

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Megan C. Rappolt, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** June 7, 2016

**SUBJECT:** BZA Case #19272 - request for area variance relief pursuant to §§ 3103.2 to allow for relief associated with a 338 sf rear deck addition at 3522 Davenport St. NW

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area variance relief pursuant to § 3103.2:

- § 403.1 Lot Occupancy, (40% maximum, 45% existing, 62% proposed);
- § 404 Rear Yard (25' required, 33' existing and 17' proposed);
- § 406 Courts (6' required, 8' existing, 4' proposed);
- §2001.3 Nonconforming structures devoted to conforming uses (45% lot occupancy furthered to 32%); and
- §2115.1 Size of Parking Spaces (9'x19' required, 9'x19' existing, 9'x17' proposed)

### **II. LOCATION AND SITE DESCRIPTION:**

|                                     |                                                                                                                                                                            |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address:                            | 3522 Davenport Street NW (the "Property")                                                                                                                                  |
| Legal Description:                  | Square 1978, Lot 37                                                                                                                                                        |
| Ward/ANC:                           | 3/3F                                                                                                                                                                       |
| Lot Characteristics:                | The rectangular-shaped Property is 2,042 sf and is 22' wide along Davenport Street NW and is approx. 92' in length. The property is served by a 16-foot alley at the rear. |
| Zoning:                             | R-1-B, low-density, one-family residential dwellings.                                                                                                                      |
| Existing Development:               | Rowhome                                                                                                                                                                    |
| Historic District:                  | None                                                                                                                                                                       |
| Adjacent Properties:                | Row dwellings on either side of the Property.                                                                                                                              |
| Surrounding Neighborhood Character: | Primarily single-family detached dwellings to the west and south, and large apartment buildings of 10-stories to the north and east along Connecticut Avenue NW.           |

### III. PROJECT DESCRIPTION IN BRIEF

|            |                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant: | Alejandro Rosenberg, Owner                                                                                                                                                                   |
| Proposal:  | The request is for area variance relief from lot occupancy, open court, rear yard and length of parking space requirements to facilitate a rear addition of a one-story, 338 sf wooden deck. |

### V. ZONING REQUIREMENTS

| <b>R-1-B Zone</b>         | <b>Regulation</b>  | <b>Existing</b> | <b>Proposed</b> | <b>Relief:</b>                                       |
|---------------------------|--------------------|-----------------|-----------------|------------------------------------------------------|
| Height (ft.) §400.1       | 40'/3-stories max. | > 40'           | No change       | None required                                        |
| Lot Width (ft.) § 401.3   | 50'                | 22'             | No change       | Existing nonconformity; none required                |
| Lot Area (sq.ft.) § 401.3 | 5,000              | 2,024 sf        | No change       | Existing nonconformity; none required                |
| Lot Occupancy § 403.2     | 40%                | 45%             | 62%             | <b>Existing non conformity;<br/>Relief requested</b> |
| Rear Yard (ft.) § 404     | 25' min.           | 33'             | 17'             | <b>Relief requested</b>                              |
| Side Yard (ft.) § 405     | 8'                 | 0'              | No change       | Existing nonconformity; none required                |
| Courts §406.1             | 6'                 | 8'              | 4'              | <b>Relief requested</b>                              |

### VI. OP ANALYSIS

The requested relief for lot occupancy, rear yard, court width and parking space length are considered area variances as opposed to use variances, because area variances include requests for deviations from requirements that affect the size, location and placement of buildings, as well as the minimum parking requirements. Below is the three-part area variance test with OP's comment and analysis for BZA consideration:

- 1) Does the property exhibit exceptional narrowness, shallowness, or shape; or exceptional topographical conditions, or other extraordinary or exceptional situation or condition?**

The property exhibits an exceptional size as compared to other lots in the Square, as it is the smallest lot in the Square and nearby squares. The property is located in a group of three row homes and has the smallest lot in the group of row homes. Additionally, all of the single family homes in the Square have lot sizes larger than the minimum required 5,000 sf. Additionally, the rowhouse

form is exceptional in this particular area—the primary type of residence is either a single family detached home on a lot of approx. Rowhomes are not a typical housing type in the R-1-B zone district. The group of three row homes in this Square and immediate area is unique. In terms of the lot occupancy, rear yard and court relief, the small size of the lot and existing row house form in a district that is typically for single family homes on relatively large lots contribute to why it is difficult for the Applicant to meet the regulations for a small, one-story deck attached to a row home.

In terms of parking space size relief, the lot is particularly small, and the Applicant would provide a stair that will permit egress and ingress from the rear yard on to the deck and into the main level of the home. The new stair would extend in to a portion of the existing driveway where there is currently a driveway used for parking.

**2) Does a peculiar or exceptional practical difficulty result from the strict application of the regulation(s)?**

A practical difficulty results from the strict application of the zoning regulations related to the Applicant's efforts to pursue a modest-sized, one-story outdoor deck. Due to the existing rowhouse form and small lot size, the Applicant is unable to pursue by right construction of deck, as there are several aspects of the property that are existing non-conformities of the R-1-B zone: the existing lot area of 2,024 sf whereby 5,000 sf is required; and the existing lot occupancy of 45% whereby 40% is required. Additionally, the proposed 62% lot occupancy is generally in line with rowhouse lot occupancy, where permitted.

With regard to parking size relief, the Applicant would still be able to provide a parking space with a 2' reduction in the required length. The resultant difficulty is the provision of an additional 2' in length for a parking space, which is due to the planned egress stairs for the proposed deck and main level of the home. This relief would appear to be minimal and would allow for a functional parking space nonetheless.

**3) Can the relief be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map?**

The relief can be granted without substantial detriment to the public good and without substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map. Because of the small lot and atypical row house form for the R-1-B District, allowing a modest-sized outdoor deck will likely not impair the public good or the zoning regulations or map. Additionally, the Applicant's neighbors on both sides have entered letters of support into the record. There may be other decks in the Square; however due to privacy fences it is difficult to determine.

With regard to the parking relief, the Applicant has stated their vehicle can fit within the proposed 9' X 17' space without infringement into the alley. The proposed parking space of 9' in width and 17' in length would be larger than a compact parking space (8' wide X 16' length), so not inconsistent with the intent in the Zoning Regulations of allowing for small size adjustments in parking space size.

## VII. COMMUNITY COMMENTS

Adjacent neighbors: Letters of support from the immediate neighbor to the west (3524 Davenport Street NW) and to the east (3520 Davenport Street NW) of the row home have been entered into the record.

ANC: The property is within ANC-3F. ANC-3F has entered a letter of support into the record.

### Attachment: Location Map

