

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: December 29, 2017
SUBJECT: BZA Case 19639 (2644 10th Street, N.E.), for a rear deck addition.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances:

- Subtitle C § 202.2, Enlargement of a nonconforming structure; and
- Subtitle D § 304.1, Lot Occupancy (40% maximum, 54.19% proposed).

The applicant has requested relief that was identified by DCRA; however, the proposed deck does not provide a side yard, which appears to be required by Subtitle D § 307. OP would support variance relief from this provision, should the applicant request it.

II. LOCATION AND SITE DESCRIPTION

Address	2644 10 th Street, N.E.
Applicant:	Kara Chernet
Legal Description	Square 3843, Lot 19
Ward / ANC	Ward 5; ANC 5B
Zone	<u>R-2</u> is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.
Historic District or Resource	None
Lot Characteristics	The rectangular lot is 1,422 square feet in area, with 17.45 feet of frontage along 10 th Street. The rear of the lot, also 17.45 feet in width, abuts a 16-foot-wide public alley.
Existing Development	The lot is currently developed with a nonconforming attached dwelling, providing no side yard.
Adjacent Properties	To the north and south are existing attached dwellings, sharing common walls with the subject dwelling. To the east, across 10 th Street, are detached dwellings and a public school. To the west, across the alley, are attached dwellings.

Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting of a mix of attached and detached dwellings, and mid-rise apartments. Commercial and service-oriented uses tend to be concentrated closer to Rhode Island Avenue, located approximately 700 feet south of the subject property.
Proposed Development	The applicant proposes to construct a rear deck, measuring 16 feet wide by 10 feet deep. The existing dwelling is nonconforming, in that it does not provide required side yards, and has an existing lot occupancy of 42.94%. The proposed deck would increase the lot occupancy to 54.19%, and would not provide required side yards.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-2	Regulation	Existing	Proposed	Relief
Lot Width § 302	40 ft.	17.45 ft.	17.45 ft.	Existing nonconforming
Lot Area § 302	4,000 sq. ft. min.	1,422 sq. ft.	1,422 sq. ft.	Existing nonconforming
Height § 303	40 ft. max.	Not provided	20 ft.	None required
Lot Occupancy § 304	40% max.	42.94%	54.19%	Required
Front Setback § 305	0-9 ft.	0 ft.	0 ft.	None required
Rear Yard § 306	20 ft. min.	46.5 ft.	30.5 ft.	None required
Side Yard § 307	8 ft. min.	0 ft.	0 ft.	Existing nonconforming
Pervious Surface § 308	30% min.	Not provided	Not provided	None requested

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitle C § 202.2, Enlargement of Nonconforming Structure, and Subtitle D, § 304.1, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The dwelling was constructed in 1926, prior to the adoption of the 1958 Zoning Regulations. The lot is situated among a total of 37 lots on 10th Street that were all developed at about the same time, and are all substandard in terms of lot area and width. The subject lot is 1,422 square feet in area, which is 65% smaller than required by the Zoning Regulations for the R-2 zone, and 17.45 feet in width, which is 56% smaller than required by the Zoning Regulations.

There is a series of seven dwellings along 10th Street (lots 18 through 24) that are smaller than the remaining lots due to a right-of-way acquisition that occurred around the same time the lots were developed. While these lots are generally developed the same as other lots on the same block, including sidewalks and tree boxes, they are significantly smaller due to this acquisition, as they do not have a front yard. The remainder of the lots have a building restriction line, and benefit from an additional 150 square feet of lot area.

The lots located along the west side of 10th Street between Douglas and Franklin Streets have all been developed as attached dwellings on substandard lots in the R-2 zone. Although attached dwellings are permitted in this zone, it is an atypical housing type in this zone. In addition, the lots are considerably smaller than required by the current Zoning Regulations, and smaller than the surrounding lots in the R-2 zone that are constructed with detached dwellings.

The right-of-way acquisition is an exceptional situation that results in a practical difficulty, in that it is unusual for it to affect so few lots on the same block, and in this case, reduces the lot size by approximately 150 square feet. If not for the acquisition, the deck could be constructed with the approval of a special exception.

ii. No Substantial Detriment to the Public Good

The proposed deck should not pose a substantial detriment to the public good. The deck would be a reasonable size, measuring 10 feet by 16 feet, and would remain open to the sky. The structure would not be visible from 10th Street, but would be visible from the public alley, where there are other similar structures and additions along the block. Letters of support from neighbors that would potentially be most impacted by the deck, located to the north and south, have been submitted to the record.

iii. No Substantial Harm to the Zoning Regulations

The proposed deck should not cause substantial harm to the Zoning Regulations. The substandard lot was developed prior to the adoption of the 1958 Zoning Regulations and is existing nonconforming in several aspects. The deck would not add visual bulk to the building, and would allow for better functionality of the rear yard, which also provides a required parking space. The rear yard would remain largely open to the sky, ensuring sufficient green space on the lot and providing open space intended in the R-2 zone.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been provided.

VI. COMMUNITY COMMENTS

As of the date of this writing, comments from the ANC had not been provided. Two letters of support from adjacent property owners have been provided to the record.

Attachment: Location Map

Location Map

