

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

APPLICATION OF THOMAS G, QUINN AND KATHLEEN K, QUINN

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, Thomas G Quinn and Kathleen K Quinn, the homeowners of the property located at 5322 41st St NW (Square 1742, Lots 0053), in support of their application for a special exception relief, pursuant to Subtitle X § 901.2, for the extension of nonconforming side yard along with pursuant of Subtitle D § 5201.4 to add a new uncovered deck with steps in the rear. We are seeking 100% relief on the side yard setback, as was the approved case in 1979, approved case NO.13662. There is no side yard, the house was built as a townhouse. We are also seeking the same relief for the courtyard as was approved in 1979. The closed Court width required is 15', existing is 4.6', and relief seeking 10.4' (69%) the same as was approved in the 1979 case. The closed court area is 350 SF, the existing is 52.44 SF, and the relief seeking is 297.56 SF (85%) the same as approved in the 1979 case. This application is also in support of an area variance, pursuant to Subtitle X § 1002.1 and D-210.1 for the construction of a rear deck and stairs that exceeds the maximum lot occupancy of 40%. The current house and deck have an occupancy of 1216 SF with a 62.8% lot occupancy. The new deck will add 204 SF which brings the lot occupancy to 1420 SF with a total of 73.3% lot occupancy, We are seeking an additional 10.5% of the lot occupancy to the previously granted BZA case.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations. The Board has jurisdiction to grant the area variance relief requested herein pursuant to 11 DCMR Subtitle §1000.1.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is located in the R-2 Zone District with a lot area of 1,936 sq. ft. A copy of the zoning map is attached at Tab A. The Property is improved as an attached row two-story residential home where the Applicant resides. This house, as well as the rest of the neighborhood, has been non-conforming since it was built. The R-2 zoning requires a minimum lot area of 4,000 sq. ft. The original lot occupancy for this house was 57.9%, while the accepted maximum for R-2 zoning is 40%. The Property has undergone modifications, including a landing and rear steps added in 1979, which required a variance

that was granted. The Property is not in a historic district, and there are no identified historic resources.

B. The Project

The Project consists of the construction of a new rear deck with steps at the Quinn Residence, located at 5322 41st Street NW. The proposed deck will be 12 feet long and 17 feet wide, totaling 204 square feet. This addition will increase the total lot occupancy from the previously approved 1,216 sq. ft. (which included the landing and steps added in 1979) to 1,420 sq. ft., resulting in a 73.3% lot occupancy. The deck will extend from the main level of the residence and will enhance outdoor living space for the homeowners and provide access to the rear yard from the main floor of the house.

The Project seeks relief for an additional 10.5% lot occupancy beyond the previously granted variance, while not seeking any relief for the rear yard setback, as the new deck will still provide 26 feet of rear yard where only 20 feet is required. The Applicant is also seeking 100% relief on the side yard setback, as was the case in 1979 since there is no side yard due to the townhouse design. We are also seeking the same relief for the courtyard as was approved in 1979.

The property is nonconforming in respect to the lot area (4,000 SF required, 1936 SF existing) lot width (40 feet required, 19 feet existing), depth (varies from 114.15 to 119.05 feet), lot occupancy (774.40 SF allowed, 1216 SF existing), side yard (8 feet required, none provided), closed court width (15 feet required, 4.6 feet existing) and closed court area (350 SF required, 52.44 SF existing).

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant requests special exception relief pursuant to Subtitle D § 5201.1 from the requirements for lot occupancy. Under Subtitle D § 5201.1, the Board may grant special exception relief for an addition to a principal residence. The Applicant seeks relief to increase lot occupancy from the existing 62.8% to 73.3%, which is 33.3% above the 40% maximum permitted in the R-2 zone. There is no relief sought for the rear yard setback. With the new deck, there is still 26ft. Only 20ft is required.

Pursuant to D.C. Code § 6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds that the special exception:

A. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Zoning Regulations and related maps. The Project will further the single-family residential use of the Applicant's home in accordance with the purpose and intent of the R-2 zone (see Subtitle D § 100.3(a)). The Applicant will be able to better enjoy the use of the outdoor space in the back of their home. Accordingly, the Project is designed to provide a safe and accessible area for the Applicant and their family to gather,

particularly benefiting vulnerable, live-in family members who otherwise could not safely access or use a smaller deck.

B. Will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The Project will not adversely affect the use of neighboring properties regarding light, air, and privacy. The design of the deck will maintain adequate light and air circulation around the Property without creating a significant obstruction. The presence of Belt Road NW behind the Property helps ensure that light and air continue to reach neighboring properties. There is also a fence, which contributes to privacy. The homes along 41st Street NW typically have shorter backyards, often utilized for parking. As such, the deck will primarily overlook these parking areas rather than spaces commonly used for gathering or socializing. The Applicant has reached out to the adjacent neighbors to inform them of the application. Notifications were sent out to the owners of 5320 41st St NW and 5324 41st St NW.

C. Will meet such special conditions as may be specified in this title.

The Project Satisfies the Special Conditions of Subtitle D § 5201.4

In addition to the general special exception standard, the Project satisfies the special conditions for an addition in the R-2 zone pursuant to Subtitle D § 5201.4, specifically:

1. The light and air available to neighboring properties shall not be unduly affected.

The design of the deck minimizes impacts on light and air for neighboring properties. While the deck is classified as a “structure” under the Zoning Regulations, it does not have walls, allowing for sufficient air circulation around the Property. The presence of Belt Road NW behind the Property, along with any open space nearby, will further minimize impacts on light and air for adjacent properties.

2. The privacy and use and enjoyment of neighboring properties shall not be unduly comprised.

The Project will not unduly compromise the privacy and enjoyment of neighboring properties. The homes along 41st Street NW typically have small backyards, often utilized for parking, meaning the Project will not impact the privacy and use of neighboring backyards, which are generally not used for recreation or socializing.

3. *The proposed addition or accessory structure, 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 subject street or alley frontage.*

The Project is consistent with the character, scale, and pattern of homes along 41st Street NW. It will not alter the property's frontage on 41st Street. Several neighboring homes have their own decks, including the property directly to the north. The Project will maintain a substantial setback from the street and given the width of Belt Road NW and the open space across, it will not substantially intrude upon the character or scale of neighboring homes.

4. *In demonstrating compliance with paragraphs (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 or accessory structure to adjacent buildings and views from public ways.*

The architectural plans attached to this statement comply with this condition by providing plans, elevations and section drawings to depict the deck in relation to neighboring properties and public ways

V. AREA VARIANCE

Subtitle X § 1002.1(a) of the Zoning Regulations state that the Board is authorized to grant an area variance where it finds that three conditions exist; As discussed below, and as will be further explained in the prehearing statement at the public hearing, all three prongs of the area variance test are met in this application.

A. The property if affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition.

The phrase "exceptional situation or condition" in the above-quoted variance test applies not only to the land, but also to the configuration of a building on the land. The subject property is currently nonconforming with respect to lot occupancy. In addition, the property is narrow, and an existing rear parking space reduces useable outdoor space. There is a door off the kitchen on the 1st floor that currently leads to an existing small deck with no room to enjoy the outdoor living space. Constructing this new rear deck will allow the applicants to extend their indoor space and allow them to enjoy the outdoors and better access to the rear yard.

B. The owner would encounter practical difficulties if the zoning difficulties were strictly applied or exceptional and undue hardship; and

Strict interpretation of the court requirements will result in practical difficulty upon the Applicant. Without the addition of an extended rear deck, the rear yard is exceptionally small. The width of the existing lot and nature of the existing improvements both of which predate the existing Zoning Regulations creates such a condition in which would deprive the owner of reasonable enjoyment of outdoor living area adjacent to the main floor thus resulting in practical difficulty to the owners and their family. Existing conditions. Approval of an area variance to allow the rear deck addition, as shown in the plans, is consistent with the residential use of the property by creating usable outdoor space at the Applicant's residence.

C. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The requested relief can be granted without harm to the public good and without threat to the integrity of the zone plan. The subject property is located in a relatively dense area where many nearby properties have rear decks in the immediate adjoining properties. The addition of the rear deck is not out of character with other rear decks along the alley surrounding the subject property, which are all open decks used to provide outdoor recreational space for other property owners. The deck at issue in this proceeding is relatively small – protruding eight feet from the rear of the building – and is unenclosed, thereby not likely to create any adverse impacts on light or air available to any neighboring property.

VI. COMMUNITY OUTREACH

In accordance with ANC 3E's procedures and guidelines, the Applicant contacted ANC 3E after the application was filed. The Applicant will formally present the application to ANC 3E at its next available public meeting.

VII. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception relief and area variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

























Respectfully Submitted,

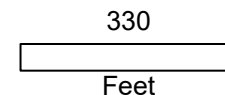
City Permit / Jesse Tarr (Owners Agent)

Jesse Tarr

TAB A

DC Zoning Map

-  Lots
-  Square
-  Pending Zones
-  Pending
- Zone District
-  Downtown Zone
-  Mixed-Use Zone
-  Mixed-Use Zone (IZ+)
-  Mixed-Use Zone (IZ+ Exempt)
-  Neighborhood Mixed-Use Zone
-  Neighborhood Mixed-Use Zone (IZ+)
-  Production, Distribution, and Repair Zone
-  Residential Apartment Zone
-  Residential Apartment Zone (IZ+)
-  Residential Flat Zone
-  Residential Zone
-  Special Purpose Zone
-  Special Purpose Zone (IZ+)
-  Unzoned
- Specific Zone
-  Downtown Zone
-  Mixed-Use Zone
-  Mixed-Use Zone (IZ+)
-  Mixed-Use Zone (IZ+ Exempt)
-  Neighborhood Mixed-Use Zone
-  Neighborhood Mixed-Use Zone (IZ+)



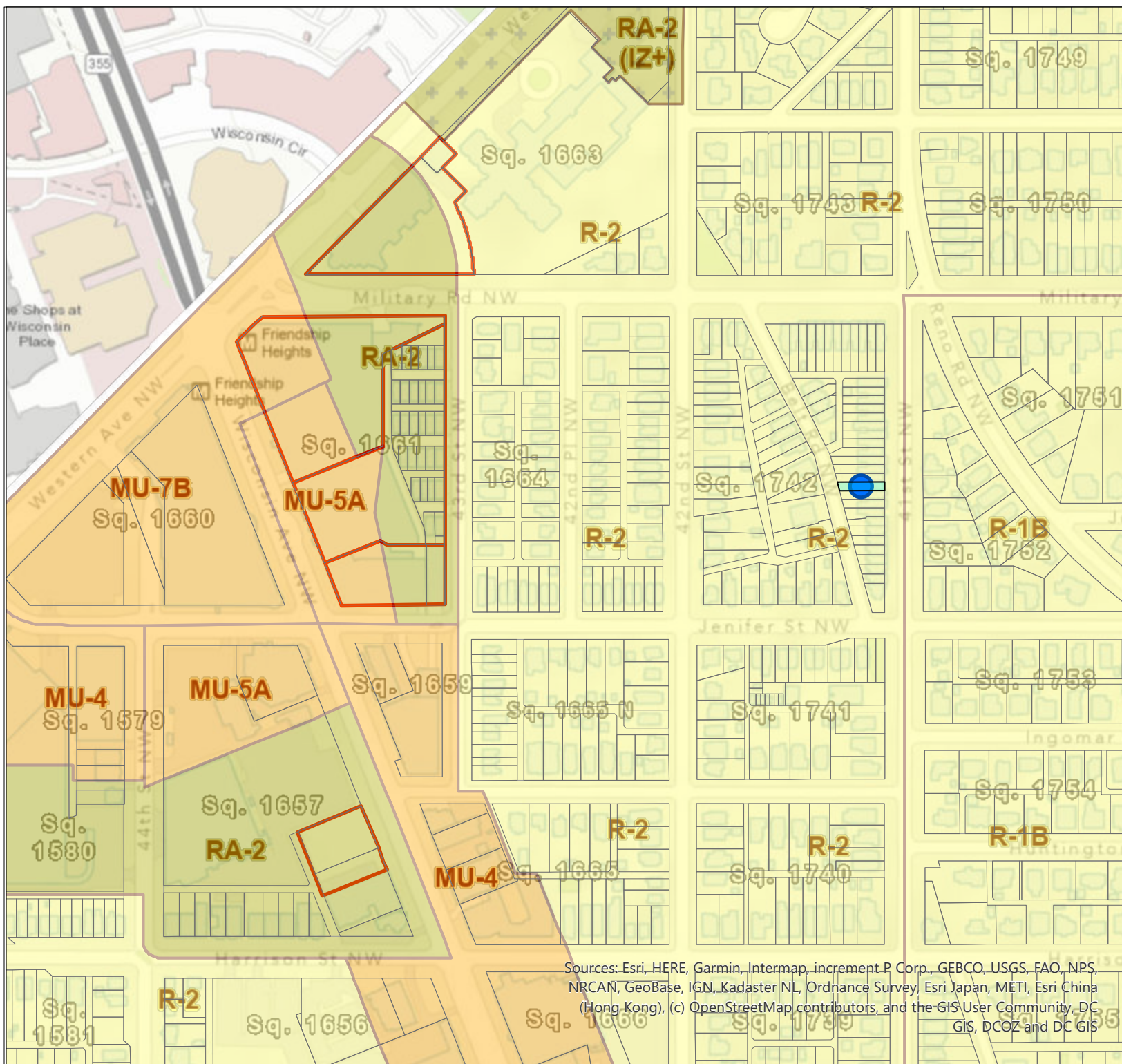
Generated on maps.dcoz.dc.gov/zr16

Web Extract of the Official Zoning Map of the District of Columbia created on 10/3/2024.

Service provided by the DC Office of Zoning.

441 4th St NW Ste 200S
Washington, DC 20001

For reference only. To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, DC GIS, DCOZ and DC GIS