GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 28, 2003

SUBJECT: BZA Application 16962 - Request filed by Greenstein DeLorme & Luchs, P.C. for **five area variances** for the construction of a building addition, proposed by Mr. & Mrs. V. Aislee Smith for 2304 First Street, N.W.

APPLICATION
Application of Mr. & Mrs. V. Aislee Smith for:

Variance relief to:

1. **§401 of Title 11 DCMR** to permit an increase in minimum lot dimensions;
2. **§403 of Title 11 DCMR** to permit an increase in lot occupancy;
3. **§404 of Title 11 DCMR** to permit a reduction in the rear yard setback;
4. **§2001.3 of Title 11 DCMR** to permit an enlargement of a nonconforming structure; and
5. **§2300.2 of Title 11 DCMR** to permit a reduction of the setback of a private garage from the centerline of an abutting alley

for the construction of a building addition onto an existing row house on the west side of First Street, N.W., between Adams Street and Bryant Street, 2304 First Street, Square 3125, Lot 75. The property is zoned R-4, row dwellings, conversions and apartments.

Although the application does not request a variance to §401, the Office of Planning has determined that a variance to this provision is also necessary as the subject property does not conform to the minimum lot area and minimum width of lot required for a row house within the R-4 district.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for variance relief as submitted by the applicant.

BZA
Case No. 16962
Exhibit No. 41

Board of Zoning Adjustment
District of Columbia
CASE NO.16962
EXHIBIT NO.41

PROJECT DESCRIPTION

This proposal is to permit the construction of a building addition onto the rear of an existing nonconforming three-story row house. This addition will consist of a private garage on the ground floor, an expanded kitchen on the first floor, a bedroom on the second floor and a sunroom on the third floor. The proposed addition will reduce the minimum building setback from the rear lot line from 20 feet to zero, and reduce the minimum setback from the centerline of the alley for the garage from 12 feet to 6.25 feet. Lot occupancy will be increased from the maximum 60 percent to 79 percent.

SITE AND AREA DESCRIPTION

The subject property consists of Lot 75 of Square 3125, in the North West quadrant of the District. It is rectangular in shape and improved with a three-story row house constructed in 1907. The lot is 1,632.63 square feet in area, and has a minimum lot width of 17.65 feet.

The surrounding area is residential. Row houses adjoin the subject property to the north and south. To the east, across First Street, are row houses, and to the west, across the alley, are row houses. All surrounding properties are located within the R-4 district. To the north, across Bryant Street, is McMillan Reservoir, which is unzoned.

EXISTING ZONING

The subject property is zoned R-4, row dwellings, conversions, and apartments. It is improved with a row house used as a single-family dwelling.

R-4 Residential District

"The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families." (§330.1)

RELIEF REQUESTED:

The applicants are requesting a variance to the percentage of lot occupancy requirement; a variance to the rear yard setback; and a variance to the setback of a private garage from the centerline of an abutting alley, all of which will increase the nonconforming aspect of the structure. The tax records indicate that the subject property had been vacant and abandoned. The applicants desire to build onto the existing row house in conformance with today's standards for living. In order to be able to obtain these variances, variances must first be obtained from §2001.3 (a) and §2001.3 (c) so that the applicants can expand the size of the dwelling. This expansion will allow the applicants to update and modernize the existing row dwelling, which is almost 100 years old.

Variance relief to §2001.3 – Nonconforming Structures Devoted to Conforming Uses

Section 2001.3 states the following:

> *Enlargements or additions may be made to the structure; Provided, that the following requirements shall be met:*

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

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

(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.*

Variance relief to §403 – Percentage of Lot Occupancy

The existing lot occupancy is 60 percent, the maximum permitted within the R-4 district. Therefore, any building addition will increase the lot occupancy beyond the maximum permitted. The subject property is unique in that it is small and consists of 1,632.63 square feet, less than the minimum 1,800 square feet required for a row house in the R-4 district, and narrow, having a lot width of 17.65 feet, less than the minimum of 18 feet. Although the application proposes to increase the lot occupancy to 79 percent, the building footprint will be only approximately 210 square feet larger than would be permitted as a matter of right if the lot contained the minimum required 1,800 square feet. The practical difficulty is that without the ability to increase the lot occupancy of the site, the building cannot be expanded and brought up to current living standards. The existing court on the south side of the property, which is shared with the adjoining row house to the south, will be maintained and its length extended by this proposal.

Variance to §401 – Minimum Lot Dimensions in Residential Districts

The subject property is unique in that it is smaller and narrower than currently permitted within the R-4 district. The existing lot predates the May 13, 1958 adoption of the Zoning Regulations. Section 401.3 requires a minimum lot size of 1,800 square feet and a minimum lot width of 18 feet. The subject property contains 1,632.63 square feet, and is 17.65 feet in width, making it smaller and narrower than the minimum requirement. As the lot is existing and developed, and all adjoining lots are similarly developed, there is no opportunity to expand the area of the lot beyond its current boundaries. Therefore, the practical difficulty in this case is that there is no adjacent property available to bring the subject property into conformance with the minimum lot dimensions.

Variance relief to §404 – Rear Yards

This proposal reduces the minimum 20-foot rear yard setback to zero for the construction of a 20-foot deep building addition. The existing building is set back 20 feet from the rear lot line and is unique in that it contains an unusually shaped courtyard that impacts the ability of the applicant to maximize the use of adjacent interior space. The ground floor of this addition is proposed to contain a garage, which after subtraction of the width of the proposed rear wall will be 18 feet, 1 inch long. The minimum length of a standard parking space is 19 feet. Therefore, the practical difficulty is that without the granting of this variance, which is the minimum necessary in order to provide for a useable garage, which cannot otherwise be provided for on the subject property. The upper floors of the addition will be setback from the rear lot line 6 feet, 8.5 inches. This will reduce the impact the proposed addition will have on adjoining and surrounding properties and increase the amount of useable space on the upper floors of the dwelling.

A building addition could have been constructed onto the front of the dwelling as a matter of right as the existing row house is set back approximately 6.5 feet from the front lot line. However, this would have resulted in one row house out of sync with the others in the block and would have

interfered with the architectural symmetry of the block. Constructing onto the back of the house preserves the existing streetscape along First Street.

Variance relief to §2300.2 – Private Garages and Carports
This proposal provides for a garage that is set back 6.25 feet from the centerline of the alley, less than the required 12 feet and provides for a garage with an interior depth of 18 feet, 1 inch. As the minimum length of a standard parking space is 19 feet, provision of a garage any shorter would impair the ability of the owner to store a vehicle within it. A 12-foot setback would result in a garage less than 12 feet deep, which would not be usable for its intended purpose. The property is unique due to the way it is situated on the site (set back approximately 6.5 feet from the front), and the provision of a garage space less than that requested would present a practical difficulty in the ability of the site to provide for a garage of sufficient size to accommodate an automobile.

COMPREHENSIVE PLAN

The Ward 5 Plan contains the following vision:

> *"...neighborhoods like... Bloomingdale... will benefit from new and rehabilitated housing..."* (§1604.4)

The Ward 5 Plan contains the following objective for housing:

> *"Protect and preserve the ward's stable neighborhoods and its sound housing stock;"* (§1608.1(a))

The Ward 5 Plan contains the following action in support of housing:

> *"Reincorporate useable vacant and boarded-up dwelling units into the ward's housing stock..."* (§1609.1(b))

Therefore, the granting of the requested variances will not be inconsistent with the Comprehensive Plan.

The area has been identified on the Generalized Land Use Map as located within the moderate density residential land use category- "Row houses and garden apartments are the predominant uses; may also include low density housing."

COMMUNITY COMMENTS

ANC 5C has reviewed this application and issued a letter to the BZA, dated January 2, 2003, indicating that they reviewed the application at their meeting of December 17, 2002, and unanimously voted to support the application.

CONCLUSIONS

The subject property is narrow and small, and the existing row house is set back farther from the front than required, reducing the size of the rear yard, and reducing the area available to the

applicant for the construction of building additions. In addition, the existing row house contains an unusually shaped court at the western end of the court, which reduces the ability of the applicant to optimize the use of the adjacent interior space. Although the rear setback is proposed to be reduced to zero, and to 6.25 for the garage from the centerline of the alley, this is for the garage portion of the building addition only, which is to be located on the ground level. The upper levels will provide a rear setback of 6 feet, 8.5 feet from the rear lot line. It is less than the minimum required because the existing building is set back the minimum required. The court on the south side of the property, which is shared with the adjacent lot to the south, will not be reduced in area.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for the granting of variances. OP concludes that the variances meet the required tests and can 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."

The Office of Planning recommends approval of the following:

Variance relief to:

1. **§401 of Title 11 DCMR** to permit an increase in minimum lot dimensions;
2. **§403 of Title 11 DCMR** to permit an increase in lot occupancy;
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AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16962

DC Office of Planning
January 28, 2003

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Attachment 1