

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joél Lawson, Associate Director Development Review

DATE: June 10, 2014

SUBJECT: BZA Case 18782 - Request for variance relief under § 3103 to construct an addition to an existing single-family dwelling at 302 M Street, NW for the purposes of conversion to a flat in the R-5-B district.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) does not recommend approval of the following variance relief:

- § 403 Lot Occupancy (60 % maximum permitted, 84% proposed);
- § 404 Rear Yard (15 feet minimum required, 0 feet proposed);
- § 406 Closed Court (Width not less than 15 ft. required; 10 feet proposed; 350 sf area required, 90 sf. proposed); and
- § 2001.3 Non-conforming structure requirement.

However, if the BZA finds that the applicant has met the variance test for the requested lot occupancy and § 2001.3 relief, OP has no major concerns with the closed court or rear yard relief requests.

II. LOCATION AND SITE DESCRIPTION

Address	302 M St. NW
Legal Description	Square 524, Lot 4
Ward	6/ANC 6E
Lot Characteristics	Flat, generally rectangular shaped lot, without alley access at the rear.
Zoning	DD/R-5-B Downtown Development Overlay District (DD): The general purposes are to create a balanced mix of uses; to guide office development, which is favored by market forces, so as to further the land use objectives for retail, hotel, residential, entertainment, arts and cultural uses; to protect historic buildings and places while permitting sensitive and compatible new developments. The Overlay has limited bearing upon this case. R-5-B: Permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings.

Existing Development	Single-family row dwelling, permitted in this zone.
Historic District	<i>Mount Vernon Square Historic District</i>
Adjacent Properties	Predominantly single-family row dwellings and flats with some apartment buildings. The adjacent lot to the west is subject of a separate BZA case 18786, for the construction of additions to the existing building (same applicant).

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Fenton 302/304 M St LLC
Proposal	The applicant proposes to renovate an existing vacant row dwelling as a flat, including a two-story, 100 square-foot foot print addition at the rear, along with a third floor addition to access a new roof deck.
Relief Sought	The applicant amended previously submitted plans (Exhibit 8 of the record) based on comments received from the Historic Preservation Office (HPO) staff. The revised architectural plans (Exhibit 19 B of the record) would now require variance relief from - the nonconforming structure requirements (§ 2001.3); lot occupancy (§ 403); rear yard (§ 404; and from the closed court requirements (§ 406).

IV. ZONING REQUIREMENTS

DD/R-5-B Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	50 ft. max.	27 ft.	37 ft.	None required
Lot Width (ft.) § 401	None prescribed	-	-	-
Lot Area (sq.ft.) § 401	None prescribed	869 sq.ft.	868 sq.ft.	-
Floor Area Ratio § 401	1.8	1.4	1.8	None required
Lot Occupancy § 403	60 % max.	73 %.	84 %	Existing non-conformity expanded Relief required
Rear Yard (ft.) § 404	15 ft. min.	9.0 ft.	0 ft.	Existing non-conformity-expanded Relief required
Side Yard (ft.) § 405	None prescribed	-	-	-
Closed Court (§ 406)	4"/ft ht. not less than 15 ft. 2x Width ² - not less than 350 sf.	-	10 ft. wide 90 sf.	Non-conformity created Relief required
Parking § 2101.1	0	0	0	None Required

**Subject Property**

¹ Information provided by applicant.



Street View

V. OP ANALYSIS

Variance Analysis

The design would require variances from lot occupancy, rear yard, and the closed court requirement. On-site parking is not required, as historic structures and additions hereto are exempted (§ 2120). 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 which results in a practical difficulty which is unnecessarily burdensome to the applicant?

The property exhibits the following exceptional conditions:

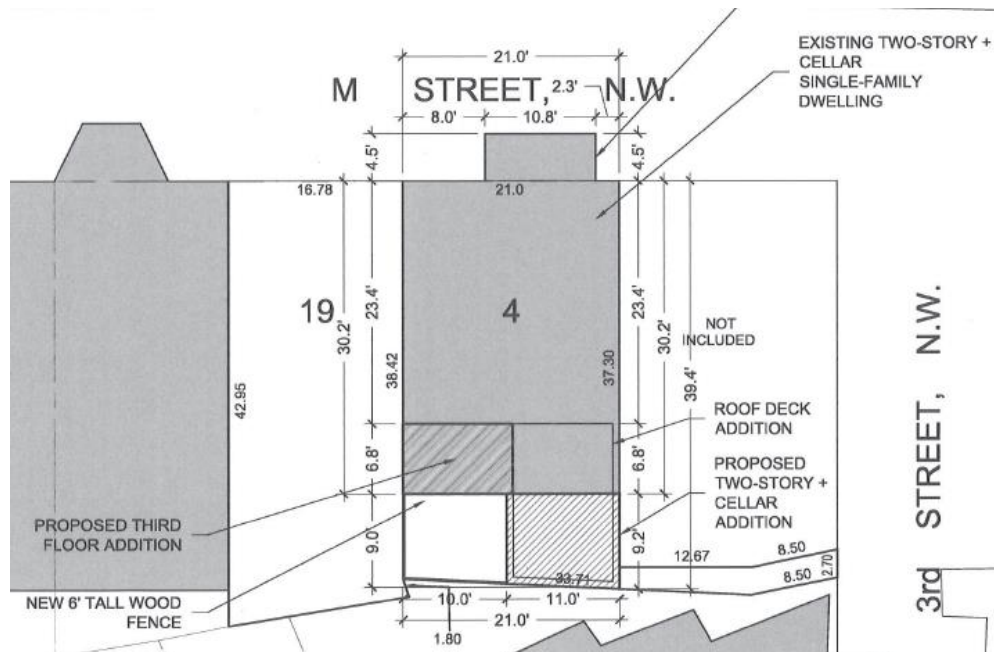
- The lot is small and irregularly shaped;
- There is no alley access to the rear of the lot; and
- The corner lot criterion in historic district has been applied to this property by HP staff due to the undeveloped corner lot property adjacent to the subject property. Based on this criterion, rear additions are preferred over additions above the existing structure, as previously submitted.

Lot Occupancy, Rear Yard

HP recommended that any addition to the existing structure must be placed at the rear and not above the 3rd floor as originally proposed under Section 223 relief (Exhibit 8). The 100-sf footprint addition is required at the rear due to the visibility of the residence from the 3rd and M Street frontages. Placing the proposed addition at the rear, would invariably increase the existing building's lot occupancy and decrease or eliminate the rear yard depth, which currently is only 9 feet. However, the applicant has not explained the uniqueness / practical difficulty associated with the building that warrants the extensively non-conforming addition.

Closed Court (Width and Area)

A closed court is created as shown in the diagram below. A 350 sf court, as required, would result in an impractical addition to the renovation of the residence and as previously stated, the addition to the structure would not be permitted as a third floor addition. As such, if the BZA determines that the Applicant has met the test for relief for the lot occupancy and rear yard relief, the applicant could meet the test for court relief.



Enlargements or additions to nonconforming structures devoted to conforming uses:

3. Can the relief be granted without substantial detriment to the public good?

Granting the requested relief would not appear to result in a substantial detriment to the public good. The proposed addition was reviewed by the HPRB for its consistency with the context, and the proposed additions should not have a significant impact on adjacent properties.

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

Lot Occupancy, Rear Yard

Regulations require that developed lots remain within the prescribed lot occupancy and rear yard limits, while permitting for renovations. A renovation to permit a flat would also allow an intensity of development not inconsistent with the intent of the Zoning Regulations. However, there has been no explanation as to why both nonconforming aspects of the structure should be expanded to facilitate the renovation of the structure which would be contrary to § 2001.3 (b) (2). Thus, the intent and purpose of the regulations would be harmed with relief from these requirements.

Closed Court (Width and Area)

As noted above, if the Board concludes that the applicant has met the appropriate tests for the lot occupancy and rear yard relief, the requested court relief would directly follow, so would not be significantly contrary to the intent of the zoning regulations.

VI. COMMUNITY COMMENTS

The applicant presented the proposal to the full ANC 6E on June 3, 2014. The ANC will submit its report to the Board under separate cover. (The proposal received support from the ANC's Zoning Committee at the writing of this report.)