



MEMORANDUM

2013 SEP -3 PM 3: 53

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 3, 2013
SUBJECT: BZA Case 18556, 1375 Massachusetts Avenue, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **does not support** the following requests:

- § 2001.3, Nonconforming structure;
- § 403.2, Lot occupancy (60% required, 96% proposed);
- § 404.1, Rear yard (20 ft. required, 1.16 ft. proposed); and
- § 406.1, Courts (6 ft. required, 0.75 ft. and 1 ft. proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1375 Massachusetts Avenue, S.E.
Legal Description	Square 1037, Lot 102
Ward	6/6B
Lot Characteristics	The lot is rectangular, with an area of 818 square feet, and has a frontage of 20 feet along Massachusetts Avenue and a rear property line of approximately 20 feet. The rear of the property abuts a pedestrian walkway of approximately three feet wide, which is used for the storage of trash and recycling bins.
Zoning	R-4 – row dwellings
Existing Development	Row dwelling, permitted in this zone.
Historic District	Capitol Hill Historic District
Adjacent Properties	The property is surrounded on all sides by existing row dwellings, and to the north, across Massachusetts Avenue, are additional row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly residential, consisting of row dwellings.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

EXHIBIT NO.

18556
30

Board of Zoning Adjustment

District of Columbia

CASE NO. 18556

EXHIBIT NO. 30



III. APPLICATION IN BRIEF

The applicant is requesting relief that would permit an existing enclosed porch at the rear of a row dwelling to remain. The porch was constructed without the benefit of a building permit, and the applicant has been working with DCRA to resolve outstanding issues, including the need for several variances as requested by this application.

The enclosed porch measures 18.25 feet by 6.67 feet, adding nearly 122 square feet to the area of the dwelling. The deck creates two nonconforming courts, with the court along the east side of the property measuring one foot wide, and the court along the west property line measuring less than one foot wide. In addition, the nonconforming rear yard has been reduced from 7.83 feet to 1.16 feet, where 20 feet is required. The enclosed porch was constructed to replace a smaller deck that was located on the east side of the dwelling in the rear yard area.

The application indicates that the constructed enclosed porch increases the current lot occupancy from 88% to 96%, where 60% is permitted as a matter of right in the R-4 district. As the lot occupancy exceeds the 70% that could be permitted by special exception, this request must be reviewed as a variance. A variance is also required for the reduced rear yard and nonconforming courts.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	20 ft. (front) 16.94 ft. (rear)	20 ft. (front) 16.94 ft. (rear)	None required
Lot Area § 401	1800 SF min.	818 SF	818 SF	None required
Floor Area Ratio § 402	None prescribed			None required
Lot Occupancy § 403	60% max.	88%	96%	Required
Rear Yard § 404	20 ft. min.	7.83 ft (previous porch)	1.16 ft.	Required
Court § 406	6 ft. min.	1.0 ft. (east)	0.75 ft. (west) 1.0 ft. (east)	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2001.3, Nonconforming Structure; § 403.2, Lot Occupancy, § 404.1, Rear Yard; and § 406.1, Courts

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has not demonstrated that there is an exceptional situation related to the property that results in a practical difficulty. The lot measures 20 feet by approximately 41 feet and has an area of 818 square feet. While the property is small, it is not unique in that regard, as 73% of the lots in this square are nonconforming for lot area. In fact, it is common for properties in the Capitol Hill Historic District to be smaller than required by the zoning regulations.

The applicant has indicated that the enclosed porch improves the functionality of his home, providing additional office space for his home occupation; however, at 1,214 square feet, the row home is comparable to the floor area of homes located on similarly-sized lots. The enclosed porch does not improve the functionality of a turn of the century home by, for example, improving circulation, which can often be problematic in older homes, or addressing building code issues.

The existing enclosed porch was constructed to replace a smaller deck that had a rear setback of 4.16 feet. The smaller deck was 3.37 feet wide, in contrast to the existing one, which is 6.67 feet wide. The applicant notes that the screened porch aligns with other decks that have been constructed on neighboring properties, although neighboring properties generally have open decks that provide an outdoor space for recreation, unlike the enclosed porch in question. The lot was not deprived of the opportunity to have a deck, albeit smaller than the enclosed porch that has been constructed in its place.

ii. No Substantial Detriment to the Public Good

The enclosed porch would cause substantial detriment to the public good. Prior to the construction of the existing screened porch, there was a smaller deck on the property, resulting in a larger rear setback that was more compatible with the size of the lot. The alley along the south property line is a narrow three feet wide and intended for pedestrian use only. As a result, there is little separation between dwellings along the alley. The enclosed porch is out of character with the existing decks that have been constructed along this alley, which are predominantly open to provide outdoor space to recreate. Further, the addition is visible from Independence Avenue at the entrance to the pedestrian walkway, as it is located less than 14 feet from the curb of the street.



View of enclosed porch from Independence Avenue.

iii. No Substantial Harm to the Zoning Regulations

The dwelling was constructed in 1909, prior to the adoption of the zoning regulations. However, the applicant constructed the enclosed porch without the benefit of a building permit. Had a building permit been applied for, the applicant would have been aware of the extent of relief necessary in order to proceed with the project in a legitimate manner. Therefore, the integrity of the zoning regulations would be substantially impaired by granting variances to applicants that did not perform due diligence and proceed with construction without following proper procedures.

Allowing further development of this parcel impairs the intent of the regulations both to provide open space on residential lots and to prevent further additions on overbuilt lots. The lot occupancy provisions are intended to provide some open area on even the smallest of lots. In this case, the result is a reduced rear yard adjacent to a three foot wide pedestrian walkway, which provides little separation between dwellings adjacent to the walkway and no useable outdoor space on an otherwise small lot.

Should the Board decide to approve the requested variances, the applicant will be required to obtain approval from the Historic Preservation Office and/or Board.

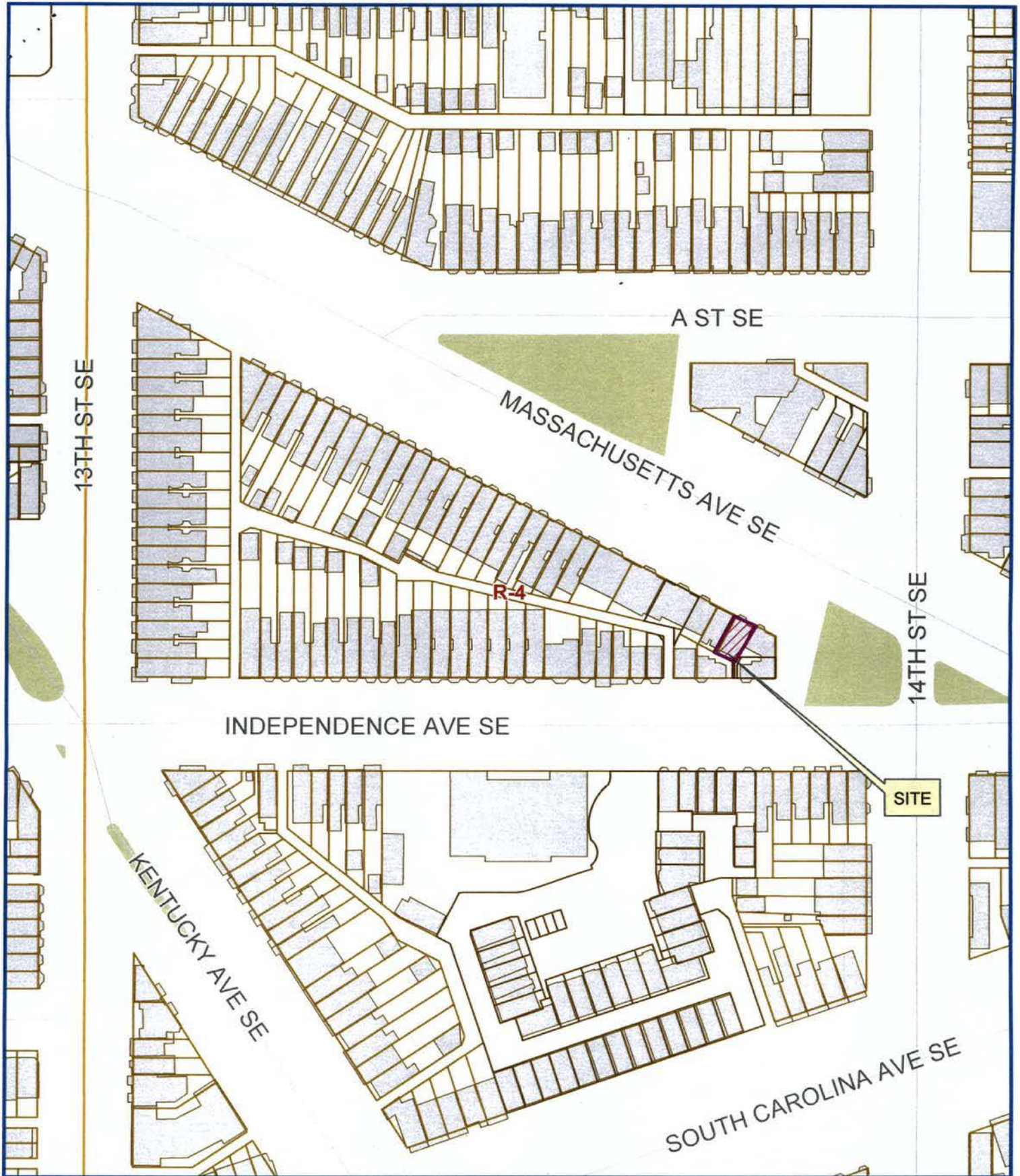
VI. COMMENTS OF OTHER DISTRICT AGENCIES

At the time of this writing, comments from other District Agencies had not been received. However, DDOT will file comments under separate cover.

VII. COMMUNITY COMMENTS

At its regularly held meeting in June 2013, ANC 6B voted to take no position concerning this request.

Attachment: Location Map



BZA 18556 - 1375 Massachusetts Avenue, SE

