

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** June 24, 2022  
**SUBJECT:** BZA Case 20748 to permit a rear screened porch and deck.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **Approval** of the following area variance relief pursuant to Subtitle X § 1000:

Subtitle E § 304.1 Lot Occupancy (60% max. or 70% by special exception, 63.3% existing; 80% proposed)

**II. LOCATION AND SITE DESCRIPTION**

Address	274 Kentucky Ave, SE
Applicant	Paula C. Morris on behalf of Steven Chulso
Legal Description	Lot 81, Square 1039
Ward, ANC	Ward 6, ANC 6B
Zone	RF-1
Lot Characteristics	1,783 sq.ft. triangle-shaped lot with no direct alley access.
Existing Development	Three-story one-dwelling rowhouse
Adjacent Properties	Three-story rowhouses on both sides
Surrounding Neighborhood Character	The neighborhood is primarily composed of rowhouses.
Proposed Development	The proposal is for a rear two-story screened porch and deck

**III. LOCATION**



**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

RF-1	Regulation	Existing	Proposed <sup>1</sup>	Relief
Lot Area E 201.1	1,800 sq.ft. min.	1,783 sq.ft.	1,783 sq.ft.	Existing
Lot Width E 201.1	18 ft. min.	32.4 ft.	32.4 ft.	Conforming
Height E 303	35 ft. max.	34.5 ft.	34.5 ft.	Conforming
Lot Occupancy E 304	60% max. 70% max. by S.E.	63.33% (approved in 16860)	80%	<b>Variance Requested</b>
Rear Yard E 306	20 ft. min.	32.33 ft.	20.33 ft.	Conforming

<sup>1</sup> Information Provided by Applicant

## **V. OFFICE OF PLANNING ANALYSIS**

### **Subtitle X § 1000 Area Variance Relief for Lot Occupancy**

#### **Extraordinary or Exceptional Situation of Condition of Property**

The subject property is exceptional in that it is a relatively small trapezoidal lot with a rear yard that narrows to a point, and which is closed-in by the adjacent neighbors' three-story party walls. Most of the rear yards in this square are on rectangular lots and are not closed in. The subject property's rear yard is located at the narrowest end of the lot, and this end is land locked between the adjacent neighbors' properties.

#### **Resulting in a Peculiar or Exceptional Practical Difficulty**

Their rear yard has limited access to light and air because of the size and orientation of the lot, and that it is located between the three-story side walls of the adjacent neighbors on each side of the property. Additionally, at the ground level, the air conditioning condensers for the house occupy a portion of the small rear yard. These condensers emit heat and noise at the ground level, which further limits the use of the space. Relocating them to another location, such as the roof, is not an option permitted by the community's homeowners association. The proposed screened porch and deck being above ground would allow a better opportunity for sunlight and air flow and provide usable space for the owners of the lot.

#### **No Substantial Detriment to the Public Good**

The proposed screened porch and deck should not cause a substantial detriment to the public good. They would not be visible from a street or alley because they would be in a closed-in rear yard. Since the rear yard sits between the adjacent buildings the small opening between the two adjacent buildings would be too narrow to provide much visibility of the screened porch and deck from the alley.

Neither adjacent neighbor should be unduly impacted. Neither neighbor has windows along their party wall that is adjacent to the property so there should be no privacy impact on these neighbors.

#### **No Substantial Impairment to the Zoning Regulations**

Granting the requested area variance should not substantially impair the zoning regulations. The RF-1 zone allows for one and two dwelling attached houses. The proposed relief in this case would not result in a building that would appear inconsistent with the intent of the zone, since it has the unique condition of being in an enclosed, triangular space between two buildings. The proposed screen porch and deck would provide a second level that would allow the Applicant to better utilize their rear yard for recreational use.

## **VI. OTHER DISTRICT AGENCIES**

As of the writing of this report, there are no comments from other District agencies in the record.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit 27 is a report in support of the proposal from ANC 6B.

### **VIII. COMMUNITY COMMENTS TO DATE**

As of the writing of this report, there are three support letters in the record from neighbors who are also board members of the community's Homeowners Association, (Exhibits 14-16). At Exhibit 29 is a memo in opposition from the Capitol Hill Restoration Society.