.

RECOMMENDATION

The Office of Planning recommends approval of the variances to allow the circular stair to encroach into the open court, and to construct the carport nearer than 12 feet from the centerline of the existing alley. OP also recommends approval of a special exception for lot occupancy subject to the Applicant submitting revised plans into the public record with a tabulation showing the total proposed maximum lot occupancy at 70%.

AA/afj

Attachments:

Exhibit 1	Aerial Including Zoning
Exhibit 2	Zoning Definitions



BZA Application No. 17084
1418 Q Street, NW

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Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 21, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Property Squares

Zoning Districts

Pertinent Zoning Regulations Exhibit 2

199 DEFINITIONS

"**Building area** – the maximum horizontal projected area of a building and its accessory buildings. The term 'building area' shall include all side yards and open courts less than five feet (5 ft.) in width, and all closed courts less than six feet (6 ft.) in width. *Except for outside balconies,* this term *shall not* include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that no not extend above the level of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property. ...

Court – an occupied space, not a court niche, open to the sky, on the same lot with the building which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lots lines or yards. ...

Court niche – an indentation, recess, or decorative architectural treatment of the exterior wall of a building, not a court, which opens onto a street, yard, alley or court.

Court, open – a court opening onto a street, yard, street, or alley it abuts. ...

Dwelling, row – a one-family dwelling with no side yards. ...

Dwelling, two-family – a dwelling used exclusively as a residence for two families living independent of each other. *A two-family dwelling is a flat.* ...

Flat – a two-family dwelling ...

Garage, parking – a building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 ft.^{2}) in area, used for the parking of one (1) or more motor vehicles."

Based on these definitions, the subject property is a two-family row dwelling or a flat. Section 350.4 (a) of the Zoning Regulations (per Sections 330.5 [a] and [b], and 320.3 [b]) allows row dwellings and flats in this zoning district as a matter of right. Zoning Regulations include the following provisions concerning accessory buildings:

"204 ACCESSORY BUILDING (R-1)

204.1 The following buildings shall be permitted as accessory buildings in R-1 Districts incidental to the uses permitted in this chapter:

(a) *Private garage,* subject to the special provisions of chapters 23 of this title ... (applicable in R-5 per Sections 351 [a], 331.1 [a] and 321.1 [a])

2300 PRIVATE GARAGES AND CARPORTS

2300.1 A *parking garage* that is an accessory building in a Residence District:

(a) May be located either within a rear yard or beside the main building;
(b) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley upon which it opens...

2300.8 A *carport* shall be attached to the main building and shall not be located along the side of the building that faces the building line, except, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a carport may be located subject to the conditions for accessory open spaces §§ 2116.5 through 2116.9."

The regulations also include the following provisions pertaining to projections into open spaces space:

"2500 MISCELLANEOUS ZONING REQUIREMENTS

2502.1 Except for the projections and encroachments specified in this section and the exceptions in § 2503, every part of a required yard or court or other required open space shall be open and unobstructed to the sky. ...

2502.5 Awnings serving a window, porch, or door may project into a required yard or open court for a distance not to exceed forty inches (40 in.).

2502.6 An open or lattice-enclosed fire balcony or fire escape may project into a required yard or an open court for a distance not to exceed four feet (4 ft.). ..."