

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: May 27, 2014

SUBJECT: BZA Case 18763 - request pursuant to DCMR 11 § 3103.2 for area variance relief under §§ 403.2 and 406.1 to allow improvements to an existing wood deck at 1512 P Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance relief pursuant to § 3103.2:

- § 403.2, lot occupancy, (60% required, 73.7% proposed); and
- § 406.1, courts, (6 feet required, 4 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address:	1512 P Street, NW
Legal Description:	Square 0195, Lot 0099
Ward/ANC:	2/2B
Lot Characteristics:	Rectangular lot bounded to the east and west by row dwellings, to the north by P Street, NW, and to the south by a 24-foot wide public alley.
Zoning:	R-5-B/DC – one-family row dwellings and multiple dwellings are allowable uses in this district.
Existing Development:	Three-story, single-family residential row dwelling, which is permitted in this zone.
Historic District:	Greater 14 th Street
Adjacent Properties:	The surrounding neighborhood is a mix of residential, office, religious, and commercial uses.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Charles Conconi, property owner
Proposal:	Resurface existing wood deck in the rear yard of the property, including new deck surface, new railings, and new stairs.
Relief Sought:	Area variance relief pursuant to § 3103.2 from § 403.2, lot occupancy and § 406.1, courts.



IV. ZONING REQUIREMENTS

R-5-B/DC Zone	Regulation	Existing	Proposed ¹	Relief
Lot Occupancy § 403	60 % max.	51.4 %	73.7 %	13.7 %
Rear Yard (ft.) § 404	15 ft. min.	20 ft.	20 ft.	None required
Court § 406	6 ft. min.	4 ft.	4 ft.	2 ft.

V. OP ANALYSIS:

AREA VARIANCE RELIEF FROM §§ 403.2 AND 406.1 PURSUANT TO § 3103.2.

The proposal meets the requirements of the area variance as follows:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

The applicant is proposing to resurface an existing nonconforming deck, which was in existence when the applicant purchased the property in 1989. There is no record of a building permit being issued for the existing non-conforming deck. The applicant is proposing to re-use the existing structural framing of the deck. To comply with the maximum lot occupancy requirement for the R-5-B/DC zone, the applicant would have to demolish the structural framing of the existing deck and reduce the size of the existing deck by 13.7%.

The existing home dates to 1885 and was constructed with the nonconforming court. The property is unique in that the existing home pre-dates zoning and features a nonconforming court, as well as a nonconforming deck that existed prior to purchase by the applicant. Therefore, the pre-existing conditions on the property create an exceptional situation for the applicant.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

Due to the pre-existing, nonconforming improvements on the property, strict compliance with the Zoning Regulations would result in a practical difficulty to the applicant. The existing nonconforming court and deck make it practically difficult for the applicant to reconfigure the improvements in a manner that complies with the lot occupancy and court requirements.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan. OP Historic Preservation staff indicated that the proposed deck should not raise any preservation related concerns. Furthermore, the deck is an existing condition and resurfacing the deck should not adversely impact the light and air available to neighboring properties.

¹ Information provided by applicant.

VI. COMMUNITY COMMENTS

On May 19, 2014, ANC 2B voted to support the applicant's request for lot occupancy and court relief.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

Comments had not been received from other agencies at the time this report was written.

Attachment: Location and Zoning Map

