GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORADUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
JLS for

Office of Planning

DATE: June 14, 2002

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16884

The attached Final Report concerning the application for Case Number 167884 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16884
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16884
EXHIBIT NO.25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: June 14, 2002

SUBJECT: BZA Case #16884, Variance Request

I. APPLICATION-IN-BRIEF

Applicant: Application of Michael B. Johnson, owner
5814 Sherier Place NW, Washington DC 20016
Square 1454, Lot 64

Zoning: R-1-B

Relief Sought: Pursuant to 11 DCMR §3103.2, the applicant is requesting a variance to construct an addition to a non-conforming structure that is devoted to conforming uses.

From Sought Under: §2001.3

Regulations Require: No addition without a variance because the existing pre-1958 is non-conforming for lot occupancy and rear yard setback.

Proposal: The applicant wishes to construct additions to the south side and rear of the existing house on this small property. The Zoning Administrator has determined that construction of the addition would:

- conform for use, but increase existing lot occupancy and rear yard setback non-conformities, and
- therefore, require variance under §2001.3 (a) and (c).

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

III. AREA AND SITE DESCRIPTION

Square 1454 in Northwest Washington is bounded by Sherier Place on the east; Newark Street on the south; Potomac Street on the west and Norton Street on the north. It is in the Palisades neighborhood of Ward 3. Sibley Hospital is located directly north-east; Clara Barton Parkway and Chesapeake and Ohio National Historic Park is to the West.

The house and property at Lot 64, 5814 Sherier Place, is owned by Michael and Polly Johnson. Directly to the rear (west) of the lot is a right-of-way owned by the District of Columbia for underground services

(Lot 811). A separate lot – Lot 817 – to the west of the right-of-way, is also owned by the Johnsons, and has a detached garage accessed from an alley.

Together, the two lots owned by the Johnsons have an area of almost 7,950 square feet (not including the portion of right-of-way Lot 811 which separates them). However, the two lots are non-contiguous (not immediately joined), so Zoning Regulation calculations pertaining to the house are based only on Lot 64. The property, therefore, does not meet the current zoning requirements of lot area (5,000 square feet required, 2,560 square feet existing). As described below, the existing two story house, which was built in 1925, is currently non-conforming for rear yard setback and lot occupancy.

IV. AREA ZONING

The property is in the R-1-B zone district, which permits one-family detached dwellings. Most of the surrounding area is also zoned R-1-B. Many of the lots are considerably larger than the subject property, and contain correspondingly larger houses. Federal lands (unzoned) are located to the west of Potomac Avenue and to the north of Norton Street.

V. PROJECT DESCRIPTION

The applicants propose to construct:

- an 11.5 foot wide one story addition to the south side of the existing house, and
- an 8' wide two-story addition, covered porch and open deck on the rear (west) side of the house.

Total additional enclosed area is approximately 540 square feet.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

§1102 *Objectives for Residential Neighborhoods:*

§1102.1 (a) *To conserve and enhance the essentially satisfactory qualities of the District's many stable neighborhoods including those qualities that make them unique*

§1104 *Policies in Support of the Residential Objectives*:

§1104.1 (h) *... encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing ... while exercising care to avoid undermining neighborhood quality and stability*

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Low Density Residential Land Use Category.*** Single-family detached housing is the predominant use in this category.

VII. REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3103.2, the applicant is requesting a variance from 11 DCMR §2001.3:

Enlargement or additions may be made to the structure [in this case, a conforming use added to a non-conforming structure]; Provided, that the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements;

	Lot 64 alone				Lots 64 + 811	
	Required	**Existing**	**Proposed**	**Variance**	**Existing**	**Proposed**
Lot Area:	5,000 sq.ft. min.	2,552 sq.ft.			7,950 sq.ft.	
Lot Occupancy:	40% max.	46.8%	69.2%	29.2%	15.0%	22.2%
	1020.9 sq.ft.	1,194 sq.ft.	1,766.5 sq.ft.	745.6 sq.ft.		

As noted in the above chart, Lot 64 alone does not meet lot area regulations, and the house with the additions would have a lot occupancy of 69.2%. Lot occupancy if Lot 811 could be included would be 22.2%, conforming. The visual impact of this variance is further mitigated by the relatively wide lot, the wide road boulevard (over 35') on Sherier Place, and the wide, undeveloped right-of-way to the rear of the house.

(b) The addition or enlargement shall itself conform to use and structure requirements;

Conforms. The house will remain used as a one-family dwelling.

(c) The addition or enlargement itself shall not increase or extend any existing nonconforming aspect of the structure, and shall not create any new nonconformity of structure and addition combined.

	Lot 64				Lots 64 + 811	
Regulation	**Required**	**Existing**	**Proposed**	**Variance**	**Existing**	**Proposed**
Rear Yard:	25' min.	8'	0'	25'	75' to lane	67' to lane

The property currently does not meet rear yard requirements, and the proposed addition would increase this non-conformity. The impact of this variance is mitigated by the presence of the 30' wide right-of-way and lot 811 to the rear of the house. The addition would therefore appear as being a minimum of approximately 67' from the rear lane. The addition would conform to side yard setback requirements, and the rear addition would not be visible from the street.

VIII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. ***Does the property exhibit*** **Uniqueness** ***with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or other exceptional situations or conditions of the specific piece of property?***

Yes: This property is exceptional with respect to its shallowness (less than 33' deep). The 30' wide right of way and the non-contiguous lot 811 add to its unique character. The right-of way is owned by the District of Columbia and is therefore not available to the Johnsons (or other owners on this section of Sherier Place) for development, but is visually part of their property.

2. ***With respect to* Unique Difficulties, *would application of the zoning regulations result in practical difficulty and be "unnecessarily burdensome" to the applicant, and should the application for a variance allowing the addition of a conforming use to a non-conforming structure be approved?***

   Yes: The existing house was constructed on this very small single dwelling lot prior to the adoption of current Zoning regulations in 1958. Even though the house is not large for the area, the property is sufficiently constrained that it is non-conforming, and no addition would be possible without a variance to these regulations.

   The Johnsons own two lots – a small one, which contains the house, adjacent to the street, and a larger one adjacent to the alley. Together, the two lots provide more than sufficient area to permit the proposed house additions. However, because the two lots are separated by the right-of-way, the lot areas cannot be combined, and regulations for the house are based on the small lot, resulting in the non-conforming status.

3. ***Can the relief be granted without substantial detriment to the public good and without substantially impairing the* Intent, Purpose and Integrity of the Zone Plan *as embodied in the Zoning Regulations and Map?***

   Yes: The addition is designed to minimize potential impacts on the street and on the adjacent property to the south. Neither the side nor the rear additions would impact the views, privacy or access to light or air of any neighbor. The house with the additions is not unduly large and will not have a negative streetscape presence. The addition does not provide for a non-conforming use on this site, so the integrity of the Zoning Regulations would not be undermined.

IX. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

The proposal was presented to ANC 3D at its meeting held May 01, 2002. The ANC voted unanimously to approve the plans.

X. OTHER AGENCY COMMENTS

No other agency comments have been received at this time.

XI. OP SUMMARY RECOMMENDATION

The Office of Planning recommends that the BZA approve the variance request. Approval would permit the construction of this relatively small addition to this small house on a highly constricted lot. Approval is consistent with the Generalized Land Use map, and with the Comprehensive Plan's objective to avoid undermining neighborhood quality and stability by maintaining existing housing stock and generally maintaining the existing streetscape.

Aa/jl