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# DETAILED STATEMENT FOR BOARD OF ZONING ADJUSTMENTS

## I. SUMMARY RECOMMENDATION

The DCRA Office of the Zoning Administrator requires approval of area variances by the Board of Zoning Adjustments for the construction of the proposed rear kitchen addition. The application meets the three-part variance test. The configuration of the property creates a hardship by limiting the ways in which the applicant can live-in and expand their home. The addition will not impact the public good and will not impair the intent of the Zoning Regulations.

## II. APPLICATION – IN – BRIEF

Applicant:	Michelle & Jonathan Grossman
Address:	1751 18 <sup>th</sup> Street NW Washington, DC 20009-6102
Lot Designation:	Square# 0153 – Lot# 0095
Description of Occupancy:	2-Unit, 3-Floor & Basement Flat
Ward:	2
ANC District	2B
Lot Characteristics:	Existing 3-Story Row House in the 1700 Block of 18 <sup>th</sup> Street NW
Zoning Classification:	R-5-B
Historic District:	The Dupont Circle Historic District
Proposal:	Construction of New Rear Kitchen Addition
Relief Sought:	1. Area Variance for: § 402 – Floor Area Ratio § 403.2 – Lot Occupancy § 404.1 – Rear Yard Setback § 2001.3 – Non-Conforming Structure

## III. SITE & AREA DESCRIPTION

The subject property is a 2-Unit, 3-Floor & Basement Flat located one block North of Riggs Place on the east side of 18<sup>th</sup> Street NW; located in between Riggs Place and S Street NW. The property is 18.0 feet in width and the lot length is 52.0 feet.

The row house is a 3-story brick home plus a basement. The east side of 18<sup>th</sup> Street is lined with 2-family and multi-family dwellings of consistent 19<sup>th</sup> century brick architecture. Although all dwellings on the east side of the row have front yards, the original survey papers indicate the house is in fact faced on 18<sup>th</sup> Street and that the front yard greenery is NOT included in the homeowner's property lot.

The rear of the property currently has a 1-story rear brick extension on the north half of the building that measures approximately 9 feet in width and 10 feet in length. This rear addition footprint configuration is identical to the neighbor immediately to the north at 1753 18<sup>th</sup> Street. The house to the immediate south, at 1749 18<sup>th</sup> Street, is significantly larger than the homes at 1751 and 1753 18<sup>th</sup> Street.

The rear of the property also includes a basement sunroom that measures approximately 9 feet in width and 8 feet in length that was built by a previous homeowner.

The total lot area is 936 square feet. The current lot occupancy of the property is 756 square feet, bringing the total current lot coverage to 81%. The figure reflects the total footprint of the home, which includes the rear brick addition and rear basement sunroom.

#### **IV. PROJECT DESCRIPTION**

We propose to build a new 1<sup>st</sup> floor rear addition that will add another 54 square feet to the total building footprint; giving a total lot occupancy of 87%. Additionally, we propose to add a small addition to the 2<sup>nd</sup> floor and a deck immediately above the first floor addition. Our immediate neighbor to the south (1749 18<sup>th</sup>) was given approval for and constructed a large 3-story rear addition (plus roof deck) that is 87% lot occupancy and we now seek approval from the BZA for additional lot coverage that is comparable to our neighbor.

We have applied for a variance to expand our home to accommodate our family needs. When we purchased our home we were under the impression that the rear basement extension, as contemplated in the variance, would conform because the surveyor's plat we received upon the purchase of the home showed a section of the house that existed. The plat we received at settlement is attached in this package as page# 6 of this document. As it turns out, the previous owners built this rear basement level sunroom without a permit and the surveyor failed to compare the building records with the house when they surveyed the property.

The result of this error will cause extensive financial harm to us if we are unable to proceed with our construction project. We have retained a quality, licensed contractor, Precision Contracting Solutions, and have done extensive planning and other work not related to the variance, believing we were in conformance with the zoning statutes in preparation for the filing of our building permit. Only when the contractor went to file for the permit did we realize that the previous sunroom on the rear was nonconforming because it was built without a permit and the lot coverage space taken by the sunroom was over the limit. In the interim, we have spent significant time and money preparing for the work. Furthermore, we have moved appliances into the basement rental unit and are now living with a cobbled together kitchen while we await the disposition of this application. We respectfully request an expedited hearing if possible.

Second, the work is to be performed on the rear of the house is as the application drawings show. Our immediate neighbor to the south recently completed a similar, but much larger, addition to the one we are proposing. As the drawings illustrate, the addition proposed is a quality architectural design that complements the historic nature of our home and improves not only the value of the subject property, but the entire aesthetic of the area at the rear of our and our neighbors' houses.

Prior to the hearing we will provide letters from adjoining neighbors who support the proposed construction work on the rear of our house. We respectfully request that the D.C. Government grant our variance.

## **V. ANALYSIS & VARIANCE TESTS**

### ***Zoning***

The subject property is zoned R-5-B.

- The R-5-B zoning district “permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60% (20% for public recreation and community centers), a maximum FAR of 1.8, and a maximum height of fifty (50) feet (90 feet for schools and 45 feet for public recreation and community centers). Rear yard requirements are not less than fifteen (15) feet.”

Relief Sought:	1. Area Variance for: § 402 – Floor Area Ratio § 403.2 – Lot Occupancy § 404.1 – Rear Yard Setback § 2001.3 – Non-Conforming Structure
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In order to be granted a variance, the applicant must show that they meet the three part test described in the Zoning Regulations for variances.

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

The lot is subject to an exceptional situation because the total lot area is so small. The property is a very shallow lot, measuring only 52' in length, wherein many other lots in the same zoning district are much deeper. The front of the building faces on the property, although it appears from the street that our property extends approximately 18 feet to the public sidewalk. As a result of the property line

being at the face of the building and not at the sidewalk, the lot is approximately 324 sqft. smaller than it appears, which significantly increases the lot occupancy.

Additionally, the 1<sup>st</sup> floor of the property is L-shaped, resulting in a block of unusable space. If granted the variance, we will be able to fill out the L shape so that the 1<sup>st</sup> floor becomes much more usable for our family's lifestyle needs.

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

Yes. Our family needs this additional space to efficiently utilize the 1st floor living space and maintain the value of the property. The L-shape of the 1<sup>st</sup> floor makes it impossible to have functional living and dining rooms, which are the norm for houses in this neighborhood. Filling out the "L" will allow us to reconfigure the space for our family to be able to live comfortably in our home and stay in the neighborhood we love.

**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?**

Yes. The elemental tests, as a practice for the approval of variances, are strongly in our favor. The new addition contemplated does not inhibit light, air, privacy, or the view of any neighbor and cannot be seen from any public space.

Furthermore, the unusual situation in which the front of the house faces on the property line renders the 60% lot occupancy standard unworkable. Indeed, the original footprint of the house significantly exceeds this standard. If the area between the face of the house and the sidewalk were considered part of the lot, the total lot size would be approximately 1260 square feet and our house, after this addition, would only occupy approximately 62% of the lot.

In short, the proposed relief can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

**VI. OTHER DISTRICT AGENCY REPORTS**

The property is in the Dupont Circle Historic District and is set to be reviewed by the Historic Preservation Review Board pending the outcome of the applicant's BZA hearing. Preliminary discussions with representatives at the Historic Preservation Office have presented no objections to the proposed concept and design. Pending BZA approval, the applicant stands ready to submit permit applications with DCRA.

## **VII. COMMUNITY COMMENTS**

Our three immediate neighbors (1749, 1753, and 1755 18<sup>th</sup> Street) have all indicated support for the proposal and a willingness to do so in writing.

## **VIII. CONCLUSIONS & RECOMMENDATIONS**

The application meets the three-part variance test. The configuration of the property creates a hardship by limiting the ways in which the homeowner can expand the property. The proposed rear yard addition will not impact the public good and will not impair the intent of the Zoning Regulations. The DCRA Office of the Zoning Administrator requires approval of area variances for lot occupancy, rear yard setback, non-conforming structures, and floor area ratio.

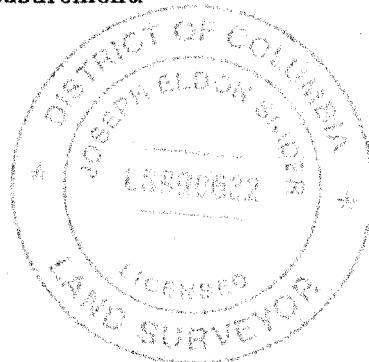
CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.



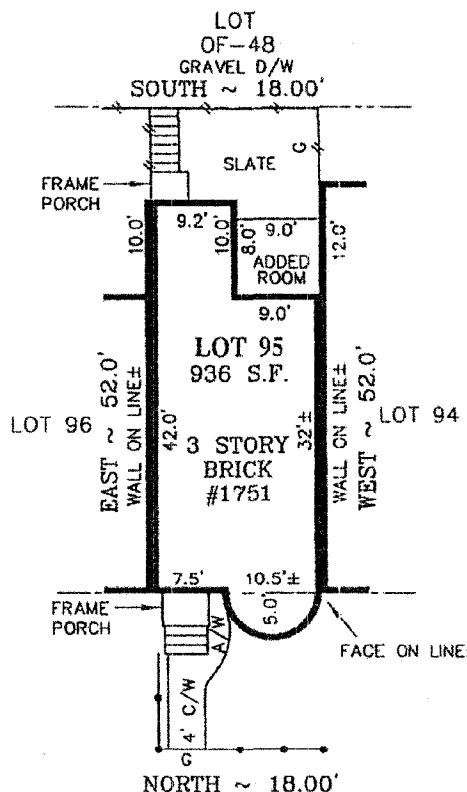
Notes:

- 1) Flood zone "C" per H.U.D. panel No. 0020B.
- 2) No property corners found. Lines shown evidenced by drawing of record and field measurement.



LOCATION DRAWING

LOT 95 SQUARE 153  
WASHINGTON  
DISTRICT OF COLUMBIA



18TH STREET, N.W.

SURVEYOR'S CERTIFICATE		REFERENCES	SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 216 Gaithersburg, Maryland 20879 301/948-5100, Fax 301/948-1286	
<p>THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO DOCUMENTS OF RECORD AT THE OFFICE OF THE DISTRICT OF COLUMBIA SURVEYOR. LOCATION OF IMPROVEMENTS SHOWN HAS BEEN BASED UPON FIELD MEASUREMENTS FROM EXISTING LINES OF APPARENT OCCUPATION. WHENEVER POSSIBLE, PRIOR SURVEYS OR PUBLIC RECORD HAVE BEEN USED TO CONFIRM INFORMATION SHOWN.</p> <p><i>Joseph E. Smith</i> DISTRICT OF COLUMBIA LICENSED SURVEYOR NO. LS 900632</p>		D.C. SURVEYOR RECORDS BOOK 19 PAGE 166		
<p>LIBER FOLIO</p>		DATE OF LOCATIONS WALL CHECK: HSE. LOC.: 11-01-06	SCALE: 1" = 20' DRAWN BY: M.O. JOB NO.: 06-7792	