

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: May 30, 2018

SUBJECT: BZA Case 19755 (1208 T Street, N.W.), to allow a roof deck addition, a rear deck, and a garage door on the rear property line.

The attached report concerning BZA Case 19755 is being submitted less than 10 days prior to the Board of Zoning Adjustment’s Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept this report into the record.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following variance:

- Subtitle E § 304, Lot Occupancy (60% maximum, 74.2% proposed).

OP recommends **approval** of the following special exceptions:

- Subtitle C § 1502, Roof Deck Setback (6 feet required, 0 feet proposed);
- Subtitle E § 5004, Accessory Building Rear Yard (12 ft. from alley center line required, 5 ft. proposed); and
- Subtitle E § 306, Rear Yard (20 ft. required, 18 ft. proposed).

DCRA has indicated that relief from Subtitle C § 712.3 may be necessary for the conversion of a full-sized parking space into a compact-sized parking space. Although this relief has not been requested, OP has provided additional analysis for this relief in case it is deemed necessary, and would be supportive of a special exception. The applicant should verify the size of the space and amend the application to request a special exception, if necessary.

II. LOCATION AND SITE DESCRIPTION

| | |
|-------------------|--|
| Address | 1208 T Street, N.W. |
| Applicant | Madison Investments for Dan Denton and Marsha Washburn |
| Legal Description | Square 275, Lot 47 |
| Ward, ANC | Ward 1, ANC 1B |
| Zone | RF-1 provides for areas predominantly developed with attached row houses on small lots with no more than two dwelling units permitted by right. |
| Historic District | Greater U Street Historic District |

| | |
|------------------------------------|---|
| Lot Characteristics | The 1,377-square foot rectangular lot has 17.22 feet of frontage on T Street. The rear of the lot abuts a ten-foot wide public alley. |
| Existing Development | The lot is currently developed with a row dwelling that was previously used as a youth residential care facility. |
| Adjacent Properties | To the north, across T Street, are existing row dwellings. To the south, across the public alley, is a four-story building housing the Emerson Preparatory School and Thurgood Marshall Center for Services. To the east and west are existing row dwellings. |
| Surrounding Neighborhood Character | The surrounding neighborhood character is predominantly moderate density residential, consisting of row dwellings and apartment houses. |
| Proposed Development | <p>The existing row dwelling was previously used as a youth residential care facility. The applicant proposes to convert it into a flat, with one unit in the cellar, and the other unit comprising the first through third floors. A flat is permitted in this zone, and no enclosed additions are proposed.</p> <p>The applicant proposes to construct a roof deck at the rear of the dwelling above the second story, approximately 17 feet in length and 14 feet in depth. The guard rails of the roof deck would provide no setback, which requires relief.</p> <p>A roll up door has been proposed on the rear property line, providing access to the parking space located in the rear yard. Although DCRA has determined that relief from the alley center line is not required, the applicant has requested this relief out of an abundance of caution.</p> <p>Finally, the applicant has proposed to construct a rear deck at the ground floor level, that would wrap around the row dwelling, including in the existing four-foot-wide court. The deck would require variance relief from lot occupancy, which exceeds 70% (permitted by special exception) by approximately 57 square feet, and special exception relief for a two-foot encroachment into the rear yard. A balcony on the second floor in the court has also been proposed, which also requires variance relief.</p> <p>The applicant has proposed significant modifications to the public space at the front of the dwelling, which will require separate review and approval by the Public Space Committee. OP also notes that the surveyor's plat provided in Exhibit 7 is inconsistent with the architectural plans provided in Exhibit 5. OP's review is based on the architectural plans provided to the record.</p> <p>One parking space would be provided at the rear of the dwelling; however, the dimensions of that space do not appear to have been consistently provided in the architectural drawings. Additional relief from the dimensional requirements of the space may be required if it is a compact parking space.</p> |

III. ZONING REQUIREMENTS and RELIEF REQUESTED

| Zone – RF-1 | Regulation | Existing | Proposed | Relief |
|---------------------------------------|---|-----------------|----------------------------------|------------------------|
| Lot Width (ft.) D § 201 | 18 ft. | 17.22 ft. | No change | Existing nonconforming |
| Lot Area (sq. ft.) D § 201 | 1,800 sq.ft. | 1,377 sq.ft. | No change | Existing nonconforming |
| Pervious Surface D § 204 | 0% | Not provided | Not provided | None required |
| Height (ft.) D § 303 | 35 ft. | 34 ft. | No change | None Required |
| Lot Occupancy D § 304 | 60% maximum | 60% | 74.2% | Required |
| Front Setback D § 305 | Within range of front setbacks on same side of the street | Not provided | No change | None required |
| Rear Yard (ft.) D § 306 | 20 ft. | 26 ft. | 18 ft. | Required |
| Side Yard (ft.) D § 307 | Not required | -- | -- | None required |
| Accessory Building Rear Yard D § 5004 | 12 ft. from the alley center line | -- | 5 ft. from the alley center line | Requested |
| Parking C § 701 | 1 space per 2 dwelling units | 1 space | No change | None required |
| Roof Deck Guardrail C § 1502 | 1 ft. setback per 1 ft. height of guardrail | -- | 0 ft. | Required |

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitle E § 304, Lot Occupancy

The lot occupancy variance relief is a result of the proposed construction of a deck that would extend from the rear façade of the dwelling approximately nine-feet, and would wrap around the dwelling to fill in the existing four-foot wide court. The proposed deck would be accessible from the first floor, and would be constructed of metal grating to allow light and air into the cellar area. A second story deck would also be constructed in the court, which also requires relief.

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has suggested that the size of the lot, which is 423 square feet smaller than required by the Zoning Regulations, provides an exceptional situation resulting in a practical difficulty. Because the lot is similar in size to others developed with row dwellings along the same block of T Street, OP does not find that the size of the lot presents an exceptional situation resulting in practical difficulty. It appears that a smaller deck, similar in size to some neighboring decks, would be possible by special exception. The applicant has not demonstrated that the strict application of lot occupancy requirements would result in peculiar and exceptional practical difficulties.

ii. No Substantial Detriment to the Public Good

The proposed deck would be unlikely to cause substantial detriment to the public good. There are larger structures along the same block, including the immediate neighbor to the east, so the increased lot occupancy would be compatible with the established character. Several neighbors

have provided letters of support to the record, including those at 1206 and 1210 T Streets, which would be most impacted by the proposed deck ([Exhibit 10](#)).

iii. No Substantial Harm to the Zoning Regulations

The intent of the lot occupancy provisions for residential lots is to ensure that sufficient open space is provided on lots, and that structures are right-sized for the lot on which they are located. The applicant has not demonstrated that there is a practical difficulty in complying with the Zoning Regulations, which would cause harm to the Regulations.

b. Special Exception Relief pursuant to: Subtitle C § 1502, Roof Deck Guardrail Setback pursuant to Subtitle C § 1504.1

The applicant has requested setback relief for the privacy wall and guardrail on a proposed deck on the roof of the second floor, located at the rear of the row dwelling. The privacy wall, located at the west side of the deck, would require a six-foot setback, and the guardrail, located along the south and east side of the deck, would require a 3.5-foot setback.

1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

- (a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;*

The applicant proposes to construct a deck on the second story that would be visible from the rear of the property and adjacent alley. The proposed guardrails would be consistent with the existing development pattern along the south side of T Street for similar decks. The provision of setbacks would result in a deck that would likely be more costly and less unusable, which is unreasonable given the existing pattern of roof decks along the block.

- (b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;*

The proposed reduced setbacks for the guardrail would result in a better design of the deck, as it would be consistent with existing roof decks along the same block.

- (c) The relief requested would result in a roof structure that is visually less intrusive;*

The proposed second floor deck design would be visible from the alley, but would be visually less intrusive along T Street.

- (d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;*

Not applicable, although providing the required setbacks would make the deck smaller and possibly more expensive to construct.

- (e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and*

The proposal does not request relief for the housing of mechanical equipment, stairway, or elevator penthouse.

- (f) *The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely*

The purpose of the setback requirements for roof decks is generally to reduce their visibility from public rights-of-way. The regulation is mainly intended to address decks on the building roof, but, as currently worded, also applies to larger decks on the roof of a lower level. The proposed roof deck is located at the rear of the dwelling and would not be visible from T Street, and would be consistent with the existing pattern of decks along the south side of T Street, which typically provide no setback. Further, the deck would remain open to the sky and in-line with existing roof decks, resulting in minimal impact to light and air of adjacent buildings. A privacy wall along the east property line would face a court with a green wall along the west property line, helping to ensure the privacy of neighboring properties. Several letters of support from adjacent neighbors have been provided to the record ([Exhibit 10](#)).

c. Special Exception Relief pursuant to Subtitle E § 5004, Accessory Building Rear Yard pursuant to Subtitle E § 5007.1; and Subtitle E § 306, Rear Yard pursuant to Subtitle E § 5201

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

Rear Yard

The applicant has requested rear yard relief for the proposed ground floor deck to allow a rear yard of 18-feet rather than the required 20-feet. As noted above, this deck also requires lot occupancy relief. Because the proposed deck would be unenclosed and open to the sky, it would maintain the intent of the Zoning Regulations, which is to ensure the provision of sufficient open space on the lot, although OP notes that reducing the size of this deck to eliminate the rear yard relief would also help to address the lot occupancy non-conformity.

Accessory Building Rear Yard

The applicant has requested rear yard relief for a proposed roll up door that would be located on the property line. OP consulted with DCRA regarding this relief, and it does not seem that relief would be required for this type of structure; however, the applicant has decided to request it out of an abundance of caution. The intent of this regulation is to ensure that the use of the alley for service and other functions is not unduly impacted. In this case, DCRA has determined that relief is not required, and other roll-up doors have been placed along the property line. The proposed roll-up door is consistent with the existing development pattern of the alley.

Parking Space – Not requested but possibly required

The lot currently provides a full-sized parking space on the property, but it appears that the space may be reduced to a compact-sized space to allow space for the proposed deck. In conversations with DCRA, it was indicated that relief to convert the parking space into a compact space may be required. As of this writing, the applicant has not requested this relief.

OP would support special exception relief to convert the full-sized parking space into a compact-sized parking space, as it would maintain the intent of the Zoning Regulations, which is to provide

parking when it has been historically located on the property. Although it would be a smaller space, it could still accommodate a variety of vehicles.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

Overall, the proposals requiring special exception relief, including the roof deck, deck and roll-up door, would not appear to adversely affect the use of neighboring property.

The two feet of rear yard relief for the ground level deck would not add significant bulk to the structure. The deck would remain open to the sky, so the dwelling would generally maintain the existing character along the block.

The roll-up door would offer greater security to the subject property and would not adversely impact neighboring properties by introducing significant shadow, although placing it on the property line, as proposed and as permitted, could make it more vulnerable to damage from trash or other service vehicles or other vehicles negotiating this relatively narrow alley.

If it is determined that relief is required for the parking space size, the provision of a slightly smaller than required parking space would ensure parking remains on the site to minimize potential parking impacts.

V. COMMENTS OF OTHER DISTRICT AGENCIES

District Department of Transportation (DDOT) has submitted a report to the record noting that it has no objection to the approval of the requested relief ([Exhibit 37](#)).

VI. COMMUNITY COMMENTS

At its regularly scheduled meeting on May 3, 2018, ANC 1B voted to recommend approval of the requested variance and special exception relief ([Exhibit 34](#)). Several letters of support from neighbors have been submitted to the record, including the most affected neighbors at 1206 and 1210 T Streets ([Exhibit 10](#)).

Attachment: Location Map

Location Map

