



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, AICP, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** April 24, 2012

**SUBJECT:** BZA Case 18343- 1618 22<sup>nd</sup> Street, N.W.

### I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Lot Occupancy (60 percent permitted, 98.7 percent proposed);
- § 404.1, Rear Yard (20 feet required, 0.67 feet proposed); and
- § 2001.3, to permit an addition to a nonconforming structure.

### II. LOCATION AND SITE DESCRIPTION

Address	1618 22 <sup>nd</sup> Street, N.W.
Legal Description	Square 2512, Lot 23
Ward	2
Lot Characteristics	Rectangular lot with no alley access
Zoning	R-4 – row dwellings and flats
Existing Development	Row dwelling, permitted in this zone.
Historic District	Sheridan-Kalorama
Adjacent Properties	North and South: Row dwellings West: Embassy East: Across 22 <sup>nd</sup> Street, embassies, a small apartment building and a private club
Surrounding Neighborhood Character	Residential, including embassies

### III. APPLICATION IN BRIEF

The applicant proposes to construct a deck over the entire rear yard of a row dwelling, eliminating the rear yard. No access to the existing rear yard would be provided between the rear yard and the proposed deck. The subject property is improved with a nonconforming row house constructed in 1891, prior to the adoption of zoning.



#### IV. ZONING REQUIREMENTS and REQUESTED RELIEF

D/R-3 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	20-foot min.	22 feet	22 feet	None required
Lot Area § 401	2,000 SF min.	1,100 SF	1,100 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	81.34%	98.70%	Required
Rear Yard § 404	20-foot min.	10.17 feet	0.67 feet	Required

#### V. OP ANALYSIS

##### a. Variance Relief from § 403.2, Lot Occupancy

###### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is developed with a row dwelling in excess of the maximum lot occupancy permitted, with a rear yard enclosed by brick walls on all sides and a concrete floor. The wall enclosing the rear yard ranges in height from 8 feet, 5 inches on the west, to 11 feet, 4 inches on the south. There are no windows or doors into or out of the yard along the adjoining lot lines to allow for the infiltration of light and air from the north, south or west, as the rear yard abuts adjoining private property on all sides, or passage into or out of the yard except through the dwelling. The rear yard has no public alley access. This impairs the infiltration of sunlight into the yard, resulting in an isolated rear yard that is severe and uninviting.

###### ii. No Substantial Detriment to the Public Good

The granting of the variance would not decrease the amount of open space visible to the public. Due to the existence of the high solid brick walls, the rear yard is not readily apparent and appears to be an extension of the dwelling. The addition of a deck atop the rear yard would alter the appearance of this yard, and would make it appear as open space to surrounding properties.

###### iii. No Substantial Harm to the Zoning Regulations

Row houses within the R-3 are required to provide a rear yard. The granting of this variance to lot occupancy would allow occupants of the dwelling access to outdoor space behind the dwelling.

##### b. Variance Relief from § 404.1, Rear Yard

###### i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is the only one within the square that backs onto the parking area of an embassy and has no alley access, resulting in an uninviting situation adjacent to the rear yard for use as outdoor recreational space.

###### ii. No Substantial Detriment to the Public Good

The granting of a variance to rear yard would not result in a substantial detriment to the public good as it would allow the applicants the ability to create usable private open space at the rear of their property at an elevation above that of the adjoining parking area, minimizing the impact of the parking area on the subject property.

**iii. No Substantial Harm to the Zoning Regulations**

No substantial harm to the Zoning Regulations would result as the granting of a variance to rear yard would result in the increased ability of the applicants to make use of the area behind the dwelling in a manner consistent with that typically associated with a row house.

**VI. HISTORIC PRESERVATION**

The Historic Preservation Office has no issues or concerns with the application and granted staff level approval to the request.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

OP is not aware of comments from any other District agency.

**VIII. COMMUNITY COMMENTS**

ANC 2D, at its regularly scheduled meeting of February 27, 2012, voted in support of the application.

The property owner of 1616 22<sup>nd</sup> Street, N.W., the adjacent property to the south, submitted a letter to the file in support of the application.

Attachment: Location Map

