

Board of Zoning Adjustment
Variance and Special Exemption Request

Owners: Lilia Browning Cohen and Matt Cohen
Address: 2719 Ontario Road NW
Square : 2581
Lot: 0290
Zone: R5b

Statement:

Lilia Browning Cohen and Matt Cohen are requesting a Area Variance for:

1. Lot Occupancy: Currently the building area covers 74.35% of the Lot Area. They would like to add an addition that would enclose an existing covered porch, keeping the building area covering 74.35% of the Lot Area.
2. FAR: Currently the FAR is non-conforming at 2.03. They would like to build an addition enclosing a covered porch and extending the 2nd and 3rd floor over the porch. The added floor space on the three floors will make the FAR 2.32 or 22% over allowed 1.8.

They are requesting a Special Exception for:

3. Open Court: Currently there is a 3.65' non-conforming open court as is typical of fully attached row houses in DC. The proposed addition will extend the non-conforming open court but maintain the 3.65' width.

The lot is a narrow rectangle and the structure on the lot is fully attached. It is designated as a two-family flat with the owners living on the 3 upper levels and tenants living on the basement level, making the house a 4 story building. The current house is not large enough for their growing family and they would like to build a 3 story small addition in order to stay in their home. Re-incorporating the basement rental to a single family residential would cause undue financial hardship as the income from the rental unit is necessary.

Lot Occupancy: The Cohen's house is the first building in the R5-B zone bordering the C2-B district to the east. The C2-B by right allows 80% lot occupancy, vs 60% in the R5-B zone. The current building occupies 1,339 SF or 74.35% of the total lot area (which includes the main house, a covered porch, and a detached garage), which is 14.36% over the allowed 60% in an R5B district. Yet they share a party wall with a residential home that is allowed 80% lot coverage by right.

In order to enclose the covered porch, the Cohens are asking for relief from Section 403.2 that specifies 60% lot coverage by the provisions in 3103. The existing and proposed lot coverage (the same 74.35%) does not meet the requirements of Section 223 granting zoning relief by special exception, and therefore are asking for relief by variance. It is practically impossible to make the existing lot and its coverage conform to the present zoning restrictions (put into effect after the structure was built) and therefore represent an extraordinary condition the Cohen's would like relief from. In addition the proposed addition would not increase the non-conforming status of the lot coverage, rather would just make better use of the existing conditions and enable them to stay in the house.

FAR: As the first building in the R5-B zone bordering the C2-B district to the east, the lot is granted 1.8 FAR in section 402.4 compared to 3.5 on the bordering property. The Cohen's are asking for

relief by variance under the provisions in 3103. . The R5-B designation allows for “flexibility of design” and is designed to allow for medium density development. As a growing family, the Cohens are asking to make use of the flexibility of design in order to stay in their home. A two family residential flat, the home bridges two zones with very different FAR restrictions.

Both area variance requests, Lot Coverage and FAR, maintain the intent of zoning regulations for R5-b. The public good is not impaired. The project stays within the height limitation prescribed. In addition the bordering houses are over the lot coverage requirements and their open space needs are met by roof decks on the top floors. The proposed addition would actually provide more privacy for their neighbors enjoyment of their outdoor space. There are no openings proposed on either wall parallel to the side property lines. There have been no objections to the proposed plans by the neighboring owners and they have indicated their support of the proposed construction. Without relief, the Cohens face the exceptionally difficult task of having to relocate their family and sell their house.

Open Court: The original structure built around 1890 has a non-conforming open court with the traditional row house “dog trot” area that is typical of the existing housing stock and built prior to the current zoning regulations. The proposed addition would expand the court but maintain the existing width. There is no way to make the existing open court conform without changing the design and intent of the original house and incurring significant financial hardship. The only alternative would be to propose an addition that would go from lot line to lot line. By doing so, the existing open court would become a worse non conforming closed court.

Under Zoning Chapter 11, section 223.1 an addition to a residential flat that does not comply with 406.1 is permitted by a special exception if approved by the Board of Zoning Adjustment under 3104 due to the following.

Specifically, (a) the light and air for the neighboring properties will not be unduly affected. The height of the addition will match the existing house and stays within the 50’ restriction, (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised because there are no windows placed on either sides of the addition (shared party-wall property lines). (c) the addition will conform to the character, scale and pattern of the houses. The addition would maintain this historic design philosophy. The windows and openings will mimic the existing openings. The roof will follow the slope of the existing roof line. The addition will be visible from the public alley in the rear from certain vantage points but primarily the existing and repaired/replaced garage with deck above will obscure the view. The addition will not be visible from the street. The addition will have a wood siding material, either painted or stained to keep within character of the historic precedence set within the neighborhood. (d) Please see the attached drawings that represent the relationship of the proposed addition to adjacent buildings and views from the public ways.

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