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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 12, 2012

SUBJECT: BZA Case 18368 - request for variance relief to allow a proposed addition to and expansion of the one-family semi-detached dwelling located at 1830 24th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends denial** of variances requested from the following provisions for the proposed additions to and renovation of the existing one family dwelling on the subject property:

- § 403 (maximum lot occupancy of 40% is allowed, 56.4% is proposed); and
- § 405 (minimum required side yard is 8 feet, 6.5 feet is proposed).

The application did not sufficiently establish what unique property characteristic(s) create a practical difficulty in this case.

Relief from § 401 lot size provisions is necessary in this case only because the existing lot area and width are non-conforming; no changes are proposed.

II. LOCATION AND SITE DESCRIPTION:

Address:	1830 24 th Street NW
Legal Description:	Square 2506 Lot 0044
Ward:	2D
Lot Characteristics:	The existing rectangular interior lot has an area of 4,261 square feet (approximately 0.10 acre). A 20-foot wide alley from Massachusetts Avenue NW continues along the western (rear) boundary. The property elevation drops approximately 7.5 feet from 24 th Street to the rear boundary and alley. A number of mature trees are in the side and rear yards (refer to Exhibit 1).
Zoning:	D/R-1-B – one-family semi-detached dwellings are not allowable uses in this district while accessory garages are allowed as a matter of right.
Existing Development:	The property is developed with a one-family semi-detached dwelling, four stories and 47-feet in height with a side yard setback of 7.8 feet from southern boundary on the “open” side of the dwelling. A concrete walkway extends from 24 th Street sidewalk along this side of the dwelling to a rear patio. The garage in the rear yard is set back from the adjacent alley.
Historic District:	Sheridan-Kalorama

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18368

EXHIBIT NO. 27

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Adjacent Properties:	The companion semi-detached dwelling immediately to the north; a dwelling of similar scale to the south; three-story detached one-family dwelling to the east across 24 th Street; and to the west across the alley are the rear yards and garages of dwellings facing Massachusetts Avenue NW.
Surrounding Neighborhood Character:	Predominately moderate density residential.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	John B. B. Ritch III, owner of record (along with Juanita Ritch)
Proposal:	The existing single-family dwelling was constructed in 1927, prior to the current Zoning Regulations. The addition and major interior renovation would create a new first floor family room; extend and enclose the second floor porch for a new dining area; renovate the second floor kitchen with a new dining room on an elevated deck; install an elevator that would serve all four floors; and create a new outdoor deck on the fourth floor. In April 2012, the Department of Consumer and Regulatory Affairs issued permits for “interior non-structural demolition” which is currently underway onsite. Similar work has also begun in the companion semi-detached dwelling.
Relief Sought:	Variance relief §§ 401 (lot size and width), 404 (lot occupancy) and 405 (side yard setback) and 2100.3 for <i>increasing</i> the nonconformity of the lot occupancy and side yard setback characteristics. Section 2100.3 provides that enlargements or additions can be made to nonconforming structures devoted to a conforming use <i>if</i> the structure: (a) conforms to the lot occupancy requirement in the zone district; and (2) neither increases or extends any existing nonconforming characteristics. This proposal would result in the lot occupancy and southern side yard setback becoming <i>more</i> nonconforming. Regarding relief requested for lot size and width, neither would be changed and both would remain non-conforming under this proposal. Section 401 allows enlargement of existing buildings on non-conforming lots <i>as long as the enlarged structures comply with the other provisions of the regulations</i>. Relief from the lot occupancy, side yard and non-conforming structure provisions is what is necessary to make this proposal compliant.

IV. ZONING REQUIREMENTS

R-1-A District	Regulation	Existing	Proposed ¹	Relief:
Height § 400	40 feet, 3 stories	47.0 feet, 4 stories	SAME	None required
Lot Area (sq. ft.) § 401	5,000 sq. ft.	4,261 sq. ft.	SAME	-739 sq. ft.
Lot Width § 401	50 feet	33.3 feet	SAME	-16.7 feet
Floor Area Ratio § 401	Unlimited	Unlimited	Unlimited	None Required
Lot Occupancy § 403	40 % max.	47.8%.	56.4 %	+ 16.4%

¹ According to updated architectural plans and an annotated plat submitted by the applicant on May 30, 2012.

R-1-A District	Regulation	Existing	Proposed ¹	Relief:
Rear Yard (ft.) § 404	25 feet min.	25 feet+ ¹	SAME	None required
Side Yard (ft.) § 405	8 feet ²	0 and 7.8 feet	0 and 6.5 feet	+ 1.5%
Parking § 2101.1	1 per dwellings	1 space	1 space	None required

Based on this analysis, the correct relief was identified for this proposal.

V. OP ANALYSIS

Side yard and lot occupancy variances:

- Unique and exceptional conditions resulting in a practical difficulty:

The size of the subject rectangular property is less than the minimum 50-foot width and area of 5,000 square required under § 401. This is not a unique characteristic on this square because 18 of the 32 lots, just over 56%, do not meet one or both of the referenced standards. The property has a significant slope from 24th Street to the public alley, another characteristic shared by the lots along this street frontage.

The application stated that the inability to demolish this contributing building creates a practical difficulty. The buildings on all but two of the square lots (94%) were determined to contribute to the Massachusetts

Avenue or Sheridan-Kalorama Historic Districts were these districts were established (refer the Exhibit 1).

The property is one of only 5 lots (15.6%) developed with semi-detached dwellings. The other notable feature is that this dwelling *exceeds* the lot occupancy, side yard and height limitations in this zone district, both in feet and in stories. However, fact that the existing dwelling already exceeds the allowable development standards does *not* present a practical difficulty.

- Determent the public good:

It does not appear that granting the relief requested for the proposed addition and expansion would be detrimental to the public good (refer to the Agency Comments section below).

- Detriment to the intent, purpose and integrity of the zoning regulations:

The Zoning Regulations are intended to limit the amount of lot occupied by buildings, except as provided for further additions through the § 223 process. Neither the zoning regulations nor historic preservation requirements prevented the applicant from undertaking extensive *interior* demolition to make maximum use of a building envelope that currently exceeds what is allowed.

Figure 1



² Side yard setback dimensions on the abutting side and "open" side of the dwelling.

Non-compliance also does not prevent the applicant from seeking special exception relief that may be available in accordance with § 223 to:

- reduce of the 8-foot side yard setback requirement to the proposed 6.5 feet; and
- increase the maximum allowable lot occupancy from 40% to 50%.

The resulting 2.2% lot occupancy that would become available over the current 47.8% would allow an addition 94 square feet of floor area. Section 223 would also allow this amount of expansion *even* though the existing nonconformities would continue and, in two cases, be increased.

OP concluded that the application did not adequately establish a practical difficulty associated with an existing property condition or characteristic, the first standard for variance approval. As a result, OP cannot support this request for multiple variances.

The applicant did not respond to OP requests to discuss this case.

Figure 2



VI. AGENCY COMMENTS

In April of this year, plans for the proposed additions were submitted to the State Historic Preservation Office

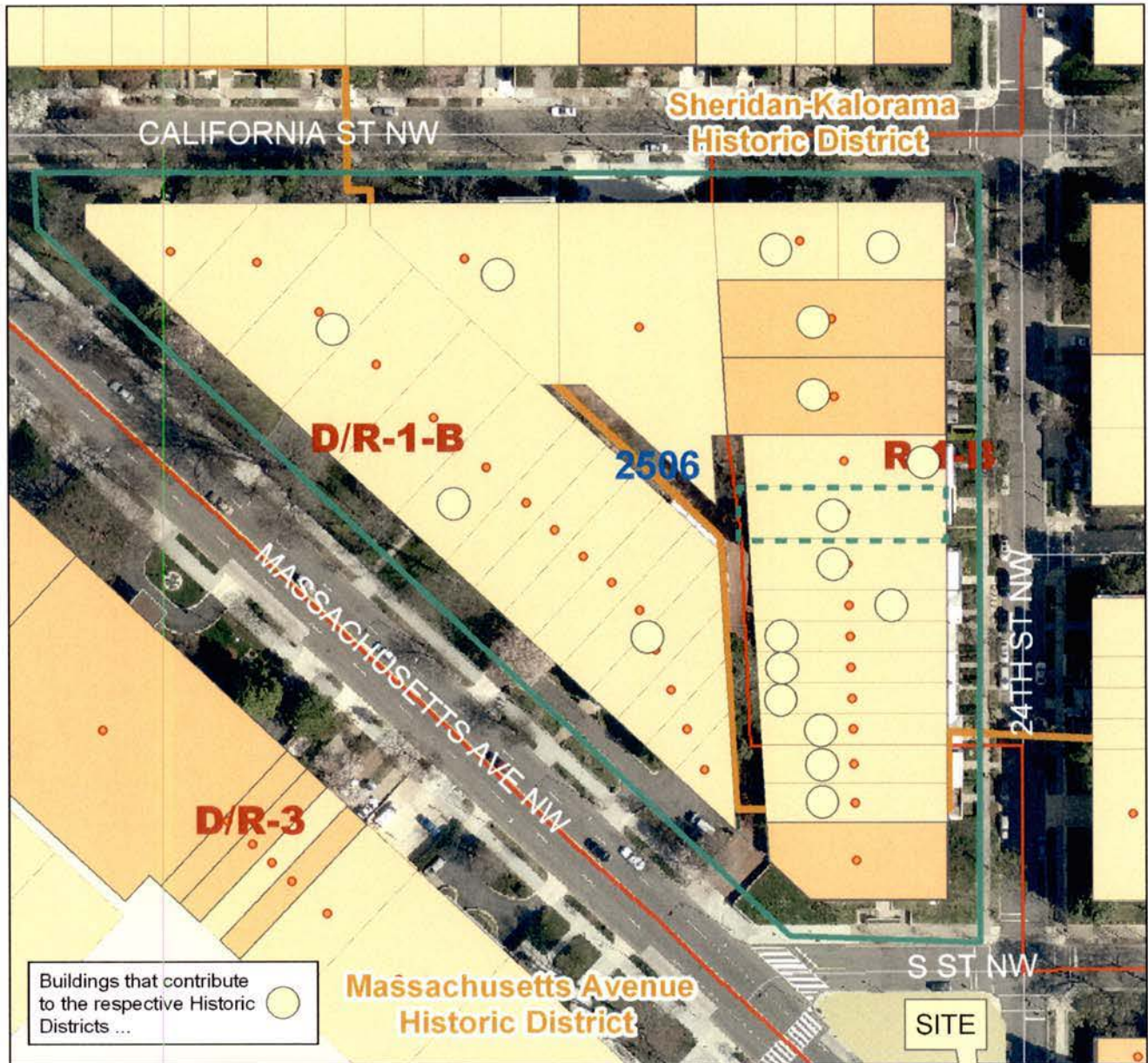
(SHPO) for review by the Historic Preservation Review Board. After determining that this proposal did not require Board review, SHPO staff approved the proposed additions as not be inconsistent with the intent of the historic district.

The District Department of Transportation also expressed no concerns about this proposal.

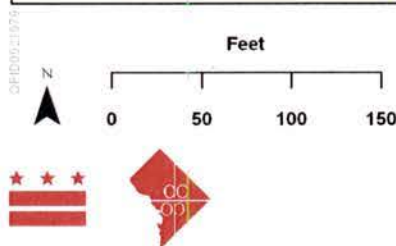
VII. COMMUNITY COMMENTS

According to the commission minutes, Advisory Neighborhood Commission (ANC) 2D passed a resolution in support on February 27, 2012 with a quorum present.

The application also indicated that neighboring property owners expressed support in conversation.



BZA Application No. 18368



Government of the District of Columbia
Office of Planning ~ May 22, 2012

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