CAPITOL HILL RESTORATION SOCIETY
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BZA No. 16670
910 East Capitol, NE
Square 941, Lot 826
Zone: R-4

February 13, 2001

Board of Zoning Adjustment
Room 210
441 4th Street, NW
Washington, DC 20001

The Capitol Hill Restoration Society SUPPORTS granting relief by special exception but OPPOSES variance relief.

The lot is improved with a 3-story semi-detached dwelling configured as flats. There are two units: a ground floor apartment, and the principal residence occupied by the applicant on the upper two floors. Applicant proposes construction of a 3-story rear addition. According to the plat filed by applicant, lot area is 1840 s.f.; lot occupancy, now 552 s.f. (30%), would increase to 1240 s.f. (67%).

Three variances are sought: from the lot occupancy requirement (67% proposed, 60% allowed), from the floor area ratio requirement (1.9 proposed, 1.8 allowed), and from the side yard set back requirement (3 ft. 4 1/2 in. proposed, 8 feet required).

Floor Area Ratio

Relief from the floor area requirements is not needed because these premises are outside the Capitol Interest District to which this requirement refers.

Variance Relief Is Not Appropriate

We believe that the variances sought for lot occupancy and side yard set back are inappropriate. Rather, we believe that special exception relief under Sec. 223.1 should be sought, thus avoiding the difficulties of the variance process.

Lot Occupancy

The premises are improved with a flat and are zoned R-4; lot occupancy up to 60 percent is allowed as a matter of right (Sec. 403.2). However, an addition to a flat in an R-4 zone is permitted as a special exception (Secs. 223.1, 223.3), provided that lot occupancy does not exceed 70 percent. The premises meet the requirements for special exception relief under Sec. 223 instead of a variance.

BZA
Case No. 16670
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16670
EXHIBIT NO.28

Side Yard Set Back

The side yard setback is nonconforming because it is less than half of the 8 foot minimum depth required. But, since the building predates 1958, an addition may be made which extends the side yard, provided the width of the existing side yard is not reduced and the width is at least 5 feet. (Sec. 405.8) The Board can grant special exceptions from the 5 foot minimum side yard requirement. (Sec. 223.1)

Special Exception Relief is Appropriate

Although the need for variances was self-certified, we believe that the Board can grant the desired relief as special exceptions, without the need to readvertise the application. Because the standards for special exceptions are less demanding than those for variances, we believe special exceptions can be substituted for variances without adversely affecting any potential parties.

Applicant Meets the Requirements for a Special Exception

The proposed addition is carefully designed to fit into the buildings on either side. The full width of the addition extends only to the depth of the rear wall of the house on the west, then narrows and continues almost to the depth of the rear wall of the house on the east. This arrangement sensitively protects the light and air to the adjacent properties. We understand that the addition is supported by owners of the adjacent properties and would not seem to interfere with privacy of use of any neighboring properties.

We believe that this applicant makes a case for special exception relief.

Sincerely,

Lyle R. Schauer
Zoning Chair