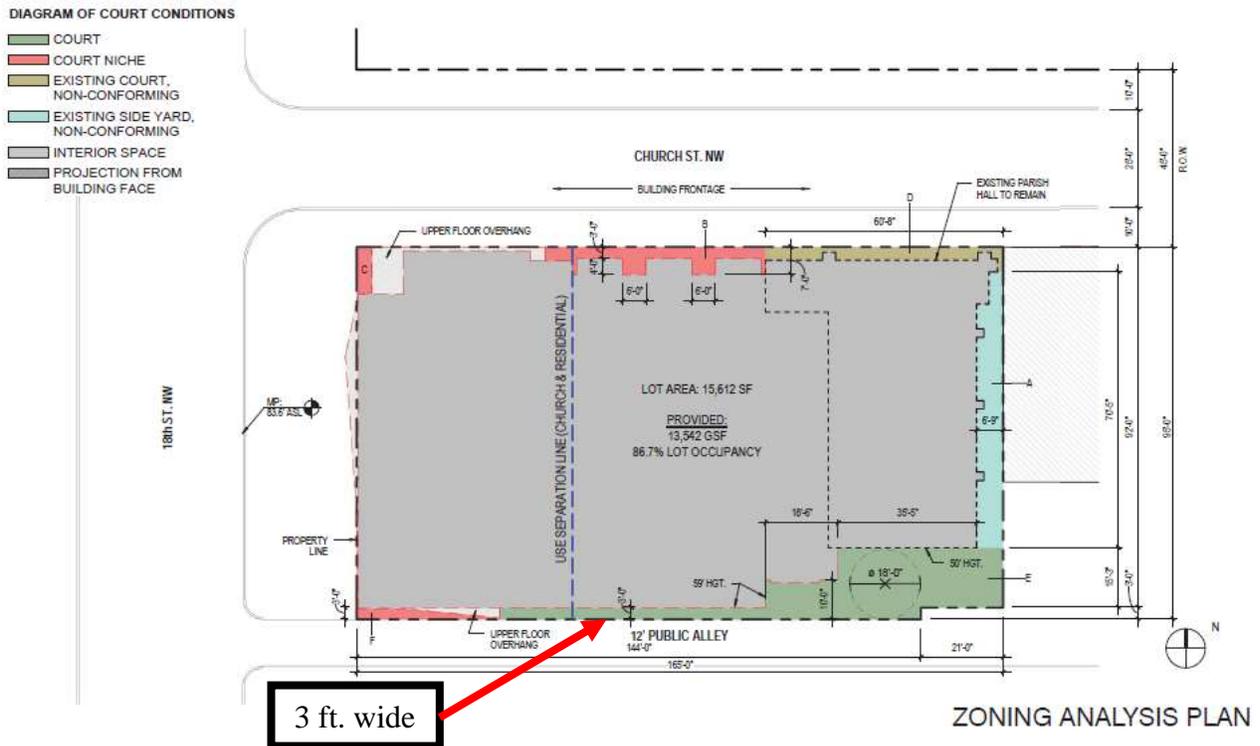




MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 4, 2016
SUBJECT: **Supplemental Report** - BZA Case 19133 - variance relief to allow the construction of an addition for a church and a residential building at 1772 Church Road NW

At the public hearing on December 15, 2015, the Applicant provided a site plan for the proposed church/residential development. The site plan showed a setback along a portion of the southern property line (see below) which the Applicant defined as being part of the open court. The Board of Zoning Adjustment requested that the Office of Planning obtain the advice of the Zoning Administrator to explain why the three foot setback from the property line is defined as a court and not a rear yard. Further, the BZA asked OP to clarify if the area would continue to be defined as a court if the three foot wide area were removed.



The Zoning Administrator stated that the area is a part of the open court and not a rear yard. Courts and rear yards are defined as:

Court - an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or



more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building. (28 DCR 4192)

Court, width of - the minimum horizontal dimension substantially parallel with the open end of an open court or the lesser horizontal dimension of a closed court; or, in the case of a non-rectangular court, the diameter of the largest circle that may be inscribed in a horizontal plane within the court. (28 DCR 4192)

Yard, rear - a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title.

In this case, the space would not comprise a rear yard as the setback would not extend the full length of the building. Instead, the space would comprise an irregularly shaped open court as it would be:

- unoccupied space;
- not a court niche;
- open to the sky;
- on the same lot with the proposed building; and
- bounded on four sides by the exterior walls of the building and the lot line.

In addition, the proposed irregular court would meet minimum width requirements. The court width, by definition is calculated based on the diameter of the largest circle within the irregularly shaped court, and is shown as 18 feet, exceeding the minimum 15 feet required by § 536.

According to the Zoning Administrator, if the three foot wide area were removed, the remaining open area would continue to be defined as a court because minimum court width and other requirements would continue to be met.