



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 21, 2014
SUBJECT: **BZA Case 18696** – Request for variance relief to allow construction of a rear deck at the first floor level of an existing two-story row dwelling located at 1431 Parkwood Place NW

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **cannot support** the variance relief requested from:

- § 403.2 (a maximum lot occupancy of 60% allowed, 82.4% is proposed);
- § 404.1 (a minimum rear yard of 20 feet is required, a 2.6-foot setback is proposed);
- § 406.1 (a minimum open court width of 10 feet is required, open courts of 7.25 and 11.25 inches on either side of the proposed deck are proposed); and
- § 2001.3 (for an addition that would exceed the allowable lot occupancy and increase an existing nonconformity).

The application did not sufficiently explain either the uniqueness associated with the subject property or the associated practical difficulty in this case.

This proposal also appears to require relief from the zoning definition standard in §199 that no structure occupy more than 50% of a required yard. However, since this relief was not identified in the Zoning Administrator referral, it is not addressed in the analysis that follows.

II. AREA AND SITE DESCRIPTION

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| Address: | 1431 Parkwood Place NW |
| Legal Description: | Square 2688, Lot 0063 |
| Ward: | 1A |
| Lot Characteristics: | The subject rectangular 1,260 square-foot (0.03 acre) property fronts Parkwood Place along the southern (front) boundary and a 15-foot public alley wide along the northern (rear) boundary. A driveway in the rear yard allows vehicle access directly from this alley (reference Figure 1). |
| Existing Development: | DC land records indicate the existing two-story masonry row dwelling was constructed in 1927. A 1926 DC Surveyor’s plat (reference Exhibit 1) shows that the subject dwelling is one of several in this subdivision that were uniformly set dwellings back 18 feet from Parkwood Place and 13-feet from the rear boundary and public alley. The dwelling first floor elevation is slightly above the adjacent street but since the alley behind the dwelling is |



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| | much lower, the rear yard in front of the lower-level garage and basement doors open directly onto the alley. Since the garage is currently used for storage the concrete rear yard serves as a parking pad. The unfinished deck structure, trash receptacles, heating and air conditioning compressor, and a thick concrete slab in front of the door to the basement storage room also occupy this space. On both sides of the rear yard are sections of wooden stockade fence approximately 6-feet tall. A shorter section of fence 4-feet tall extends along the rear property boundary (reference Figure 2) west of the driveway. |
| Zoning: | R-4 – row dwellings are allowed as a matter of right. |
| Historic District: | None. |
| Adjacent Properties: | Developed with other masonry row dwellings of similar size. |
| Surrounding Neighborhood Character: | Moderate-density residential. |

III. APPLICATION IN BRIEF

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| Applicants: | Michael Runyan, owner of record. |
| Proposal: | To construct a new elevated rear deck at the ground floor level that would be 15 feet 10.75 inches wide and extend 12 feet 7.25 inches north from the rear dwelling façade according to the submitted plans. The deck addition is intended to provide “useable outdoor space.” The deck floor would be 9 feet 9 inches above grade. |
| Relief Sought: | <p>When the applicant submitted Permit Application B1309616 to the Department of Consumer and Regulatory Affairs (DCRA) in August 2013, the Zoning Administrator responded in a memorandum dated September 24, 2013 that the following zoning relief is required:</p> <ul style="list-style-type: none"> • § 403.2 (a lot occupancy of 60% is allowed, 82.4% is proposed); • § 404.1 (a minimum rear yard of 20 feet is required, a 2.6-foot setback is proposed); • § 406.1 (a minimum open court width of 10 feet is required, open courts of 7.25 and 11.25 inches are proposed on opposite sides of the proposed deck); and • § 2001.3 (for a proposal that would exceed the allowable lot occupancy and increase an existing nonconformity). <p>Based on the plat submitted with the application and DC land records, the dwelling and front porch currently occupy 67.1% of the site.¹ This addition would increase the nonconforming lot occupancy to 82.4%, reduce the nonconforming rear yard setback</p> |

¹ Open courts less than 1 feet wide beside the front porch and along the rear façade are included in the building area (per the Zoning Regulation definition) and lot occupancy calculations. The same would be true for the new deck.

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| | <p>from 13 feet to 2.6 feet and create new nonconforming open courts along both sides of the property.</p> <p>OP explained a possible alternative to the applicant that could be approved by special exception. Section § 223 allows up to a 70% lot occupancy on row dwelling properties in an R-4 District. The additional 3% lot occupancy allowed, equal to an additional 36 square feet, could be used to construct for a 4 x 9-foot deck above the driveway/parking pad.</p> <p>The applicant responded that the resulting recreation space was not enough.</p> |
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IV. ZONING REQUIREMENTS

| R-4 District | Regulation | Existing | Proposed | Relief: |
|--------------------------|----------------------------|--------------|-----------------------|------------|
| Lot Occupancy § 403.2 | 60% (maximum) ² | 67.1% | 82.4% | +22.4% |
| Rear Yard § 404.1 | 20 feet (minimum) | 13 feet | 2.6 foot | -16.4 feet |
| Open Court Width § 406.1 | 10 feet (minimum) | 1 and 2 feet | 7.25 and 11.25 inches | -9 feet+ |
| Parking § 2101.1 | 1 space per dwelling | 1 space | 1 space | None |

As a result, relief is also required from §§ 2001.3 (a) and (b)(2).

V. OFFICE OF PLANNING ANALYSIS

- Unique and exceptional conditions resulting in a practical difficulty:

The unique conditions identified in this case by the applicant are: the existing dwelling was constructed in 1927 prior to the adoption of the current Zoning Regulations; the front yard setback is 18 feet; and the resulting rear yard setback is small and primarily serves as a parking pad. The applicant does not feel this space is suitable for recreation and does not want to be limited to a Juliette balcony. ³

However, the subject property to be one of at least ten subdivision lots developed with the same site characteristics including the shallow rear yard dimension and basement garage with driveway access to the alley (reference Exhibits 1 and 2). The subject property is therefore not unique. In fact the neighboring property to the west at 1433 Parkwood Place shares many of the same limitations including a Juliette balcony (also reference the photographs submitted with the application).

- Determent the public good:

Construction of the proposed deck could impact the privacy and security of neighbor living at 1433 Parkwood Place because of the increased visibility of the rear façade windows from this new structure. Construction of the smaller deck that could be allowed by special exception, however, could have less

Figure 1



² Maximum lot occupancy allowed for row dwellings in R-4.

³ The slab in the rear yard appears to be the concrete foundation of an accessory building that no longer exists.

Form 661—E. D.—12—1-1-14

R-25

Fale

Surveyor's Office DISTRICT OF COLUMBIA

Washington, D. C.

PERMIT NO.

Plat, for Building Permit of *473*

Recorded in Book *192*
S. O. *22* page *11*

This owner or applicant shall show upon such plat or survey, drawn by some scale as the plat of survey, all buildings or additions, located and to be located thereon, and the buildings or additions must be located and erected as shown on said plat of survey. Finding regulations, paragraph No. 27.



Subject Property

*markers located
5.0' below grade*

complete

Scale: 1 inch = *20* feet

Issued in accordance with Section 27, Building Regulations

Furnished to

Resurvey for

Surveyor, District of Columbia.

Per



1431 Parkwood Place NW



Government of the District of Columbia
Office of Planning ~ October 28, 2013

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- Corner Points
- Metro Bus Routes
- Metro Stations
- Property Boundaries
- Street Centerlines
- Water