

Government of the District of Columbia

Office of the
Director



Office of Planning
415 12th Street, N.W.,
Washington, DC. 20004

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ZONING SECRETARIAT
DISTRICT OF COLUMBIA

M E M O R A N D U M

TO: Board of Zoning Adjustment

FROM: Fred M. Greene
Director

SUBJECT: BZA Application No. 15123

Application

Application of Mark F. O'Donnell and Susan M. Oehler, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure which now exceeds the lot occupancy requirements [Paragraphs 2001.3(a) and (c)], a variance from the rear yard requirements (Sub-section 404.1), and a variance from the lot occupancy requirements (Sub-section 403.2) for a deck addition to an existing nonconforming 3-unit apartment house in an R-4 District at premises 1359 Massachusetts Avenue, S.E., (Square 1037, Lot 72).

Summary Recommendation

The Office of Planning (OP) recommends that this application be approved with conditions.

Applicants' Proposal

The applicants are proposing to construct an uncovered deck, 9.5 feet by 12 feet, to the rear of a three-unit apartment house. The deck will be built on the first level of the structure. It will replace the existing back yard stairs and landing.

BZA

CASE No. 15123

EXHIBIT No. 23

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Site and Area Description

The site is located in Ward 6 in the Lincoln Park neighborhood. The property is also within the boundaries of the Capitol Hill Historic District, one of the oldest residential communities in the District of Columbia. Boundaries of the property are Massachusetts Avenue to the north, Independence Avenue to the south, 13th Street to the west, and 14th Street to the east.

The property is improved with a red brick structure that contains two-stories, a basement and an attic. The building was constructed in 1900 and contains 4,419 square feet. The building is substantially setback from Massachusetts Avenue.

Two public alleys provide access to the site. Both alleys are 10 feet wide.

Compliance with the Zoning Regulations

The granting of an area variance request must be based on the following tests for variance relief, as articulated by the District of Columbia Court of Appeals in several noted cases:

- o There is something unique to the property itself or other extraordinary or exceptional situation or condition which would create a practical difficulty for the owner to develop the property in accordance with the Zoning Regulations and, therefore, deprive the applicants of reasonable use of the property;
- o Substantial detriment to the public good would not occur; and
- o The intent, purpose and integrity of the zone plan, as embodied in the Zoning Regulations and Map, would not be impaired.

Where justifiable, based on specific standards and criteria, the Board of Zoning Adjustment may allow deviations from the use and area provisions of the Zoning Regulations.

Comments

The apartment house from the exterior resembles a row dwelling, the type of housing found throughout the Capitol Hill neighborhood.

The existing lot area of the site is 2,120.4 square feet. Based on 60 percent lot occupancy, the structure is allowed to occupy 1,274.2 square feet. The applicants are proposing to occupy approximately 76 percent of the lot or 1,605.4 square feet. A variance of 26 percent from the lot occupancy requirements is being requested.

The depth of rear yard in the R-4 District should be a minimum of 20 feet. The applicants are proposing to provide a rear yard that has an average of 9.75 feet. A variance of 51 percent is being requested from the minimum rear yard requirements.

The width of the applicants' rear yard is approximately 37 feet. The configuration of the lot is such that the shape of the rear yard is irregular.

The subject building is a nonconforming structure, predating the 1958 Zoning Regulations by 57 years. The applicants' request to add on open air deck appears reasonable, particularly in view of the fact that the building has existed on the property for almost 90 years.

The irregular shape of the property to the rear, in addition to the nonconformity of the existing structure create a practical difficulty for the applicants. These situations could deprive the applicants of reasonable use of their property. Further, the Office of Planning is not aware of any substantial detriment to the public good that would occur as a result of granting the area variances which are being sought.

OP was informed by a representative of the Department of Consumer and Regulatory Affairs, Historic Preservation Division, that the subject project has not been reviewed by the city's preservation office. The proposed project will be visible from the rear alley.

Community Comments

The Office of Planning was informed by a representative of Advisory Neighborhood Commission (ANC) 6B that the ANC is in support of the application.

The Capitol Hill Historic Restoration Society indicated through its representative that it opposes granting of the requested variances.

Recommendation

The Office of Planning recommends approval of Application No. 15123. We are of the opinion that the applicants have carried the burden of proof required for approval of the requested variances. We recommend that the applicants provide and maintain evergreen shrubbery for the proposed deck (e.g., hanging planters) to alleviate any potential negative visual impact.

Attachment

Report Prepared by:
SPDR/ZS
BB:am



