GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

DATE: December 7, 2004

TO: District of Columbia Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

SUBJECT: Board of Zoning Adjustment Case No. 17254
1817 Riggs Place N.W.

Summary

The applicant is seeking approval of several variances for the construction of a shed with roof deck in the rear yard. Variances sought are from §402.4 for FAR, from §403.2 for lot occupancy, from §2500.3 for occupation of more than 30% of the rear yard, and from §2001.3 for addition to a non-conforming structure. OP has determined that the existing building is conforming, eliminating the need for relief from §2001.3. However, if this shed is to be used to store an automobile it will be necessary to count it as a garage and request relief from §2300.2 for setback of the garage from the centerline of the alley. The Office of Planning **cannot recommend approval** for the requested variances based on the analysis of variance tests below.

Site and Area Description

The subject property is located at 1817 Riggs Place N.W., Square 133, Lot 142. The lot is 1,530 square feet, of which the building currently occupies approximately 58.8%. The building contains two residential units in three stories. The subject property and the properties on all sides are zoned DC/R-5-B. The immediate area consists mainly of three and four story residential uses.

Project Description

The applicant intends to build a shed in the rear yard of the lot without changing the existing building. The top of the structure will be a roof deck for private recreation. The structure will face the alley for the width of the lot, 16 feet, and at a depth ranging from 8 to 16 feet. Although identified as a shed, the drawings show a roll up door providing access from the alley.

BZA
Case No. 17254
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17254
EXHIBIT NO. 24

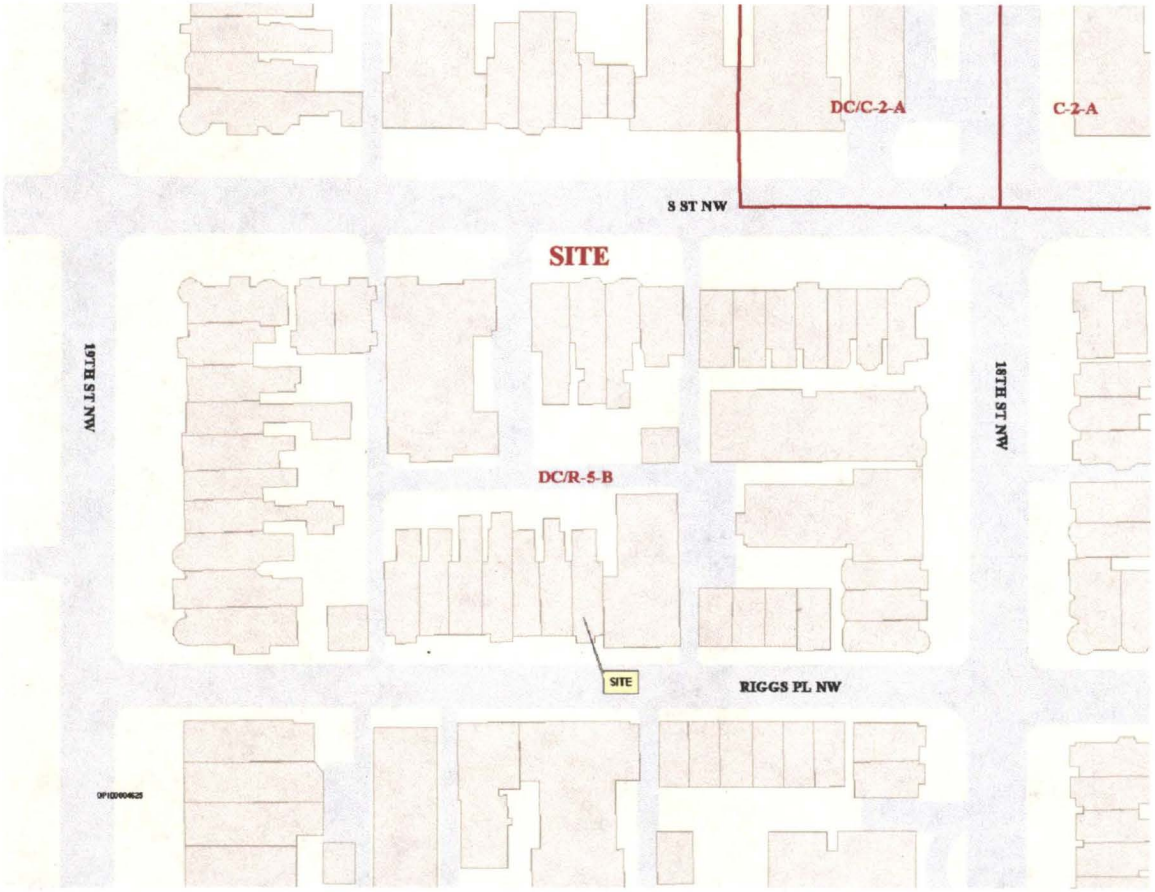


Figure 1: Site Map

Zoning Requirements

The applicant is requesting variances from the maximum FAR, lot occupancy, percentage of rear yard covered, and addition to a non-conforming building. The existing building appears to meet the standards of the R-5-B zoning district, eliminating the need for a variance for an addition to a non-conforming building. OP recommends adding a variance for setback from the centerline of the rear alley per §2300.2.

Section	Item	Required/Allowed	Existing	Proposed	Variance
402.4	FAR	1.8	1.76	1.91	0.11
403.2	Lot Occupancy	60%	58.8%	73.9%	13.9%
2300.2	Garage Setback	12'	N/A	5'	7'
2500.3	Rear Yard Coverage	30%	N/A	80%	50%

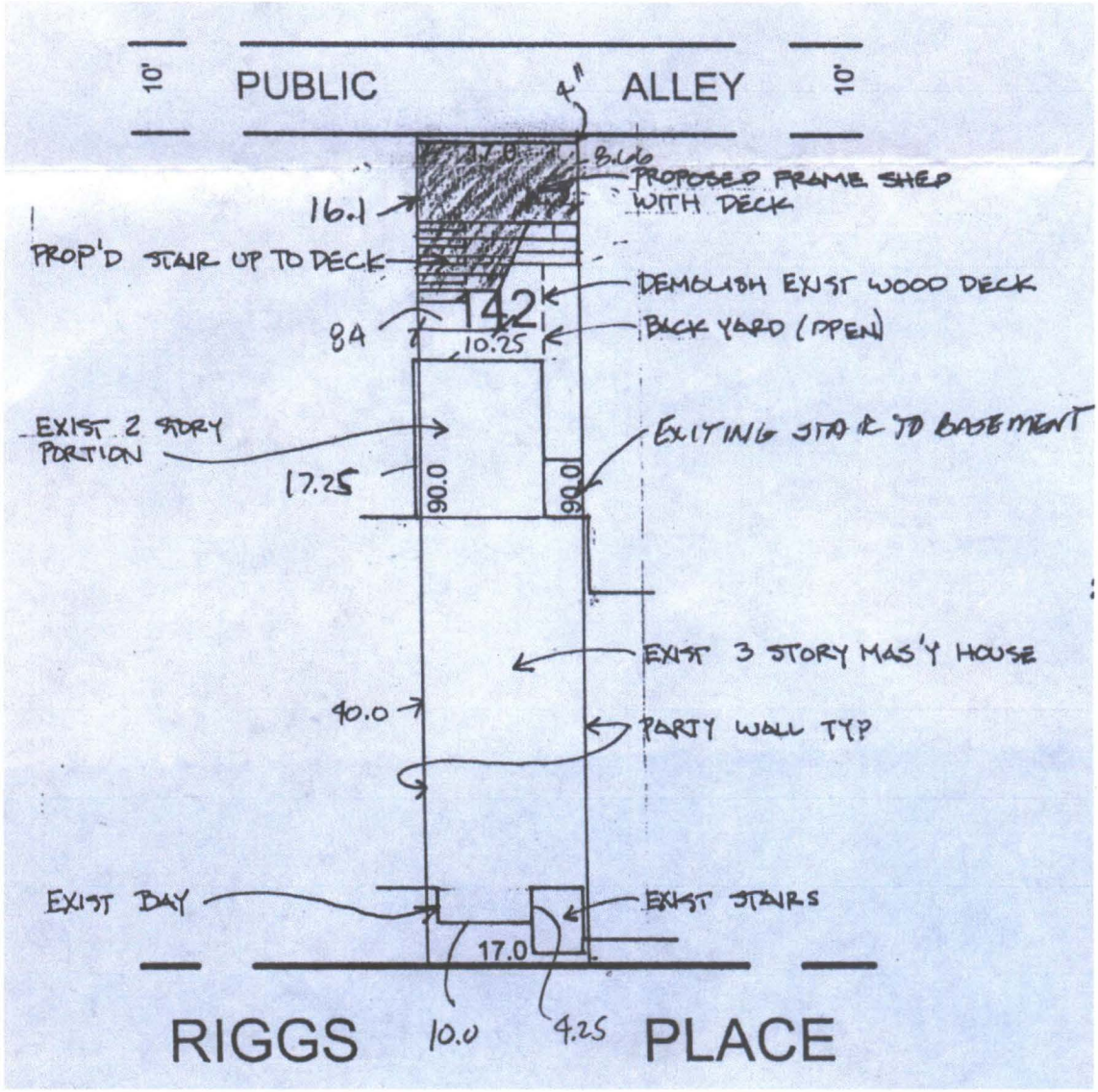


Figure 2: Site Plan

Variance 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.

Exceptional Situation

The property in question is a row house in a neighborhood full of similar row houses on similar lots. OP has been able to find no evidence that this house has an exceptional situation or unique condition that would differentiate it from any other properties in the neighborhood.

In the absence of a unique situation, OP believes that a policy decision to allow all similar properties to build rear yard garages with decks should be accomplished through rezoning or a change of the regulations rather than by individual variances.

Practical Difficulty

The applicant has made no claims of practical difficulty. Further, a lack of exceptional condition of the property makes it difficult or impossible to argue that there is a practical difficulty to not building a new structure and deck. OP has no reason to believe that strict application of the zoning regulations would result in an undue hardship on the property owner.

Substantial Detriment

Although there is a potential for crowding the very narrow ten foot alley, the proposed addition in and of itself would have no significant impact on the public good. The neighboring property owner most affected by the proposed addition has a similar structure abutting the alley and there are other examples of this on the block. OP also feels that there would be a negative impact on the intent and integrity of the Zoning Regulations. For the reasons stated above, accepting the given argument for uniqueness would severely dilute the standards of variance approval and impair the integrity of the regulations by allowing much broader license for variances from zoning standards.

In summary, OP does not believe that there is an exceptional situation or unique condition that meets the standards of §3103 for approval of a variance. In addition, no case for the existence of practical difficulty has been provided by the applicant. Furthermore, approval of the variance appears to have the potential to impair the integrity of the Zoning Regulations by weakening of variance standards.

ANC Recommendation

OP has received no recommendation from the ANC as of the date of this report. Furthermore, OP is not aware of any neighborhood feedback in favor or in opposition as of this date.

Recommendation

The Office of Planning concludes that the applicant has not met the burden of proof, pursuant to 11 DCMR §3103 of the Zoning Regulations, for the granting of the requested variances to permit the shed with roof deck. The request does not meet the tests for uniqueness and practical difficulty. Further, the approval of the application would have the potential to impair the intent, purpose, and integrity of the Zoning Regulations.

OP **cannot recommend approval** of the requested variance relief for FAR, lot occupancy, and setback at 1817 Riggs Place N.W.

AA/tp