

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of
Jessica Crane

15 Browns Ct. SE
ANC 6B02

STATEMENT OF THE APPLICANT

This statement is submitted on behalf of Jessica Crane (the “Applicant”), owner-occupant of a single-family semi-detached rowhouse located at 15 Browns Ct. SE, Lot 853 in Square 870 (the “Property”).

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “BZA” or the “Board”) approve, pursuant to § 3103.2 of Title 11 of the District of Columbia Municipal Regulations, variance relief from §403.2 and 2001.3, for a second floor addition to an existing one-family row dwelling not meeting the maximum lot occupancy requirement for the R-4 district as specified in § 403.2.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to § 3103.2 of the Zoning Regulations.

III. BACKGROUND

A. Existing Use of the Property

The Property is a two-story, semi-detached, single-family residence located at 15 Browns Ct. SE. It is an alley dwelling, surrounded on three sides by public alleys. At the north side, the Property fronts on Browns Ct. SE, a 30 foot wide public alley on square 870. At the point where Browns Ct. connects to 6th St. SE, it reduces to 15 feet wide. At the east side, the Property fronts a 15 foot wide public alley, the continuation of Browns Ct., which connects to Independence Ave. SE. At the south side, the Property fronts on an unnamed 10 foot wide public alley. At the west, the Property is attached

to a single family rowhouse, #607 Browns Ct. SE. The existing 3BR/3BA residence occupies 3,395 sf, with a footprint of 2,430 sf. It sits on a 3,281 sf lot, 79'-10" wide x 41'-1" deep, with a non-conforming rear yard 4'-1" deep. There is a side yard on the east end of the property 14'-2" wide, which is conforming to the Zoning Regulations under both the existing and proposed conditions.

The original construction of the structure dates to 1936. It was built as a one story, 12-space, parking garage by the Alley Dwelling Authority of the U.S. Government. It was continuously used in a storage or commercial capacity until it was converted to single family residential use in 1976. In 1982, pursuant to approval of BZA application no. 13840, a second floor addition was constructed.

Existing lot occupancy is 74.1 %, which is entirely comprised of the first floor footprint of the original building. There are no accessory structures on the site. The existing second floor addition does not occupy the entire building footprint, but is set back at the east and south sides. The existing structure is therefore non-conforming to the maximum permitted lot occupancy of 40% for semi-detached dwellings in the R-4 zone.

B. Surrounding Area

The Property is zoned R-4, and lies within the Capitol Hill Historic District. Most of the surrounding neighborhood consists of two- or three-story semi-detached or rowhouse residences. Directly to the south of the Property, across a 10' public alley, sits The Evelyn, an 18-unit, 3-story condominium building at 626 Independence Ave. SE. Immediately to the east of the Property, across the 15' wide portion of Browns Ct., is 638 Independence Ave. SE, a 6-unit apartment building.

Browns Ct. is brick-paved for its full extent, and is home to numerous other alley dwellings. The Property sits adjacent to a set of four similar rowhouses, all of which were remodeled in the 1960s in an identical manner. Directly across Browns Ct. to the north, lies a group of twelve contiguous

residential rowhouses. At the east end of Browns Ct., a handful of additional residences front directly on the alley.

C. Proposed Use of the Property

The Property will continue use as an owner-occupied single-family residence. The Applicant, a new owner, wishes to expand the Property to add additional living area to house a four-member family. As shown on the submitted architectural plans, the proposed renovation will demolish the existing second floor addition, and replace it with a larger second floor addition.

The proposed final configuration of the structure is a 5BR/4.5BA residence occupying 4,397 sf. The existing footprint of 2,430 sf will remain unchanged. Proposed lot occupancy is also unchanged at 74.1%.

IV. VARIANCE RELIEF

THE APPLICATION MEETS THE REQUIREMENTS FOR VARIANCE RELIEF UNDER § 3103.2 OF THE ZONING REGULATIONS

The Applicant is seeking variance relief pursuant to § 3103.2 from the following requirements on this Property:

- Maximum lot occupancy as specified in § 403.2;
- Addition to an existing nonconforming structure as specified in § 2001.3

Please note the requested relief is similar to that permitted as a special exception in the R-4 zone under § 223. However, the existing-to-remain first floor footprint exceeds 70% lot occupancy; therefore the proposed relief does not qualify for review as a special exception.

Per § 3103.2, a variance may be granted:

"[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any

regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

A. The Property is Affected by an Exceptional Situation or Condition.

The subject property is affected by two exceptional conditions:

1. The existing condition of the Property is non-conforming to the Zoning Regulations in regards to lot occupancy as specified in § 403.2. The original one-story construction, which predates the current Zoning Regulations adopted in 1958, occupies 74.1% of the lot. When the Property was converted to residential use in 1976, and when it was expanded in 1982, the original footprint of the structure was conserved. The currently proposed renovation again seeks to conserve the original footprint of the building, expanding only the second floor. Because the existing-to-remain historic footprint exceeds 70% lot occupancy, the property is therefore not eligible to pursue a § 223 special exception, even though the proposed second floor addition entirely conforms to the eligibility parameters set forth in § 223. Further, this existing first floor construction has been deemed contributing to the Capitol Hill Historic District by the DC Historic Preservation Office, and therefore cannot be demolished to bring the property into compliance with the Zoning Code limitations on lot occupancy, or to meet eligibility requirements for a § 223 special exception.
2. When originally platted, the property was composed of six individual lots: five interior and one end lot. This configuration predated the current zoning regulations, as may be seen in the attached exhibit "X" (lots 92-97), and we believe it existed at least until construction of the original building in 1935. The current configuration has combined these lots to form one tax lot. The individual record lots have never been combined into a single, larger, record lot, however.

Under the current zoning guidelines, this subdivision has the net effect of reducing the allowable built area. As a series of five interior lots and one end lot, by-right allowable lot coverage is 60% of the interior lots, and 40% of the end lot, or 1,855.7 sf. The current configuration of one single end lot reduces allowable lot coverage to 40% of the total area, or 1,311.4 sf. The balance of the residential portion of Browns Ct. is composed of densely built lots, generally exceeding the currently allowable 60% lot coverage. Therefore, the lower allowable density of this particular lot under current zoning guidelines is an anomaly, which contrasts markedly from the prevailing character of the surrounding construction in Browns Ct.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty.

The Property lies within the Capitol Hill Historic District. The original construction is deemed a contributing structure, and therefore partial demolition of it to conform to the lot occupancy requirements of the Zoning Regulations would not be supported by the DC Historic Preservation Office (HPO). If partial demolition of the existing ground floor were permissible, the owner could reduce the ground floor lot occupancy to less than 70% and consequently pursue a § 223 special exception, potentially allowing up to 70% occupancy at both first and second floors. The proposed renovation will remove the prior second floor addition, which was not executed in conformance to HPO's Design Guidelines for Additions to Historic Structures. In its place, HPO has issued a report in support of the proposed addition.

The existing second floor provides only one bedroom and one ensuite bathroom. In order to house the Applicant's family of four (including two young children) and guests on a single floor in a manner consistent with architectural standards which promote enhanced functionality for Deaf inhabitants, the proposed renovation includes four bedrooms on the same floor, which requires expansion of the second floor.

The Applicant requires master, children's and guest bedrooms on the same floor because both parents are deaf. Visual access is necessary for the parents to monitor children, and to be readily accessible to guests. Therefore, they need to be on the same floor. The existing second floor footprint, which occupies 965 sf, is not large enough to be reconfigured to contain four bedrooms, thus necessitating an expansion. The first floor of the residence is not large enough to accommodate this number of bedrooms along with a kitchen, dining and living rooms. The Applicant is therefore requesting an expansion to 60% lot occupancy for the reconstructed second floor, in harmony with the general intent of the R-4 zone limit of 60% for rowhouses.

Again, we point out that this request is similar to that permitted under the special exception guidelines as described in § 223. However, due to the existing lot occupancy of 74.1%, the Applicant is ineligible for a special exception, instead requiring variance relief to achieve similar results. Under the above-mentioned special exception process, as much as 70% lot occupancy is often granted in the surrounding neighborhood. In fact, at least three such special exceptions (applications #16719, 16975, 17665) have been granted on the same square in recent years. However, the Applicant is only requesting 60%.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Substantially Impairing the Intent, Purpose and Integrity of the Zone Plan.

The Applicant requests an area variance to continue existing lot occupancy of the historic structure, while also modernizing and expanding the residence to serve the needs of a young family. As demonstrated by the attached letters of support from several neighbors, and the resolution of support passed by ANC 6B during the Historic Preservation Review Board application process, the proposed renovation is welcomed by the community.

As stated in 11 DCMR § 330.2, the R-4 zone's "primary purpose shall be the stabilization of remaining one-family dwellings." The Applicant's proposed renovation will accomplish this purpose, and avoid any possibility that this large lot might be converted to multi-family use by another owner.

The result of granting this variance would be an increase of lot occupancy, only at the second floor level, from 29.4% to 60%. This increase is well within the limits of what would have been achievable via the § 223 special exception process, if that were available as an option. There is ample precedent for granting such relief in the surrounding R-4 zone and Capitol Hill Historic District.

V. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a variance. Accordingly, the Applicant respectfully requests that the Board grant the application.

VI. EXHIBITS

- Exhibit A Architectural Plans, Elevations and Photographs of the Property
- Exhibit B Surveyor's Plat
- Exhibit C Zoning Report
- Exhibit D Neighbors' Letters of Support
- Exhibit E ANC 6B Letter of Support for Historic Review
- Exhibit F BZA Case #13840, October 20, 1982

Respectfully submitted,



Philip B. Anderson AIA NCARB LEED AP
Principal
Studio Laan, PLLC
1117 C St. SE
Washington, DC 20003

On February 25, 2015, this revised statement has been submitted to the Board for consideration. New text has been identified by means of solid vertical lines in the left margin, as depicted here.