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:** February 18, 2003

**SUBJECT:** BZA Application #16981
Application of Robert Bagnall and Alexander Tang
2234 California Street, NW
Square 2529, Lot 284

## I. APPLICATION SUMMARY

| | |
|---|---|
| Relief Sought: | Variance to reconstruct and add to an existing non-conforming structure devoted to conforming uses |
| From Section: | 11 DCMR §§ 403.2 and 2001.3(a) & (c) |
| Zoning: | R-3 |
| Regulations Require: | No addition or enlargement without a variance, because existing pre-1958 building already occupies 73.49% of the lot in a zone that allows no more than 60% lot occupancy. |
| Relief Sought Under: | §3103.2 |

The applicants are renovating their single-family residence. The house is listed as a contributing structure to the Sheridan-Kalorama Historic District. The re-construction of the existing deck atop the garage, and the connection of that deck to the house by a staircase and smaller deck would:

- Constitute an addition of a conforming use to an existing structure that does not conform to its zone's lot occupancy requirements (60% in an R-3 zone [§403.2]), and would;
- Therefore require a variance under Section 2001.3 (a) and (c).

## II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends that the variance request be APPROVED.

## III. SITE AND AREA DESCRIPTION *(See Attachment 1)*

Square 2529 in northwest Washington is two blocks west of Connecticut Avenue and is bounded by:

- North: California Street
- East: Phelps Place
- South: Bancroft Place
- West: 23rd Street.

BZA
Case No. 16981
Exhibit No. 26
Board of Zoning Adjustment
District of Columbia
CASE NO. 16981
EXHIBIT NO. 26

2234 California Street consists of a three-story, semi-detached house constructed in 1904 and an accessory detached garage that appears to have been constructed early in the 20th century. The house has exposure on both California Street and 23rd Street. There is an approximately 8' x 16' separation between the house and the garage. Together, the house and the garage occupy roughly 73.5 % of the site. The property is bordered by mid-rise and high-rise apartments to the east, and single family houses in all other directions.

**IV. AREA ZONING AND HISTORIC DISTRICTS** *(See Attachment 1)*

The site is zoned R-3. Most of the historic district has similar zoning, west to Massachusetts Avenue. The exception to this pattern is the R-5-B zoning of the 2100 and 2200 blocks of California Street, where the apartment buildings are located immediately east of the subject property.

The building is within the Sheridan-Kalorama Historic District, and is considered a "contributing structure" to the historic district. It is not individually landmarked.

**V. PROJECT DESCRIPTION** *(See Attachments 2 –5)*

The applicants are renovating their home. They wish to:

- Reconstruct the deck that already existed on top of the garage when they purchased the house;
- Replace the ladder that now provides access to this deck with a staircase;
- Connect the stairs and deck to the house with an additional narrow bridging deck;
- Construct a masonry wall to screen the stairs and garage from the street;
- Construct privacy fencing around the decks.

The applicants' proposal has already been reviewed and approved by the Historic Preservation Review Board.

**VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN** *(See Attachment 6)*

The Comprehensive Plan's Generalized Land Use Map designates the area for Moderate Density Residential Land Use. The renovation is consistent with the emphasis in the Ward 2 element of the Comprehensive Plan on the retention of housing in the ring of land surrounding the central employment area. The Ward 2 element also emphasizes the need to provide adequate recreation space for the Ward's residents, but does not specifically address private recreation space.

**VII. REQUESTED ZONING RELIEF**

Pursuant to 11DCMR Section 3103.2, the applicant is requesting a variance from 11 DCMR Sections 403.2 and 2001.3 (a) and (c):

*Enlargements 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; and*

*(b) The addition or enlargement shall itself 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.*

The existing structures, at 73.49% lot occupancy, exceed §403.2's specified 60% lot occupancy limit for structures in a R-3 zone by 13.5%. The proposed decks and stairs would increase lot occupancy by 10%, thus bringing the total lot occupancy to just under 80%, which is approximately 32.4% over the permitted lot occupancy.

## VIII. DOES THE APPLICATION MEET THE VARIANCE TESTS?

1. **UNIQUENESS:** ***With respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions of the specific piece of property:***

   It does meet this test. (*cf. Attachments 2-5*)

   - The property is exceptional by virtue of its physical characteristics. The 1904 house and garage were permitted to occupy 73.5% of the lot prior to the establishment of zoning regulations. While there is a side yard that appears to be co-terminus with the building setback line, the front of the house already intrudes into both the set back and right of way line on California Street. There is no private yard space, balcony or deck space, other than the existing deck atop the garage. The very non-conformity of the existing structure makes it impossible to add recreation space to the residential unit in question without increasing the existing structure's non-conformity. There is essentially no available private yard space.
   - The physical characteristics also include the historic nature of the properties. As a contributing structure to the historic district, the applicant would likely be unable to add recreation space via enclosure of the side yard. A privacy fence that would extend beyond the front of the house on the east side of the house is not likely to given historic preservation approval either. Historic preservation considerations would also preclude the addition of balconies, etc. The D.C. Court of appeals allows historic worthiness to meet the standards of uniqueness.[1]

2. ***With respect to the* "Practical Difficulties" *that would be "unnecessarily burdensome" and impose* Undue Hardship *to the Applicant should the application for a variance allowing the addition of a conforming use to a non-conforming structure not be approved:***

   It does meet the tests.

   The historic properties have been deemed worthy, by the government, of preservation and restoration. The applicant is retaining the property's single-family usage and engaging in extensive rehabilitation of it. The nature of the property and the existing lot occupancy present a practical difficulty that make it impossible for the applicant to locate recreation space anywhere but on the roof of the garage.

[1] *Clerics of St. Viator Inc v. D.C. Board of Zoning Adjustment (320 A. 2d 291; 1974 D.C. App.)*

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?***

   It can.

   Based on field inspections by the two sections of the Office of Planning, the addition of the deck and staircase would not block anyone's sunlight or air, or impede anyone's view. While the intent of the applicable sections of the Zoning Regulations is to avoid increasing the lot occupancy or density of buildings that already do not conform to the 1958 Zoning Regulations, virtually all of the proposed construction would be unenclosed outdoor space. Most of the construction would be atop an already existing garage. It will not allow the addition of another living unit to the project. It will not even allow the addition of an occupiable room. It just, in effect, allows the creation of "backyard" recreation space on a roof, where it will have no negative impact on anyone.

## IX. COMMUNITY COMMENTS

The project has been supported by ANC 2D (formerly ANC 1D). The letter of support is in the case file. It was alsosupported by the Sheridan-Kalorama Historical Association during historic preservation review.

The immediately adjacent neighbors on 23rd Street and California Street have filed letters of support, as has the Board of the adjacent St. Nicholas Condominium. OP is not aware of any opposition to the application.

## X. OTHER AGENCY COMMENTS

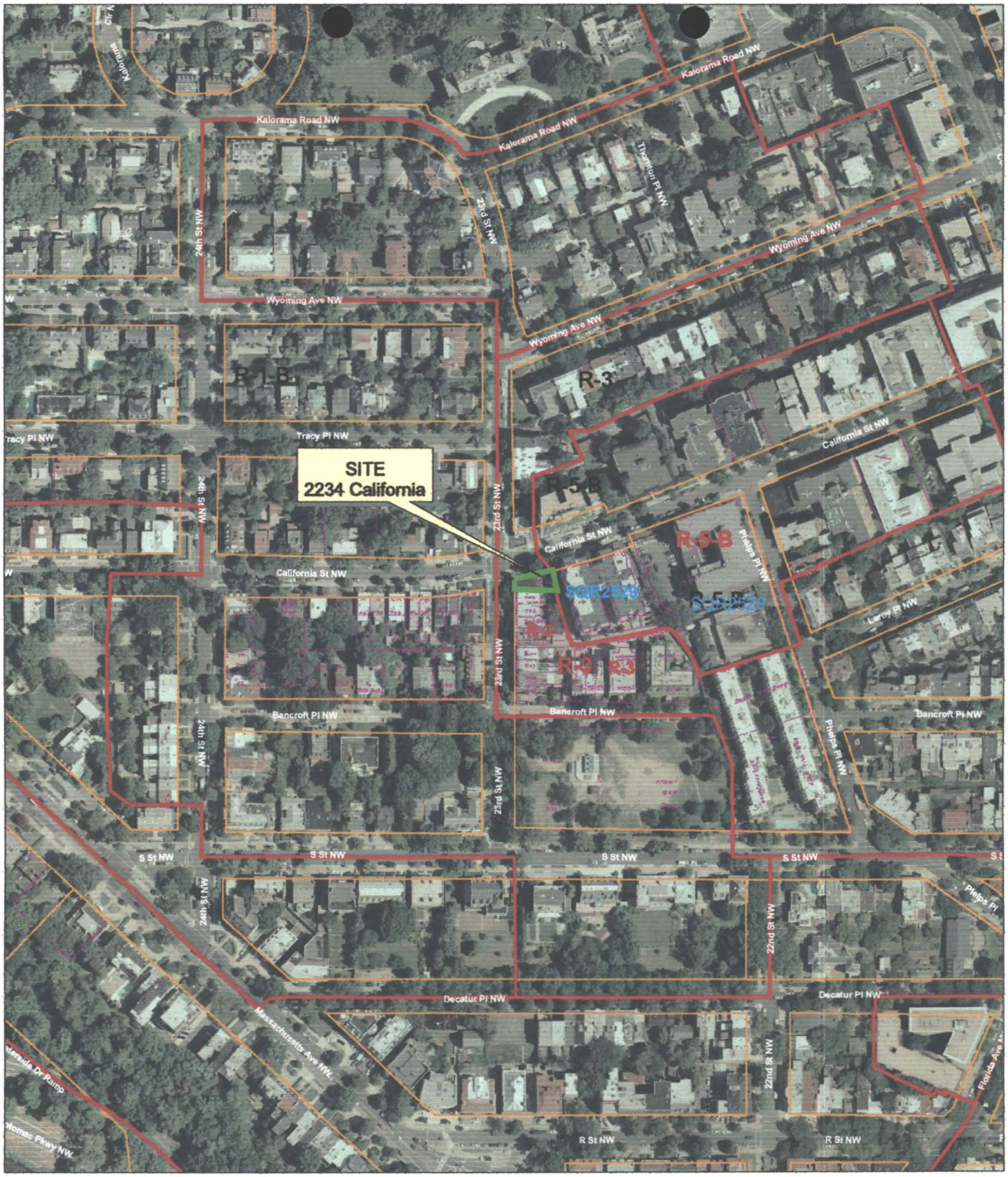
The staff of the Historic Preservation Review Board approved the roof structure and deck application without referral for Board action.

There are no other agency comments.

## XI. OP RECOMMENDATION

OP recommends the Board approve the variance requests.

Aa/slc
Attachments (6)




## Feature Key

- Zoning Boundaries
- Square Index

**Board of Zoning Adjustment**
**Application No. # 16981**
**2234 California Street NW**

DC Office of Planning
February 4, 2003

Scale 1:3005

25 0 25507500 Feet

Attachment 1




Feature Key

Zoning Boundaries

Square Index

Board of Zoning Adjustment
Application No. # 16981
2234 California Street NW

DC Office of Planning
February 4, 2003

Scale 1:305

Attachment 2
Proposed New
Construction

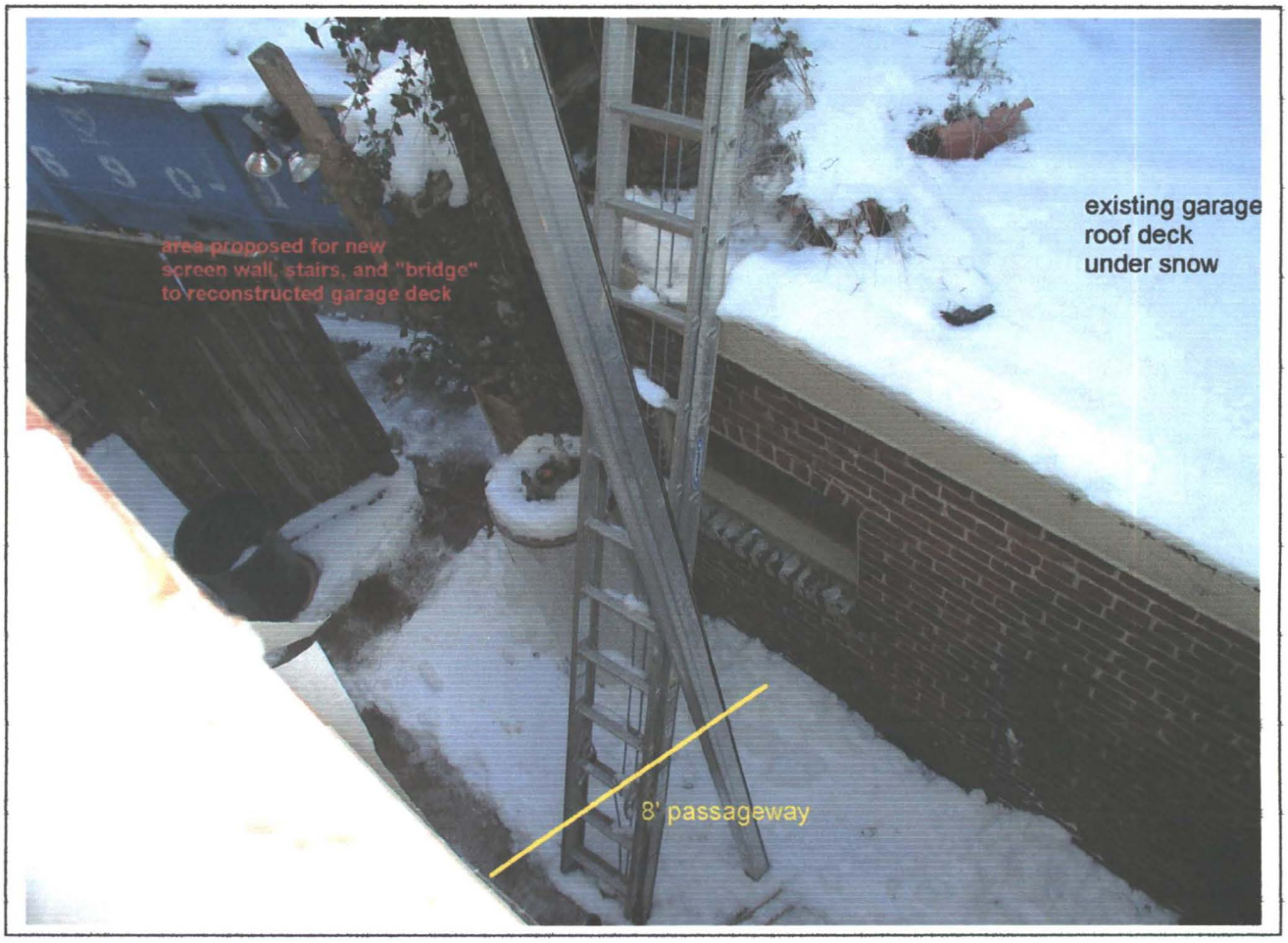
BZA 16981
2234 California St., NW

Attachment 3
Site and Neighboring Property



BZA 16981
2234 California St., NW

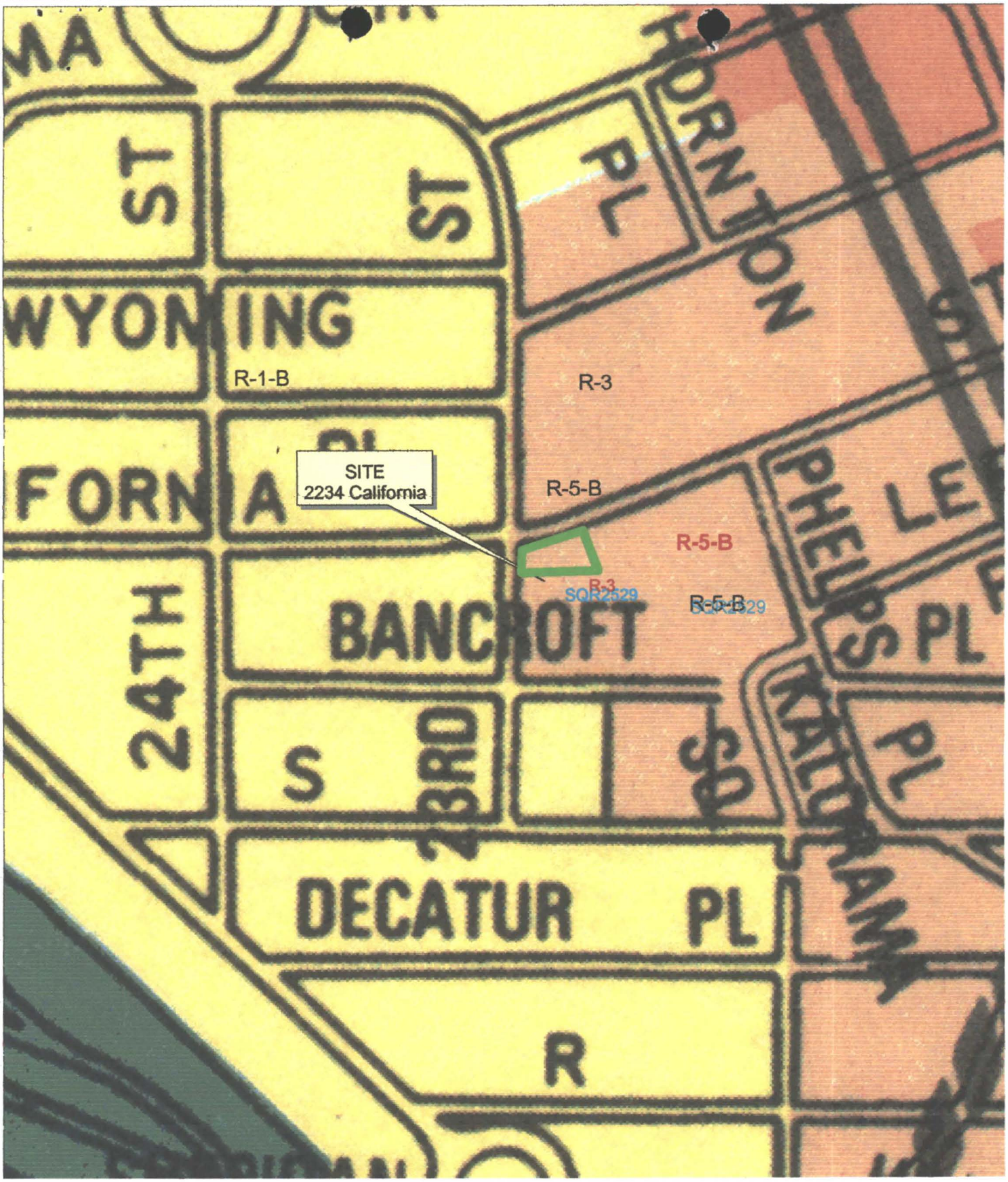
Attachment 4
Passageway & Garage Roof



BZA 16981
2234 California St., NW

Attachment 5
East side of property
With garage roof






**Generalized Land Use Key**

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment

Comprehensive Plan Landuse
BZA 16981, 2234 California St.

DC Office of Planning
February 11, 2003

Scale 1:2596

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Attachment 6