

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: March 3, 2015

SUBJECT: BZA Case 18945 – 3655 Horner Place, SE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot support** variance relief requested to:

- increase the allowable lot occupancy under § 403 from 43% to 56% where 50% is the maximum allowed;
- reduce the minimum required rear yard under § 404 from 20.5 feet to 13 feet, where 20 feet is the minimum required;
- create a nonconforming open court that of 3.35 feet where a 6-foot width is required under § 406; and
- allow rear addition onto the existing dwelling that would create a new lot occupancy, open court and rear yard nonconformities and be inconsistent with § 2001.3 requirements.

Although OP is not fundamentally opposed to the addition, the Application did not explain or provide any information about any extraordinary or exceptional situation or characteristic of the subject property that creates practical difficulty. Additionally, the information regarding the size of the addition on the Notes and Computation Sheets, the Surveyor's plat and the Floor Plan Additions Plan are not consistent with each other. OP has made several efforts via email and telephone to contact the owner of the property and a representative for clarification but have been unsuccessful.

II. LOCATION AND SITE DESCRIPTION:

Address:	3655 Horner Place, SE
Legal Description:	Square 6090, Lot 803
Ward:	8C
Lot Characteristics:	The 1,446.25 square foot (65 x 22.25) rectangular lot fronts on Horner Place, SE and does not abut an alley.
Zoning:	R-2 – one-family, semi-detached dwellings with some small one family detached dwellings.
Existing Development:	The property is developed with a rectangular, 2-story, one-family, semi-detached dwelling with a wooden rear deck that is below 4 feet.
Historic District:	None
Adjacent Properties:	Generally, 2-story semi-detached dwellings



Site Location and Zoning



Aerial of the Property



Front of property



Side of property

III. PROJECT DESCRIPTION IN BRIEF

The Applicant, Gerta Davis, proposes a 144 square foot, one story addition at the rear of the dwelling. The Applicant did not indicate on the plans or in the narrative what the addition would be used for. The property is currently a non-conforming structure in the R-2 district. With the addition, the non-conformity of the lot occupancy would be increased, the non-conformity of the side yard would be extended and new rear yard and court non-conformities would be created as shown on the table in Section IV.

IV. ZONING REQUIREMENTS¹

R-4 District	Regulation	Existing	Proposed	Relief
Lot Area § 401.1	3,000 sq. ft. min.	1,446.25 sq. ft.	1,446.25 sq. ft.	Existing non-conf
Lot Width § 401.1	30 ft. min.	22.25 ft.	22.25 ft.	Existing non-conf
Lot Occupancy § 403.1	40% max.	43%	56%	Yes
Rear Yard § 404.1	20 ft. min.	22.5 ft.	13 ft.	Yes
Side Yard § 405.1 (Southern property line)	8 ft.	6.5 ft.	6.5 ft.	None per § 405.1
Open Court Width § 406.1	6 ft. min.	No court area	3.5 ft.	Yes

¹ According to the Notes and Computation sheet submitted by the Applicant.

Since this dwelling is currently nonconforming for lot occupancy, the proposed addition is subject to the following Zoning Regulation standards that apply to additions:

2001.3 Enlargements or additions may be made to the structure; provided:

- (a) **The structure shall conform to percentage of lot occupancy** requirements, except as provided in § 404; and*
- (b) The addition or enlargement itself shall:*
 - (1) Conform to use **and structure requirements**; and*
 - (2) **Neither increase or extend** any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

V. OP ANALYSIS:

Area variance relief from §§ 403.2, 404.1 and 2001.3 in accordance with §§ 3103.2 and 3103.5 (a)

- **Any extraordinary or exceptional situation or characteristic of the subject property that creates practical difficulty.**

The Applicant has not provided any justification regarding any uniqueness or special that results in a peculiar and exceptional practical difficulty. The property is currently developed with a two-story semi-detached dwelling, and its neighboring properties that are of similar size and similar development to those lots along this street frontage. As a result, the application does not adequately explain how this developed site has a uniqueness that results in a practical difficulty.

- **No Substantial Detriment to the Public Good**

It does not appear the rear addition would block the light and air of the adjacent neighbors and they have signed a letter in support of the proposed addition (BZA Exhibit # 8).

- **Substantial Harm to the Zoning Regulations**

Granting the variance zoning relief necessary for this proposed addition, without the identification of peculiar and exceptional practical difficulty resulting from a unique property characteristic and that would bring the property out of zoning compliance, would be contrary to the intent and detrimental to the integrity of the District Zoning Regulations.

VI. COMMUNITY COMMENTS

To date no resolution on this application from ANC 8C has been added to the case record file. Neighbors on both sides of the property have signed letters of support.