

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 17, 2020

SUBJECT: BZA Case 20178 (1738 Church Street, N.W.) to permit the construction of a rear deck and accessory structure.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Lot Occupancy, Subtitle F § 604, pursuant to Subtitle X § 1000 (60% maximum permitted; 44.6% existing; 76.7% proposed).

The Office of Planning (OP) recommends **approval** of the following special exception relief:

- Penthouse Setbacks (Rooftop Guardrail), Subtitle C § 1502(a), (b) and (c), pursuant to Subtitle C § 1504.1 (3 ft. setback minimum required; 0 ft. setback proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1738 Church Street, N.W.
Applicant	Scott Sterl for Murat Kayali and Kathryn Schleckser
Legal Description	Square 156, Lot 313
Ward, ANC	Ward 2, ANC 2B
Zone	The RA-8 zone provides for areas developed with predominantly moderate-density apartments. Principal dwelling units and flats are also permitted in row buildings.
Historic District	Dupont Circle Historic District
Lot Characteristics	The rectangular lot is 1,710 square feet in area, and has 18-feet of frontage along Church Street. The rear of the lot, also 18-feet wide, abuts a 12-foot wide public alley.
Existing Development	The property is currently developed with a row building with one principal dwelling unit. A deck is located at the south building elevation and would be removed as part of the proposal.
Adjacent Properties	Adjacent properties to the north, south, east and west are developed primarily as row buildings consisting of single principal dwelling units and flats.

Surrounding Neighborhood Character	The surrounding neighborhood character is moderate-density, consisting of row buildings with principal units and flats and apartment houses.
Proposed Development	The applicant proposes to remove an existing deck at the rear of the row building and construct a new 130 square foot deck and new accessory building with a roof deck. The accessory building would provide parking for two small vehicles and the roof deck would have guardrails with no setbacks.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RA-8	Regulation	Existing	Proposed	Relief
Lot Area	--	1,710 sq. ft.	No change	None required
Lot Width	--	18 ft.	No change	None required
Floor Area Ratio F § 602	1.8 max.	0.44	0.77	None required
Height F § 603	50 ft. max.	Not provided	No change	None required
Lot Occupancy F § 604	60% max.	44.6%	76.7%	Required
Rear Yard F § 605	15 ft. min.	39.2 ft.	39.2 ft.	None required
Side Yard F § 606	None required	0 ft.	No change	None required
Green Area Ratio F § 607	0.4	Not provided	Not provided	None requested
Accessory Building Height F § 5002	20 ft. max. and 2 stories	--	8.08 ft.	None required
Accessory Building Rear Yard F § 5003	12 ft. measured from center line of alley	--	12 ft.	None required
Parking C § 701	1 per dwelling	1 space	1 space	None required
Penthouse Setbacks C § 1502	Distance equal to its height from each building wall	--	0 ft. from each building wall for guardrails	Required

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitle F § 604, Lot Occupancy

The lot occupancy variance relief is a result of the proposed construction of a 360 square foot garage and 176 square foot deck. The proposed deck would replace an existing larger deck and would provide a passage between the first floor of the dwelling and the proposed roof deck on the garage. The property currently has a lot occupancy of 44.6%, which would increase to 76.7% with the addition of the garage and deck.

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has not demonstrated that the strict application of lot occupancy requirements would result in peculiar and exceptional practical difficulties. The lot is similar in size to properties on the same block. Many of the properties along the block also have accessory buildings, and most of them have not required lot occupancy relief. The applicant has indicated that the grade of the lot may present a practical difficulty but has not provided sufficient information to the record for review. The area of the proposed deck could be reduced so that the lot occupancy would not exceed 70%, which would allow the structures with the approval of a special exception. A reduction of about 89 square feet would be required in order to provide a lot occupancy of 70%.

ii. No Substantial Detriment to the Public Good

The proposed deck and accessory building would be unlikely to cause substantial detriment to the public good. There are similarly-sized structures along the alley on the same block, including neighbors on both sides of the subject property, so the increased lot occupancy would be compatible with the established character. The adjoining neighbors, who would be most potentially impacted by the proposed deck and accessory building, have provided letters of support to the record (Exhibits 8 and 9).

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 from Subtitle C § 1502(a), (b) and (c), Roof Deck Guardrail Setback pursuant to Subtitle C § 1504.1

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 accessory building 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 Church Street for similar decks. The provision of setbacks would result in a deck that would likely be more costly and less functional, which would be 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 roof deck, as it would be consistent with existing roof decks along the same block. The proposed guardrails would not appear to be an extension of the building wall.

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

The proposed roof deck guardrails on the accessory building would be visible from the alley but would not be visible from Church 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;

This section does not apply to the present request, 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 an accessory building. The proposed roof deck is located at the rear of the dwelling, would not be visible from Church Street and would be consistent with the existing pattern of decks along the south side of Church 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. Letters of support from abutting neighbors have been provided to the record at Exhibits 8 and 9.

V. COMMENTS OF OTHER DISTRICT AGENCIES

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

VI. COMMUNITY COMMENTS TO DATE

At its regularly scheduled meeting on January 8, 2020, ANC 2B voted to support the project as proposed (Exhibit 29). Two letters of support have been submitted to the record from the most affected neighbors at 1736 and 1740 Church Streets (Exhibits 8 and 9).

Attachment: Location Map

Location Map

