

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 31, 2015

SUBJECT: BZA Case 18971 - request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding nonconforming structures with respect to lot occupancy (§§ 403.2 and 2001.3) and open court (§ 406) to permit a rear addition to an existing single-family row dwelling at 317 9th Street SE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **is not opposed** to the Board of Zoning Adjustment (BZA) granting the following relief:

- §§ 403.2 and 2001.3, area variance for expansion of a nonconforming structure (60% maximum lot occupancy permitted, 79.7% existing, and 77.6% proposed); and
- § 406 area variance relief for nonconforming open court (6 feet required, 4.4 feet existing and proposed).

II. LOCATION AND SITE DESCRIPTION

Address	317 9 th Street SE
Legal Description	Square 924, Lot 817
Ward/ANC	6/6B
Lot Characteristics	The property is rectangular in shape. The eastern property line abuts 9 th Street SE and the western property line abuts a 30-foot improved alley.
Zoning	R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Existing Development	Two-story single-family row dwelling with one-story detached garage (constructed circa 1895), permitted in this zone.
Historic District	Capitol Hill Historic District
Adjacent Properties	The adjacent properties are improved with 2 story row buildings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character, with single-family row dwellings and flats.

III. APPLICATION IN BRIEF

The Applicant, Kim Jones on behalf of the owner Nicholas Nowak, proposes to construct a two-story addition at the rear of the property. The property was the subject of a prior BZA case (Application No. 11197) that granted a variance of 55.94 square feet from lot occupancy, as well as open court relief, to allow a six-foot extension at the rear wall of the main structure at ground level, with an open deck above. The Applicant is proposing to replace the addition and second floor deck with a new two-story addition.

Although the property is currently nonconforming with respect to lot occupancy (60% maximum lot occupancy permitted, 79.7% existing), the proposed replacement and second story expansion of enclosed space would result in reduced lot occupancy. The property has a nonconforming open court that would remain. The width of the nonconforming court would be unchanged (6 feet required, 4.4 feet existing and proposed); however, the depth of the open court would be reduced (34.7 feet existing, 32.3 feet proposed).

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max. 3 stories	20.5 ft. 2 stories	20.5 ft. 2 stories	None required
Lot Width § 401	18 ft. min.	18 ft.	18 ft.	None required
Lot Area § 401	1,800 SF min.	1,963.4 SF	1,963.4 SF	None required
Lot Occupancy § 403	60 % max.	79.7 %	77.6 %	17.6 %
Rear Yard § 404	20 ft. min.	42.2 ft.	44.5 ft.	None required
Court § 406	6 ft. min.	4.4 ft.	4.4 ft.	1.6 ft.

V. OFFICE OF PLANNING ANALYSIS

- a. The Applicant is requesting variance relief under § 3103.2 from the requirements regarding expansion of a lot occupancy nonconformity (§§ 403.2 and 2001.3) and open courts (§ 406) to construct a two-story addition to an existing single-family row dwelling.

- i. **Exceptional Situation Resulting in a Practical Difficulty**

The existing improvements on the property were constructed via variance relief granted by the BZA in 1973. At the time the variance relief of 55.94 square feet (2.8%) was granted, the existing improvements on the property occupied 76.9 % of the lot, so exceeded the maximum permitted lot occupancy. It would be a practical difficulty for the Applicant to bring the property in to compliance with the lot occupancy regulations.

ii. No Substantial Detriment to the Public Good

The proposed addition would extend beyond the rear wall of the adjoining properties; however, 315 9th Street SE has an existing wood trellis and 319 9th Street SE has an enclosed porch, both of which would extend beyond the proposed addition. The proposed addition should not be highly visible to either neighbor and should not negatively impact the light and air available to the adjoining properties.

Historic Preservation staff indicated that due to the size of the proposed addition, it could be reviewed at a staff level. Therefore, a Historic Preservation Review Board (HPRB) hearing would not be required.

iii. No Substantial Harm to the Zoning Regulations

In 1973, the BZA found that a hardship existed and granted a variance of 55.94 square feet from the lot occupancy requirements, as well as a variance from the requirement for a minimum width of six feet for the open court. The addition proposed by the Applicant would make the property more conforming with respect to lot occupancy. No substantial harm to the Zoning Regulations would result from granting the requested relief.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

Comments from the District Department of Transportation will be provided under separate cover.

VII. COMMUNITY COMMENTS

The residents of the adjacent properties at 315 and 319 9th Street SE submitted letters in support of the requested relief.

Advisory Neighborhood Commission (ANC) 6B voted 10-0-0 at its regularly scheduled meeting on March 10, 2015 to support the requested relief.

Attachment: Location Map



Figure 1: Location Map