

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

DATE: December 2, 2014

SUBJECT: BZA #18837 – 429 Rear 12th Street, SE – Supplemental Report

The Board held a hearing on this application to permit a flat on an alley lot, on October 21, 2014. Following the Board's request for additional information, the applicant submitted on November 18 further data about expenses associated with different potential uses on the subject property, including construction costs and operating income (Exhibit #42). The Office of Planning (OP) met with the applicant, who presented and discussed the data, which was prepared in conjunction with and vetted by a number of building contractors.

Alley Variances

With the data presented, the applicant asserts that the proposal for a flat is the only option that is financially practical. With the updated, more detailed information, the applicant has made a more coherent, though not strong argument that the property is subject to an exceptional condition which results in an undue hardship, and that the costs associated with renovating the structure make the other uses unviable. OP, therefore, is not opposed to the following variances:

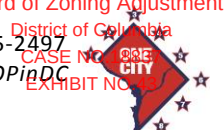
- § 2507.1 Alley Lot Use (structures on alley lots may only be used for single family dwellings; a flat is proposed);
- § 2507.2 Alley Width (30' alley width required; 15' existing);
- § 2507.3 Conversion of Nonresidential Structures (Nonresidential structures on sub-standard alleys shall not be converted to residential use; residential use is proposed).

Lot Occupancy and Rear Yard Variances

The letter included in Exhibit #42 mentioned briefly the other required relief noted in the OP report. While no detailed variance arguments were presented, the applicant states that meeting lot occupancy and rear yard requirements for the second story would:

“cause costly architectural and structural revisions to produce a substantially reduced footprint for the second floor, threaten our ability to recoup construction costs, and result in a making the space available for rent or use too small to be marketable or ever provide a reasonable return on our investment.”

The Board has in the past accepted similar structural difficulties as a rationale for granting an area variance when they result in a practical difficulty for the applicant as described above. As



such, although the demonstration in the application is again not particularly strong, if the BZA accepts that an argument has been made to permit the granting of relief to allow a flat on this lot, OP is not opposed to the following variances:

- § 403 Lot Occupancy (60% maximum; 100% proposed on the second floor);
- § 404 Rear Yard (20' minimum; zero rear yard proposed).

Parking Variance

The November 18 letter also provides further information about the potential existing parking spaces on the site. According to discussions OP has had with the applicant, it is possible that the structure was used as an auto-repair garage prior to being used for storage. If that were the case, the existing garage doors would have been used for access to auto-repair bays, rather than to required parking spaces. Relief would not be necessary, therefore, to eliminate the spaces, since no required parking was ever present on site. Thus the following relief noted in the OP report is not necessary:

- § 2101 Parking (1 space required; 2 existing; zero proposed).