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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review *af for J.*

DATE: January 10, 2012

SUBJECT: BZA Case 18293 – 1819 10th Street, NW

I. RECOMMENDATION

With regards to this proposal to construct an addition to an existing dwelling, the Office of Planning (OP) recommends **approval** of the following variance relief:

- § 403, Lot Occupancy (60% permitted, 77.2% proposed on second floor);
- § 406, Court Dimensions (10 feet of width required, 4'6" feet existing and proposed); and
- § 2001.3, Additions to Nonconforming Structures (addition only permitted if building meets lot occupancy and if existing nonconformities are not extended; proposal meets neither condition).

II. LOCATION AND SITE DESCRIPTION

Address	1819 10 th Street, NW
Legal Description	Square 362, Lot 212
Ward and ANC	1, 1B
Lot Characteristics	Rectangular corner lot – 82.5' x 18.75'; 15 foot alley on north side of lot
Zoning	R-4 – single family or flat, rowhouse buildings
Existing Development	Existing rowhouse
Historic District	U Street Historic District
Adjacent Properties	Rowhouses
Surrounding Neighborhood Character	Almost entirely rowhouses

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18293

EXHIBIT NO. 26

III. APPLICATION IN BRIEF

The subject site is currently a vacant rowhouse structure. There is a garage at the north end of the property and an L-shaped open court (the north court) next to the garage. A kitchen is proposed to be located south of the garage, and there is a rectangular court on the west side of the kitchen. The



applicant wishes to create a flat and expand the second floor by adding a room above the kitchen. The expansion of the second floor necessitates the requested relief.

IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

R-4	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. 3 Stories	35'	No change	Conforming
Lot Area (sf) § 401	1,800 sf. min.	1,547 sf	No change	Existing
Lot Width (ft.) § 401	18 ft.	18.75 ft.	No change	Conforming
Lot Occupancy § 403	60% max. (928 sf)	First Floor 100% (1,449 sf of building + open courts less than 5' wide) Second Floor 62.2% (962.5 sf)	No change on first floor Second Floor 77.2% (1,194 sf)	Required
Rear Yard (ft.) § 404	20 ft.	20 ft.	No change	Conforming
Side Yard (ft.) § 405	None required	None provided	No change	Conforming
Court Width § 406	4" per ft. of ht. 10' min.	<u>North Court</u> 4'6" width (diameter method) (10' req'd) <u>West Court</u> 12' width (11' req'd)	<u>North Court</u> Possibly increasing height of court <u>West Court</u> Increase height of court – but still conf.	<u>North Court</u> Required <u>West Court</u> Conforming
Additions to Nonconforming Structures § 2001.3	Structure may be expanded provided: (a) It conforms with lot occupancy (b)(2) Doesn't expand an existing nonconformity	Structure does not conform with lot occupancy	Proposal would expand existing nonconforming lot occupancy	Required

V. ANALYSIS

In order to be granted a variance, the applicant must show that they meet the three part test described in §3103:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?

The subject property is exceptional in the size of rooms and the arrangement of exterior, load-bearing walls. The size of the existing kitchen and the location of its rear wall results in a lot occupancy of 77.2% for the ground floor, not inclusive of the garage or north court. Any room built above the kitchen would also result in a lot occupancy of 77.2% for the second floor.

2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

The exceptional condition leads to a practical difficulty for the applicant. If an addition is to be built to the rear of the second floor, it would be difficult structurally to accommodate a room smaller than the kitchen below. The rear wall of a room smaller than the kitchen would not rest on the load-bearing wall below.

In contrast, the application proposes a room over the kitchen that would be the same size as the kitchen. Such a room would be easier to construct, although it would result in a higher lot occupancy. Because the structure is already nonconforming for lot occupancy, relief from § 2001.3 would be required to build an addition to it.

The addition could also require court relief for the north court, next to the garage, because the new construction could potentially increase the height of the court. The court would be only one story high, but the definition "Court, height of" states that height is measured to the highest point of any bounding wall, which would be the top of the new second story. OP, therefore, out of an abundance of caution, recommends that court relief be granted. The new construction would add to the height of the west court, but that court, at 12 feet wide, would exceed its width requirement.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The relief can be granted without detriment to the public good and without impairing the intent of the Regulations. Nearby neighbors would not be impacted by a significant reduction in light or air available to their properties. The property to the east could experience some additional afternoon shadow, but not to a level that would be unexpected in an urban environment. In fact, the next door neighbor has submitted to the record a letter in support of the application. The addition would also have no windows facing north or east, so there would be no opportunity to impact the privacy of neighbors.

Section 2001.3 intends to limit additions that would be out of character with the neighborhood and the zone. Normally, if a structure is already over lot occupancy, § 2001.3 would prevent the construction of any additions. In this case, however, the proposed addition is so modest that its construction would not render the building out of character with the neighborhood. There are a number of lots in the vicinity with a very high lot occupancy. Furthermore, the addition would architecturally blend in with the existing building.

In regard to the court width requirement, it is in place to ensure adequate light and air availability to windows opening onto the court. However, there are no windows opening onto the north court in the proposed design, only a rear door from the kitchen. The kitchen does have another window opening toward 10th Street. Moreover, if the zoning height of the north court would increase, it is

only because the definition for court height refers to the top of the wall. In fact, the volume of space enclosed by two or more walls would not increase.

VI. HISTORIC PRESERVATION

The subject site is located in the U Street Historic District. The design of the building will be reviewed by the Historic Preservation Office.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

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

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC or the community.



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