

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: April 14, 2015
SUBJECT: BZA Case 18986, 1000 Kenyon Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 403.2, Lot Occupancy (60% maximum, 97.8% proposed);
- § 404.1, Rear Yard (20 feet required, 1.1 foot proposed); and
- § 2001.3, Addition to a Nonconforming Structure

II. LOCATION AND SITE DESCRIPTION

Address	1000 Kenyon Street, N.W.
Legal Description	Square 2846, Lot 104
Ward	1, 1A
Lot Characteristics	The rectangular corner lot has an area of 1000 square feet, a frontage of 20 feet along Kenyon Street, and a frontage of 50 feet along Sherman Avenue. The property does not have alley access, but it does have a curb cut on Sherman Place that accommodates a vehicle.
Zoning	R-4 – Row dwellings.
Existing Development	Row dwelling, permitted in this zone.
Historic District	Not applicable
Adjacent Properties	Adjacent properties are generally row dwellings on lots ranging from 800 square feet in area to over 2,300 square feet in area.
Surrounding Neighborhood Character	The surrounding neighborhood character is primarily residential, consisting of row dwellings. Eleventh Street, located one block west, serves as a commercial corridor with restaurant offerings. Columbia Heights Metro Station is approximately four blocks west of the site.

III. APPLICATION IN BRIEF

The applicant proposes to construct a 20 foot by 12 foot deck in the rear yard of a nonconforming lot, and attached to a nonconforming row dwelling. The deck would be seven feet above grade, allowing for a required parking space to be located beneath it. While the details provided by the applicant show that there is only seven feet between the posts, they have indicated a willingness to provide an additional one to two feet to create a legitimate width for a parking space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area § 401	1800 SF min.	1000 SF	1000 SF	Existing nonconforming
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	73.8%	97.8%	Required
Rear Yard § 404	20 ft. min.	12 ft.	1.1 ft.	Required
Side Yard § 405	8 ft. min. , if provided	0 ft.	0 ft.	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403.2, Lot Occupancy; § 404.1, Rear Yard; and § 2001.3, Addition to a Nonconforming Structure

i. Exceptional Situation Resulting in a Practical Difficulty

There is an exceptional situation resulting in a practical difficulty as it relates to the subject property. The subject lot, having a square foot area of 1000 square feet, is among the smaller lots in the square. In contrast, the average lot size of a lot accommodating a row dwelling in this square is approximately 1,400 square feet. A lot occupancy of 60% on the average size lot equates to 840 square feet, and 980 square feet would be permitted by special exception for 70% lot occupancy. The deck addition would increase the floor area from 738 square feet to 978 square feet, which equates to 97.8% of the lot; however, the area is equivalent to what would be permitted by special exception on an average size lot. These figures demonstrate that the size of the lot presents an exceptional situation that makes modernization of the dwelling, including the addition of a moderately sized deck, practically difficult.

While OP is typically not supportive of 100% lot occupancy relief, the applicant has demonstrated that the size of the lot makes the space practically difficult to use. Further, the deck is an open structure that makes practical use of the rear yard and would not increase the bulk of the structure.

ii. No Substantial Detriment to the Public Good

The requested relief would not likely cause substantial detriment to the public good. The proposed deck would be partially visible from Sherman Avenue, but would be an improvement upon the existing condition of the stairs and landing that are currently visible from the street. It would be

somewhat obscured by the taller multifamily dwelling located south of the row dwelling. The deck would not be out of character for the neighborhood, as several properties within the square have one of a similar size.

iii. No Substantial Harm to the Zoning Regulations

The requested relief should not cause substantial harm to the Zoning Regulations. The lot was created prior to the adoption of the Zoning Regulations, and is nonconforming in terms of lot area, being 56% of the lot area required by the Zoning Regulations, and 71% the area of the average lot in the square. The deck would create a functional space in the rear yard without expanding the bulk of the dwelling, which is consistent with the intent of the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from other District Agencies have not been received; however, it is anticipated that DDOT will file a report under separate cover.

VII. COMMUNITY COMMENTS

As of the date of this writing, the applicant has reached out to ANC 1A to be placed on an agenda. In addition, the applicant has indicated that there have been conversations with neighbors concerning the deck, and intends to provide letters of support.

Attachment: Location Map

Location Map

