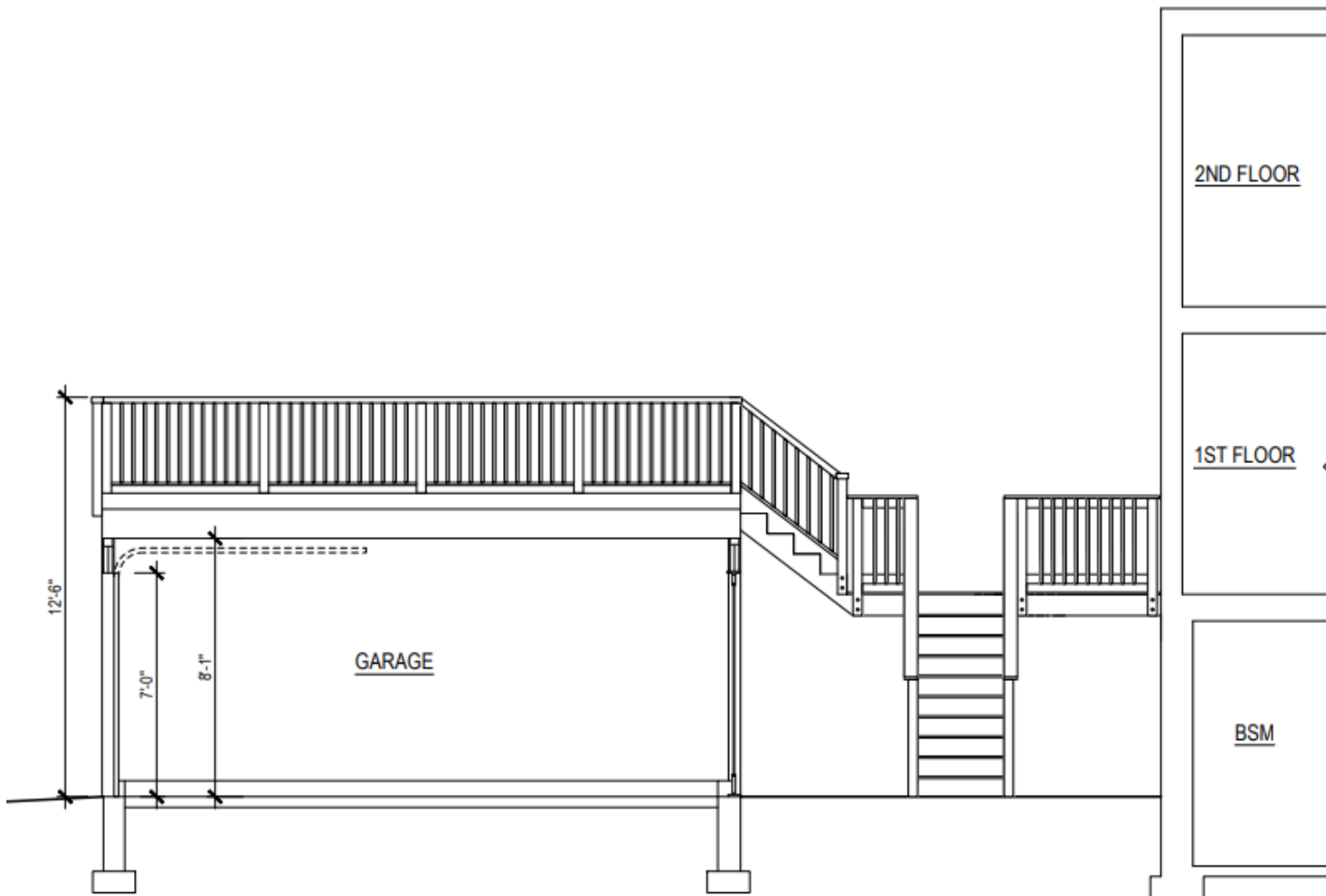


1738 Church Street, NW

BZA APPLICATION NO. 20178

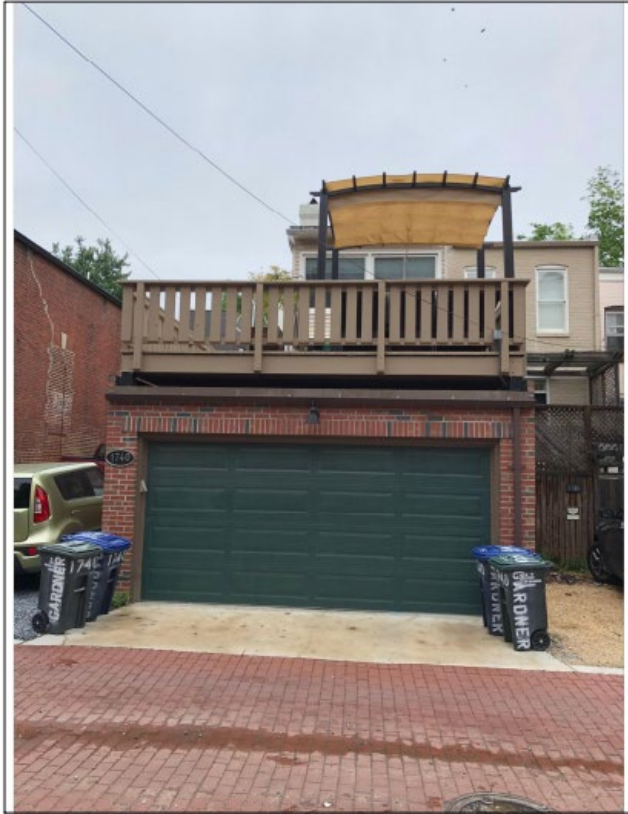
MURAT AND KATHRYN KAYALI

JUNE 17, 2020



SECTION A

SCALE: 1/4" = 1'-0"



1740 CHURCH ST. NW. (ALLEY SHOT)

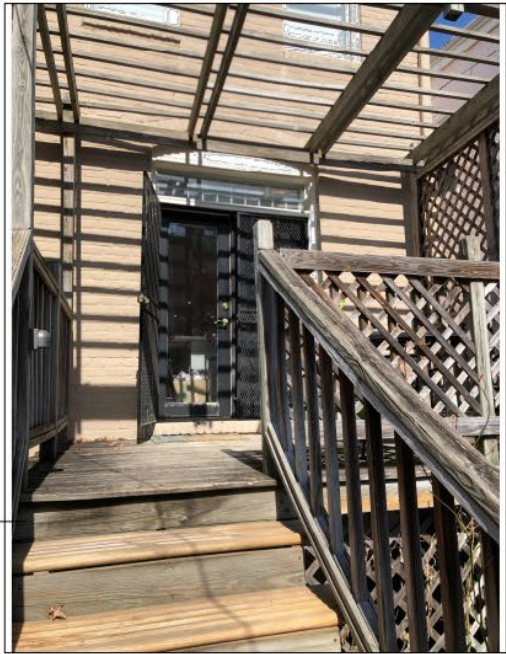
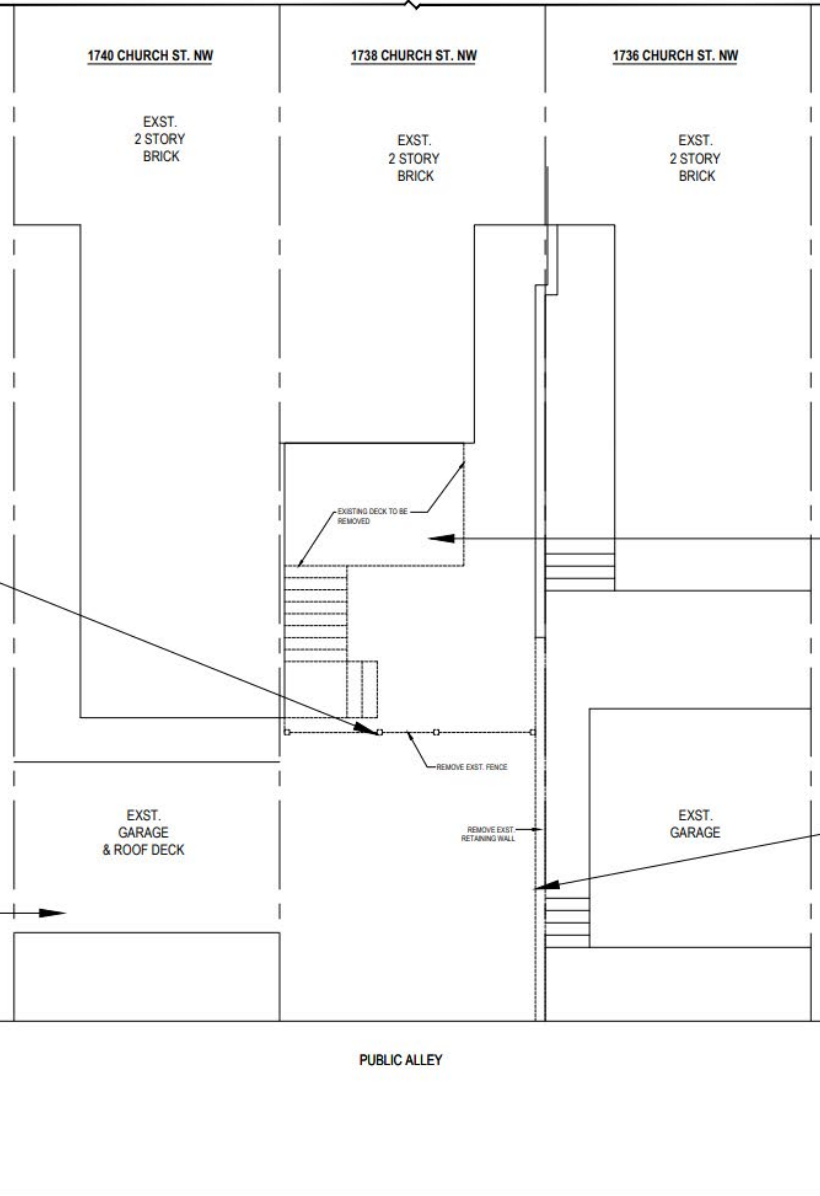
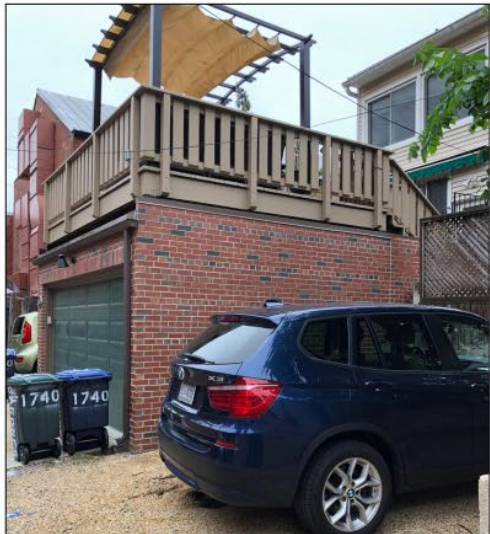
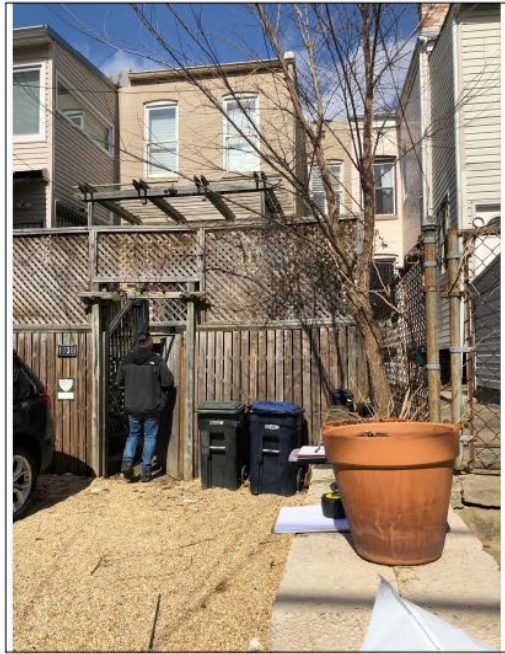


1738 CHURCH ST NW (ALLEY SHOT)

Subject Property



1736 CHURCH ST. NW. (ALLEY SHOT)



EXISTING & DEMO PLANS
SCALE: 1/4" = 1'-0"



Overview

- Subject Property, located in the RA-8 zone, is currently improved with a single-family dwelling
- The Applicant is proposing:
 1. To construct a new garage and roof deck
 2. To replace an existing rear deck which will connect the house and garage
- The Applicant is requesting special exception relief from the rooftop guardrail setback requirement of Subtitle C § 1502(a), (b) and (c), pursuant to Subtitle C § 1504.1 (3 ft. setback minimum required; 0 ft. setback proposed)
- The Applicant is also requesting variance relief from the lot occupancy requirement of Subtitle F § 604, pursuant to Subtitle X § 1000 (60% maximum permitted; 44.6% existing once the current deck is removed; 72.5% proposed)

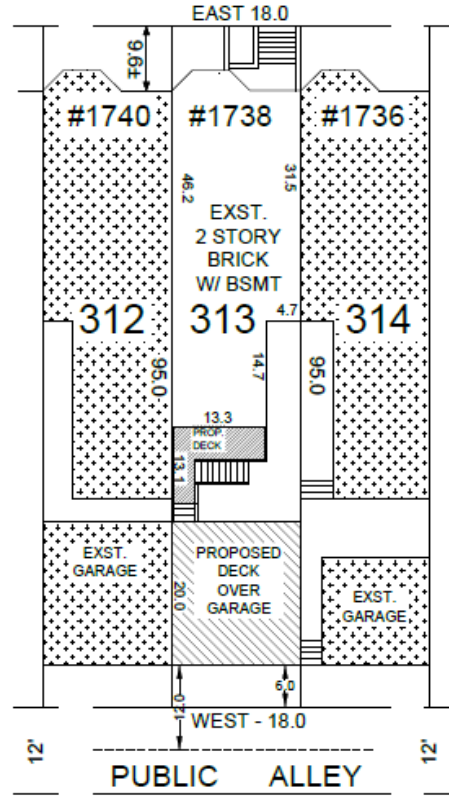
Lot Occupancy (F § 604)

- Since the first hearing, the Applicant has continued to work with OP
- Through these continued discussions, the Applicant decided to modify the application to request a variance for 72.5% lot occupancy, which is less than the original proposal (76.7%), but which still requires variance relief
- The increased lot occupancy is requested so that the rear doors leading out to the deck can be fully operational
- In the 70% lot occupancy scenario, the rear doors cannot fully open, resulting in a practical difficulty for safety and security reasons
- Based on this rationale, OP now recommends approval for the 72.5% lot occupancy and continues to recommend approval of the original special exception requested for reduced penthouse setbacks

CHURCH STREET, N.W.



1740 CHURCH ST. NW. (ALLEY SHOT)



SITE PLAN

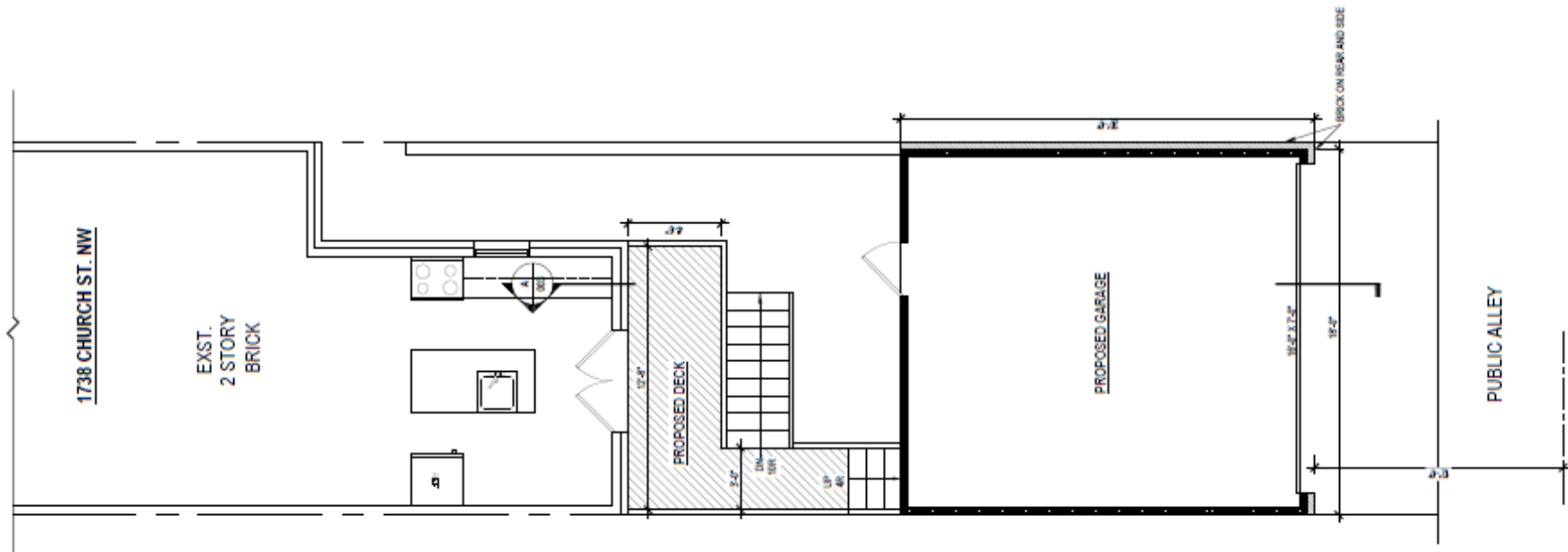
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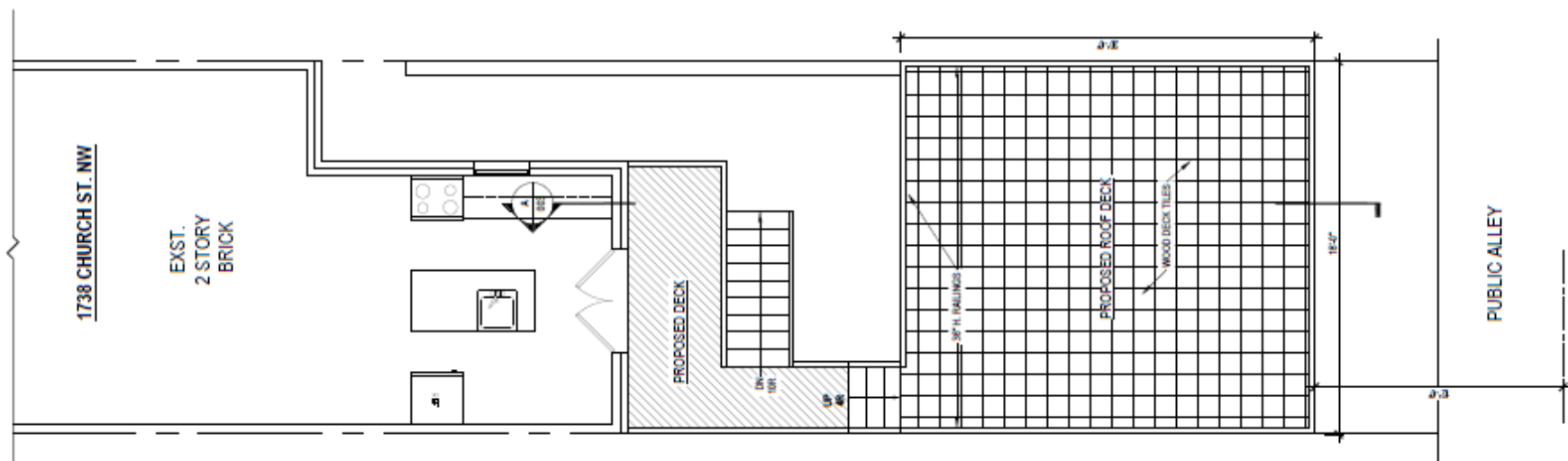
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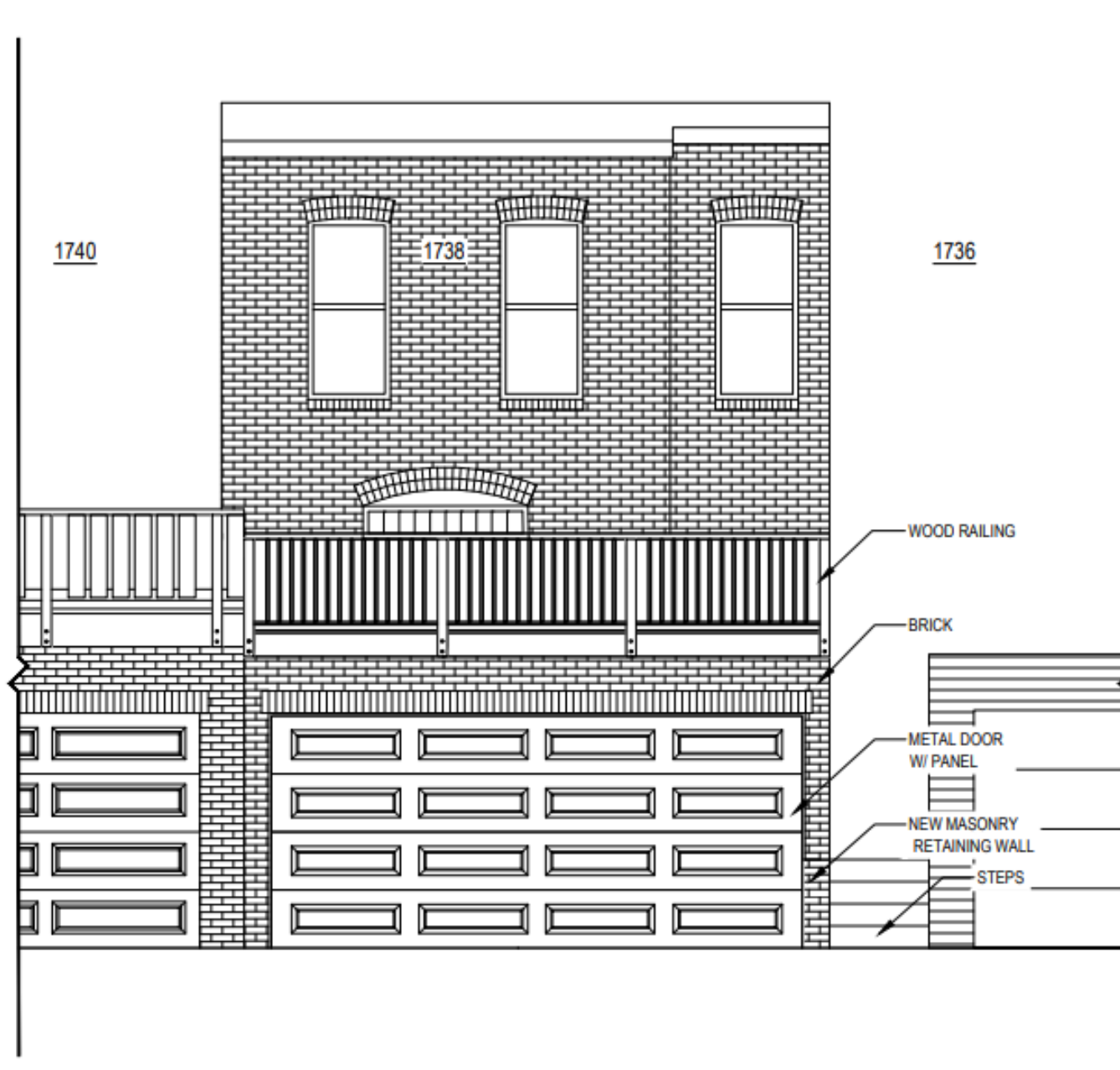
1736 CHURCH ST. NW. (ALLEY SHOT)



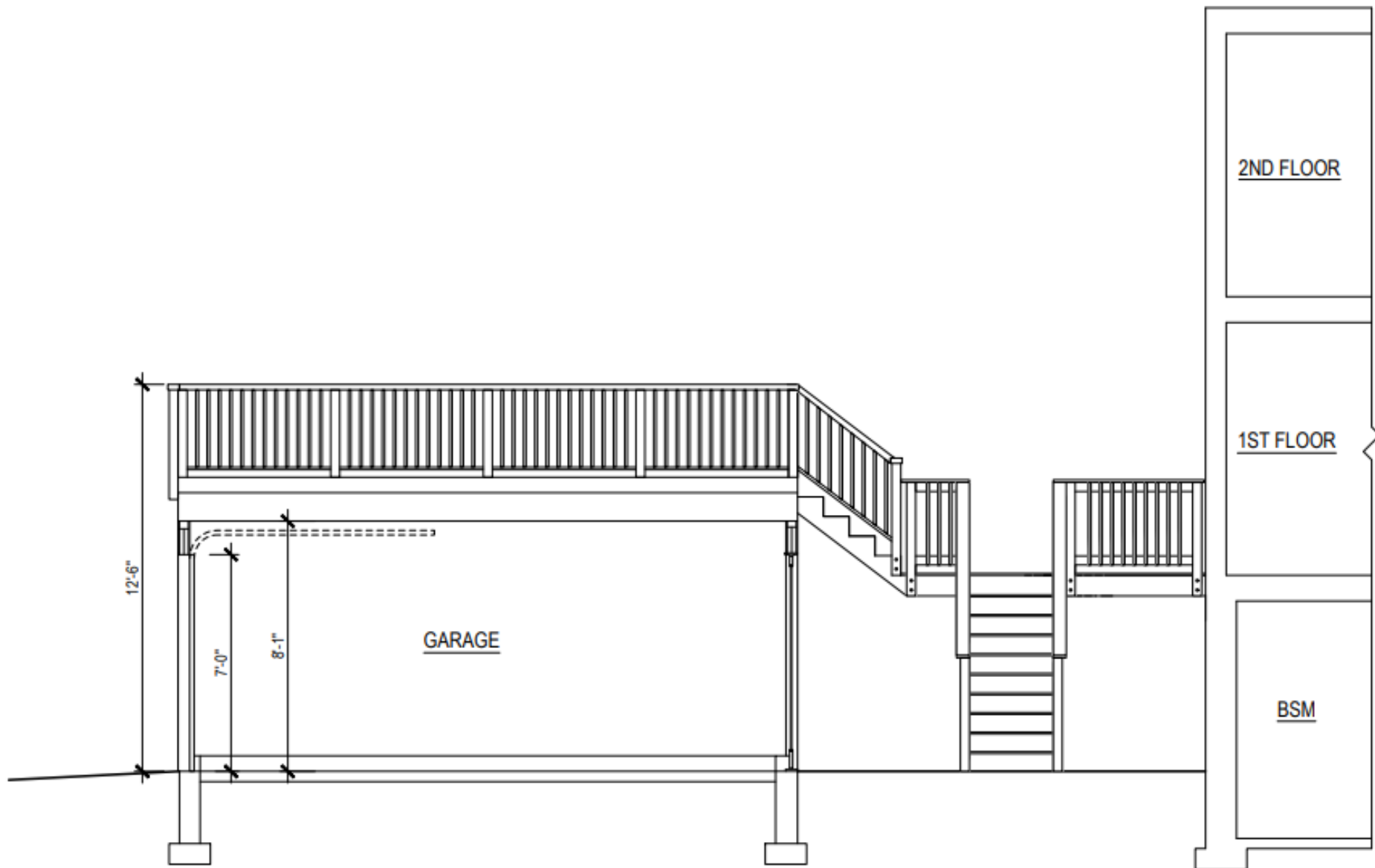
Proposed Garage



Proposed Roof Deck & Lower Deck



Proposed West Elevation



SECTION A
SCALE: 1/4" = 1'-0"

Proposed Deck Section

General Special Exception Requirements of Subtitle X § 901.2

- *1) Addition will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps*
- *2) Addition will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps*
- The Proposed garage and deck addition, and roof deck, are compatible with neighboring properties
- Both neighbors are in support of the Application

Special Exception Requirements of Subtitle C § 1504.1

(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;

- 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

Special Exception Requirements of Subtitle C § 1504.1

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

- 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

(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) and (e) do not apply

Special Exception Requirements of Subtitle C § 1504.1

(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

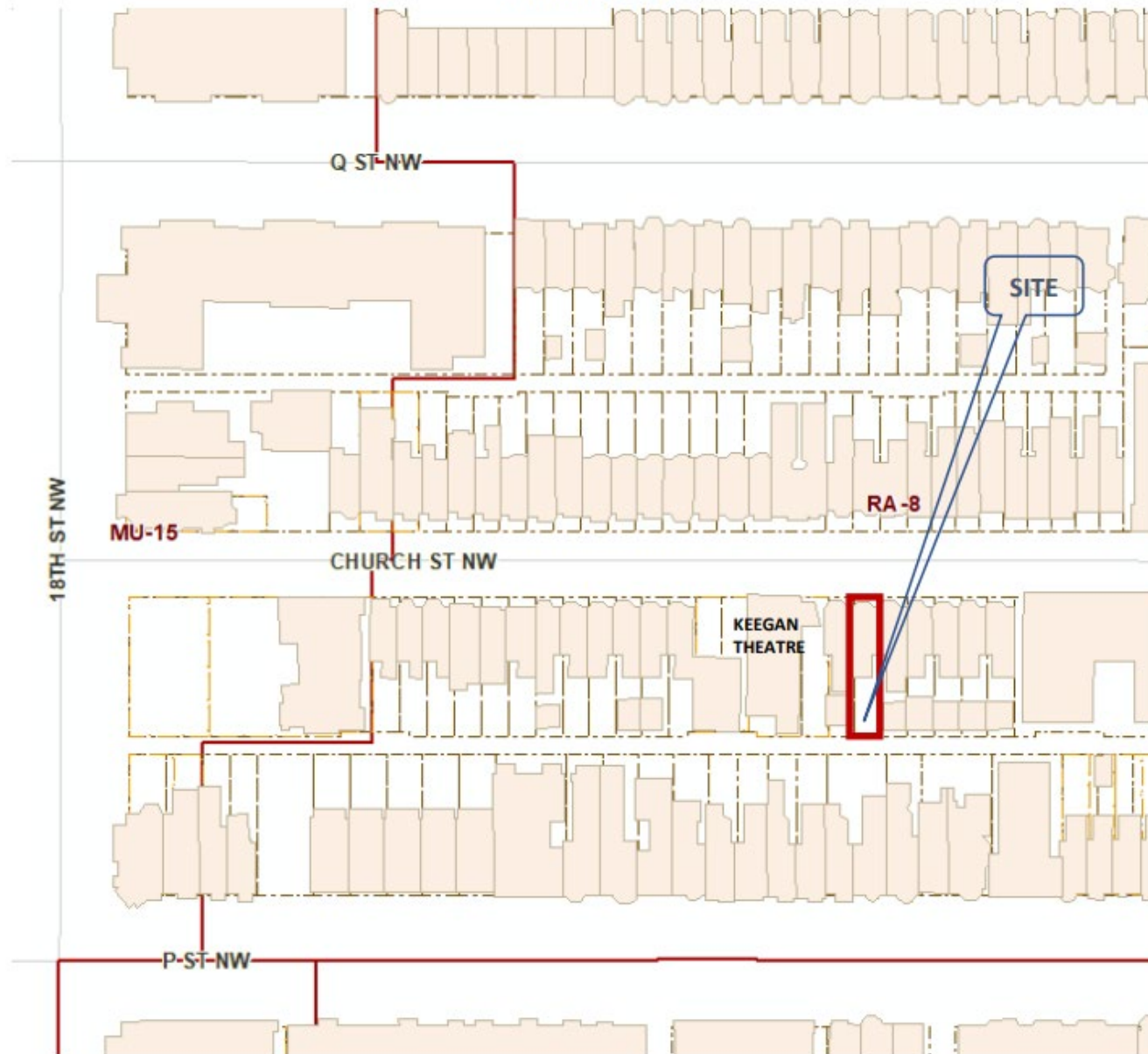
- The proposed roof deck is located at the rear of the dwelling, would not be visible from Church Street and would be consistent with the existing pattern of decks along the south side of Church Street, which typically provide no setback
- The deck would remain open to the sky and in-line with existing 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

Variance Relief from Subtitle F § 604, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

- The Subject Property is alone among this half of the block in having no structure along or near the rear property line.
- This exceptional condition with the Subject Property results in the peculiar and exceptional practical difficulties, including unauthorized parking from the nearby Keegan Theatre and other of the close-by commercial uses, providing a space for the proliferation of public trash and rodents, and the typical security issues of having this inviting, open space on this otherwise almost entirely closed row of buildings.
- These issues are not unlike those noted by the Applicant to the west, who received lot occupancy variance relief to construct an accessory building, in BZA Application No. 18824. The approved lot occupancy in that case was 91%.

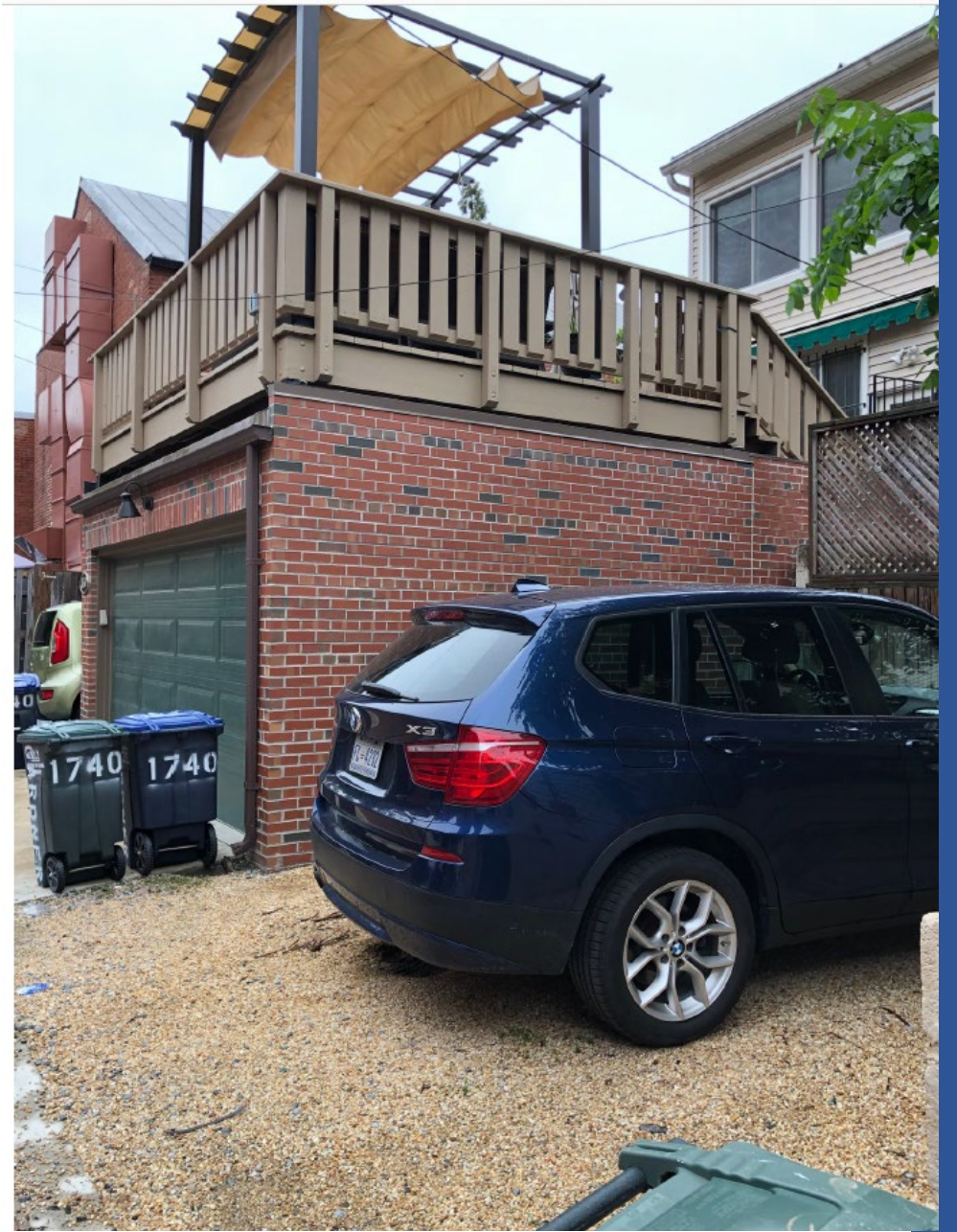
Location Map



Variance Relief from Subtitle F § 604, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

- The Subject Property's rear yard is surrounded on three sides by buildings, as well as having larger buildings to the south across the alley
- With such a shallow and narrow yard (about 13 feet between the house and the parking area), this leaves most of the Applicant's back yard heavily shaded and virtually un-usable for any of the typical activities for which families use rear yards
- Not allowing a reasonably-sized elevated deck between the house and new garage results in the effective loss of use of a considerable portion of the rear yard space, which would be a peculiar and exceptional practical difficulty to the Applicant
- At 70% lot occupancy, the Applicant has a practical difficulty in using its existing rear doors, and a practical difficulty in replacing those doors with a sliding glass door.





Variance Relief from Subtitle F § 604, Lot Occupancy

ii. No Substantial Detriment to the Public Good

- The proposed accessory building would solve security, trash, and other concerns while continuing to provide parking for two cars and provide some recreation space equal to their neighbor to the west
- The currently proposed deck would go a long way in resolving the practical difficulty presented by the small and isolated yard space by providing a reasonable amount of elevated recreation space at a level which is even with the main level of the Applicant's house, while also providing safe and reasonable access to the accessory building's roof deck
- Both adjacent neighbors have submitted letters in support

Variance Relief from Subtitle F § 604, Lot Occupancy

iii. No Substantial Harm to the Zoning Regulations

- The Applicant is not changing the use of the Property
- The proposal should not cause harm to the Zoning Regulations, as the additional 34 square feet would allow for a fully functional security door to remain in place (*From OP Report, 6/10/20*)
- All additional decking would remain as impervious surface, so there is no additional impact on stormwater drainage

Conclusion

- ANC is in support
- Both adjacent neighbors have submitted letters in support
- Office of Planning is now recommending approval of the 72.5% lot occupancy and continues to recommend approval of the original special exception requested for reduced penthouse setbacks