



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director for Development Review

DATE: October 16, 2012

SUBJECT: BZA Case 18421, Variance Requests for 3602 16th Street, N.W.

I. RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of the following area variance requests pursuant to § 2001.3's restrictions on the expansion of a non-conforming structure:

- § 403.2 maximum lot occupancy (75% permitted; 95% existing and proposed)
- § 404.1 minimum rear yard (16 feet required, 0 feet existing, 0 feet proposed).

Since its initial filing, the applicant has revised the plans for the ground lowest level and has withdrawn its previous request for a parking variance. However, as of October 15, 2012, the applicant had not provided sufficient information to demonstrate that the requirements of § 3104 have been met. OP would consider any additional information at the public hearing.

II. SITE LOCATION AND CHARACTERISTICS



Figure 1.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18421
EXHIBIT NO. 25

Site outlined in green. 16th St. is on the east, Brown St. is on the west and Oak Street is to the south.



Applicant: 3579 Warder Street, LLC		Legal Description: Square 2624, Lot 776	
Address: 3602 16 th Street, NW		Ward: 1,	ANC: 1D
Zoning: R-5-D		Historic Preservation: none	
Property Features	The existing building is a vacant, three-story brick row house, plus basement, on a 25 foot wide, irregularly shaped 1,236 square foot property. It has eastern frontage on orthogonal 16th Street and western frontage on diagonal Brown Street. The site is in the northern reaches of the Mt. Pleasant neighborhood. The property slopes steeply upward from east to west, such that only a portion of the basement level would count towards FAR. By the applicant's calculations, the house occupies 95% of the lot. There is a partially enclosed rear porch that, along with its rear steps, extends into public space at the northwestern corner of the rear property line. From historical maps the porch appears to have been a later, but not recent, addition. The front porch and steps are in public space. There is an enclosed parking space in basement, entered from a steeply sloping driveway in the rear. Two floors of the row house have significant fire-damage.		
Adjacent Properties	The property is one of four row structures between 3600 and 3606 16 th Street, N.W. 3600 is a semi-detached end-of-row house, and 3604 is a row-house.		
Neighborhood Character	Predominately row houses, with occasional single family houses, walk-up apartments and six to nine-story elevator apartments.		

III. APPLICATION-IN-BRIEF

The applicant requests relief from § 2001.3 to permit the expansion and rehabilitation of a fire-damaged non-conforming row house. The plan would gut the existing single-family structure, and convert it to a four-unit apartment building. The renovation would rebuild the existing enclosed porch shown in Figure 2 on its current footprint; add two stories above the re-built porch; add a partial fourth floor flush with the existing third floor rear wall, and set-back from the front façade; and excavate and enclose approximately 3/5 of the area below the existing porch.

With the additions, there would be one two bedroom apartment in the basement, on the first floor, and on the second floor. The third and partial fourth floor addition would contain a three bedroom unit.



Figure 2. Rear of 3602 16th St., NW (Google maps photo). The applicant's property is in the center.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

The following table is based on figures provided by the applicant.

R-5-D Zone	Regulation	Existing	Proposed	Relief
Height § 400.3	90 feet	36 ft. 3 in.	48 ft. 9 in.	None required
Lot Width § 401.3	Not Applicable	25 ft.	25 ft.	None required
Lot Area § 401.3	Not Applicable	1,236 sf	1,236 sf	None required
Floor Area Ratio § 402.4	3.5	2.67	3.47	None required
Lot Occupancy § 403.1	75 % max.	95%	95%	Additional 20% requested
Rear Yard § 404.1	The greater of 15 feet or 3 inches per foot of height measured from mean finished grade at middle of rear of building.	0 ft.	0 feet	100% relief required
Side Yard § 405.9	Not required	None	None	None required
Court § 406	Not applicable	None	None	Not applicable
Inclusionary Zoning	Not Applicable: Fewer than 10 Units.	Not Applicable	Not Applicable	Not Applicable

Because of the site's slope, it is possible that some of the lowest level facing 16th Street may count towards FAR. The applicant has informed OP it will verify that the appropriate amount of the above grade portion of the basement has been included in the FAR calculations.

V. ANALYSIS

1. **Exceptional Situation**
2. **Resulting in a Practical Difficulty**

The applicant states that the property is burdened by:

- An exceptional grade change;
- Extensive fire damage
- Existing non-conformity with respect to lot occupancy
- Existing non-conformity with respect to rear yard.

Grade Change: The applicant has told OP that the grade change refers to the approximately 13-foot difference in the level of the bottom and top of the flight of entrance steps on 16th Street. This type of grade change is repeated in the other three row-house in this block. The applicant has not demonstrated why the grade change in the front is an exceptional situation leading to a practical difficulty in relation to the requested yard and occupancy relief or to the expansion of the non-conforming structure.

Fire Damage: The applicant has stated that the interior fire damage is exceptional and the cost of repairing it would lead to a practical difficulty if relief were not granted to expand the building to accommodate more dwelling units. The applicant subsequently told OP that the fire structurally damaged concrete joists that support the applicant's and two adjacent properties, and that the joists will need to be replaced. However, other than two photographs, the applicant had not supplied sufficient information as of October 15 to analyze whether the damage constitutes an exceptional condition leading to a practical difficulty if the requested relief were not granted.

Existing Non-Conformities: All four of the rowhouses in the string that includes the applicant's building have some degree of non-conformity to lot occupancy and/or rear yard requirements. With respect to relief from § 2001.3, the applicant has outlined why the existing non-conformities justify some degree of relief from the lot occupancy requirement and rear yard requirement. Denying relief would require extensive demolition and could decrease the possibility that the fire-damaged structure could be practically renovated. However, the applicant proposes to excavate and extend part of the basement, replace major joints, construct an addition to the second and third floors, fully enclose the existing porch, and add a partial fourth floor. The applicant has not demonstrated why, with this extensive work and additional square footage, it would be a practical difficulty for the Board to grant some relief, but not to insist on the applicant's bringing the lot occupancy and rear yard somewhat closer to conformity.

3. No Substantial Detriment to the Public Good

Granting the requested relief would not normally result in a substantial detriment to the public good, as reflected in the case's public comments. However, the existing structure is marginally in public space and the current plans would extend this intrusion both upwards and downwards. While this intrusion is not governed by zoning, the Board may wish to consider it when considering the relief and the public good. The applicant has begun discussions to secure public space relief.

4. No Substantial Harm to the Zoning Regulations

Without the applicant's demonstrating how the variance test are met, and why the building could not be brought into even marginally closer conformity with lot-occupancy and rear yard requirements, granting the requested relief could pose substantial procedural harm to the zoning regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No other agency comments had been filed as of October 15, 2012.

VII. COMMUNITY COMMENTS

ANC 1D voted to support the application at its regular meeting on September 18, 2012.

The owner of 3600 16th Street, N.W., the building south-adjacent to the applicant's has filed a letter of support, as have eight other property owners in the vicinity. OP is not aware of any opposition.