

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 22, 2015

SUBJECT: BZA #19075 – 2118 2nd Street, NW

I. BACKGROUND

This case has been advertised as follows:

Area Variance: Application of Michelle Munn, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403, the rear yard requirements under § 404, and the side yard requirements under § 405, to allow the enclosure of an existing back porch, and construction of a new one-story rear addition to an existing one-family dwelling in the R-5-B District at premises 2118 2nd Street N.W. (Square 3070, Lot 67).

However, the Office of Planning has reviewed the requested relief solely as variances because lot occupancy greater than 70% for a single family residence (as proposed) is not permitted in the R-5-B zone without a variance, which precludes the requested rear yard and side yard relief from being considered as special exceptions. OP further notes that the side yard relief request would appear to be more appropriately considered as relief for non-conforming open courts.

II. RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following area variance relief under § 3103.2 for the proposed construction of a one-story addition to an existing one-story dependency on the rear of row-house located in the R-5-B zone:

- § 403 Lot Occupancy (60% permitted by-right; 65.81% existing; 73.37% proposed, which is an expansion of an existing non-conformity)
- § 404 Rear Yard (15' required; 14'1" existing; 9'9" proposed, which is an expansion of an existing non-conformity)
- § 406 Open Court (6' width required; 4'6" width existing and proposed on south and 3/6" width existing and proposed on south; including a proposed 4'4" extension of existing non-conformities)

The applicant also appears to require relief from § 2001.3, additions to non-conforming structures.

III. LOCATION AND SITE DESCRIPTION

Address	2118 2 nd Street, NW
Legal Description	Square 3070, Lot 67
Zoning	R-5-B, moderate density rowhouses
Ward and ANC	1, 1C
Historic District	None
Lot Characteristics and Existing Development	The property is a 1221 SF generally rectangular rowhouse lot, 18' wide, 68.14' on the north and 67.53' on the south. The existing rowhouse has a principal wing that is two stories high and spans from side lot line to side lot line. There is an existing 10' x 10' one-story rear wing in which most of the existing kitchen is located, behind which is a 4'8" deep by 10' wide open porch. It is aligned with the centerline of the house and was constructed at the same time as the two-story section. There is a 15' wide alley at the rear.
Adjacent Properties and Neighborhood Character	Nearly identical rowhouses adjacent. Neighborhood is mostly rowhouses, with some moderate density apartment buildings. The McMillan Reservoir is one block to the north.



Figure 1. Site Location

IV. PROJECT DESCRIPTION IN BRIEF

The applicant seeks zoning relief in order to demolish an existing 4'8" deep by 10' wide porch at the rear of the existing one-story portion of the building (referred to hereinafter as the dependency), and replace it with a 9' x 10' one story addition to the existing one-story dependency, thus adding 4'4" of depth to the rear of the building.



Figure 2. Rear of 2116 - 2130 2nd Street, NW (Google maps image)

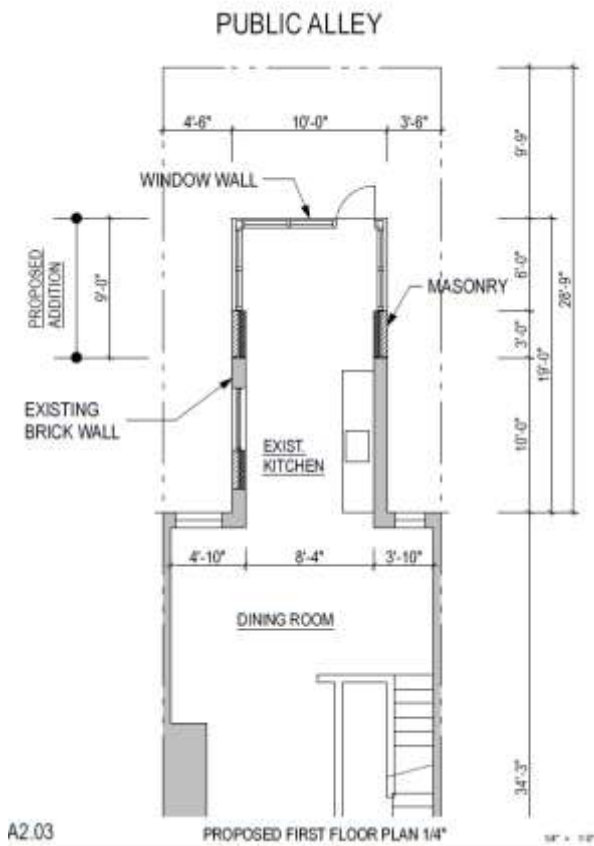


Figure 3. Proposed Plans

V. ZONING REQUIREMENTS AND REQUESTED RELIEF

The site is zoned R-5-B (moderate density apartments). In order to develop as proposed, the application seeks zoning relief under § 223, but would appear to require variance relief, as analyzed in the table below. Differences between the applicant's calculations and OP's calculations are due to OP's including the non-conforming open courts within lot occupancy,

while the applicant has not included them in lot occupancy (and has also considered them to be side yards rather than courts).

Item	Requirement	Existing	Proposed	Relief
§400 Height	50'	Approx. 20'; 2 stories	No change to total height. Addition would be 13'8"	Conforming
§401 Lot Area	None prescribed	1,221 SF	No change	Conforming
§401 Lot Width	18'	18'	No change	Conforming
§402 FAR	1.8	1.17	1.25	Conforming
§403 Lot Occupancy	60% by-right 803.5 SF 70% as special exception.	65.81% (applicant) 893.5 SF (applicant) 79.6% (OP) 969 SF (OP) Existing Non-Conformity	73.37% (applicant) 85.6% (OP)	Special Exception Requested; Variance May Be Required
§404 Rear Yard	15'	14' 1" Existing Non-Conformity	9' 9"	Special Exception Requested; Variance May Be Required
§405 Side Yard	None required or provided	None, although two open courts are listed as side yards	n/a	Conforming (Although a request for relief has been requested).
§406 Open Court	If provided, not less than 6' wide. Depth not prescribed	4'6" wide on south 3'6" wide on north Each 14'8" deep Existing Non-Conformity	No change in widths. Depth of each would increase to 19 feet.	Special Exception for Side Yard Requested (Requested and advertised for side yard relief, rather than for open courts relief; extends an existing non-conformity.)
§2001.3 Non-conforming structures	Addition must conform, and not extend an existing non-conformity.	Existing structure does not conform to rear yard depth, open court width.	Addition increases lot occupancy and rear yard non-conformity and extends the lengths of two existing non-conforming courts.	Not requested but seems to be required

VI. VARIANCE ANALYSIS

In order to be granted a variance, the applicant must show that the application meets the three part test described in §3103:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions that;**
- 2. Imposes a practical difficulty which is unnecessarily burdensome to the applicant?**

The applicant has not demonstrated that the size or shape of the property or rowhouse are exceptional or pose an unnecessarily burdensome practical difficulty. The applicant's lot and house shape are essentially the same as the majority of houses between 2116 and 2130 2nd Street, N.W. The applicant posits that the existing building envelope cannot accommodate an adequately-sized kitchen that would provide needed storage and enable the relocation of the applicant's refrigerator from the dining room to the kitchen, but has not demonstrated a consideration of alternative floor plans that might enable this.

The applicant has also not demonstrated the a practical difficulty would result from not being granted the requested rear yard relief or the requested side yard relief (which, as noted, OP has analyzed as an extension of non-conforming open courts).

- 3. Can the relief be granted without substantial detriment to the public good and to the intent, purpose and integrity of the Zoning Regulations and Map?**

While the requested relief could be granted without substantial impairment to the public good, it could not be granted without substantial impairment of the zoning regulations.

Neither the one-foot diminution of the rear yard or the extension of the non-conforming courts would have a negative impact on the light, air or privacy of adjacent properties or of the zoning regulations. While heavily glazed, the proposed addition would be on the first floor and there are existing privacy fences between the applicant's property and the properties to the north and south. The owner of the south-adjacent property has supported the requested relief and the north-adjacent owner has not registered an objection. The combination of the proposed rear yard and the 15-foot alley would provide adequate separation to the west.

Granting the relief would, however, pose a substantial detriment to the intent, purpose, and integrity of the zoning regulations. The application itself is incorrect in several respects and inadequate in its demonstration of why the property is exceptional or how the applicant would be unnecessarily burdened by a practical difficulty if the relief were not granted.

VII. COMMUNITY COMMENTS

ANC 1B voted 7-0-0 to support a variance from §§ 403 (lot occupancy) and special exceptions from § 404(rear yard) and § 405 (side yard).

The owner of the south-adjacent property has filed a letter of support for the application. The applicant's certified notice to the owner of the north-adjacent property was returned as undeliverable by the USPS. Residents at 2110, 2126 and 2130 have submitted letters in support.

The LeDroit Park Civic Association submitted a letter in support of lot occupancy relief for the project, which it noted as being in the R-4 zone.

VIII. OTHER DISTRICT AGENCY COMMENTS

The District Department of Transportation has no objection to the requested relief.