



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 6, 2011
SUBJECT: BZA Case No.18245, 930 Quincy Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) cannot recommend approval of variance relief from the lot occupancy requirement of § 403.1 (60 % required, 82% proposed). However, if the Board determines that the variance test has been met for lot occupancy, OP is not opposed to the requested relief from the rear yard requirement.

II. AREA AND SITE DESCRIPTION

Address:	930 Quincy Street NW
Legal Description:	Square 2901, Lot 95
Ward:	5
Zoning:	R-4
Lot Characteristics:	Rectangular flat lot.
Adjacent Properties:	The property abuts a public alley and playing field of the Raymond Recreation Center at the rear. Similar type row dwellings
Neighborhood Character:	The neighborhood is comprised of similarly styled row dwellings constructed around 1920.
Historic Preservation:	N/A

III. APPLICATION IN BRIEF

The applicant wishes to expand an existing frame deck measuring 6 ft. 4in in depth by 7ft. 9in in width to 12 feet in depth by 17 feet in width. The lot is a non-conforming lot due to lot width, lot area and lot occupancy.



IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width (ft.) § 401	20 min.	17ft. 9 in.	17ft. 9 in.	Existing nonconformity
Lot Area (sq.ft.) § 401	1,800 min.	1,193	1,193	Existing nonconformity
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	60 % max.	68.5%.	82%	Required
Rear Yard (ft.) § 404	20 min.	7.4	7.4	Required

The Zoning Administrator informed OP that the existing depth of the rear yard is measured from the rear lot line to the level of the stairs at four feet above grade. The measurement of the defined depth was provided by the applicant. The existing deck is approximately 17 feet from the rear property line; the proposed deck would be approximately 11 feet from the rear property line.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403.1 Lot Occupancy

i. Uniqueness Resulting in a Practical Difficulty

The property is a non-conforming rectangular lot of similar shape and size to the lots within the square. Neither the lot’s size, shape, nor location is exceptional compared with other lots within the square. OP has not observed any exceptional narrowness, shallowness or topographical conditions whereby the strict application of the regulations would result in a practical difficulty for the applicant in not acquiring a larger deck than the existing. The applicant has not shown how the size of the lot constrains the ability to design an enjoyable rear yard.

OP is sensitive to the lot’s small size and adjustments that may be required to accommodate passive recreation area in the rear yard. However, a substandard lot does not render zoning compliance impracticable.

ii. No Substantial Detriment to the Public Good

The proposed deck would be located in the same location as the existing and no complaints have been issued by neighbors to the record regarding the use of the existing deck on the enjoyment of use of their property. While there may be privacy concerns, there are similar abutting structures, which are typical of decks in the R-4 residential district. The applicant has provided ample illustration into the record regarding similar abutting decks. Further, the proposed expanded deck would overlook a public playing field where there is no expectation of privacy concerns. No substantial detriment to the public good would be derived from the deck’s expansion as light and air to, and privacy of use of neighboring properties would not be adversely affected.

iii. No Substantial Harm to the Zoning Regulations

Because the proposed addition will result in lot occupancy of 82%, the applicant requires variance relief under § 403.1. The request, if granted, would increase the lot occupancy by 22% beyond the permitted matter-of right. The deck’s expansion to 82% lot occupancy would also exceed the 70% maximum that could be permitted under special exception approval pursuant to Section 223 and would also conflict with Section 2001.3 which controls the enlargement and expansion of existing nonconforming aspects of a structure.

The applicant's submission "*that no variance would be required if the lot size were 1,800 square foot*" does not satisfy the uniqueness required of the first prong of the variance test. The grandfathering provision of § 401.1 recognized the large number of nonconforming lots that would be created by virtue of adoption of the 1958 Regulations and permitted the expansion of existing structures provided that all other area requirements were met. OP cannot conclude that there is an exceptional condition of the lot which results in a practical difficulty to the applicant or that the zone plan would not be impaired.

b. Variance Relief from § 404.1 Rear Yard

i. Uniqueness Resulting in a Practical Difficulty

The lot predates the adoption of the Zoning Regulations in 1958, and is therefore a legally nonconforming lot (§2000.4). The rear yard depth is an existing nonconformity of the property at 7.4 feet and according to the applicant's statement the proposed deck expansion would not change the yard's depth.

ii. No Substantial Detriment to the Public Good

The existing rear yard poses no substantial detriment to the public good as it imposes no adverse impacts on neighboring properties

iii. No Substantial Harm to the Zoning Regulations

The R-4 district requires a minimum rear yard of 20 feet for any structure located in the district. The Zoning Regulations recognize the existence of nonconformities under Section 2001 and provide for alterations therein. However, since the proposed deck is not expected to extend the nonconforming aspect of the rear yard, no harm to the Zoning Regulations is anticipated.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

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

VII. COMMUNITY COMMENTS

The ANC 4C voted to unanimously approve the deck's expansion at its regularly held meeting on July 13, 2011.