GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: AS for Andrew Altman
Director

DATE: March 1, 2004

SUBJECT: BZA Application 17125

APPLICATION
Krister and Carol Holladay, the Applicants, request a variance from the percentage of lot occupancy limitation under Section 403.2 for a proposed addition to a residence located at 507 Independence Avenue, S.E. (Square 843 Lot 20) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends denial of the variance because this application does not rise to the standards required under Section 3103.2. OP encourages the Applicant to consider a smaller addition that could meet the special exception standards of Section 223.

SITE AND AREA DESCRIPTION
The subject property is a rectangular interior lot approximately 0.03-acre (1,393 square feet) in size along the southern frontage of Independence Avenue, S.E. Five row dwellings on the square share frontage along the avenue. The subject property is the middle of three parcels of similar size each developed with a three-story residence. Behind each dwelling is a narrower two-story extension into the rear yard that leaves an open court along the west side property boundary. The width of the court on the subject property is 5'-3", and the rear yard is surrounded by wooden and masonry fences 6-7 feet in height. The two other frontage parcels to the east are larger in size and each developed with a two-story dwelling, a narrow two-story extension, and an open court along the east side property line. Because there is no interior alley, the rear of all properties in the square abuts other properties.

Development in the vicinity mostly consists of 2-3 story masonry row dwellings, and apartment buildings of similar scale. This site and the surrounding properties are zoned R-4 and located within the Capitol Hill Historic District (please refer to Exhibit 1).

Case No. 17125
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17125
EXHIBIT NO. 26

APPLICANT'S PROPOSAL

As described in the Statement of Existing and Intended Use, the Applicants plan to construct a one-story addition that would occupy the existing court area. Based on a subsequent discussion with the OP, the new construction would:

- expand the area of the existing family room;
- convert an exterior window between the formal dining room and the court into an interior door to provide a direct connection between the dining area and expanded family room;
- provide circulation space around a redesigned kitchen that would span the width of the current extension; and
- provide space for a new backdoor to the rear yard (cabinets in the new kitchen will cover the existing doorway).

No other changes are proposed. The zoning tabulation submitted with this application indicates construction would increase the current lot occupancy from 64% to 75%. Both the existing and proposed lot occupancies exceed the maximum 60% allowed as a matter of right. The proposed lot occupancy also exceeds the 70% conditionally allowed by special exception in the R-4 District under Section 223.3. As a result, the Applicants submitted the instant application because the desired lot occupancy is not otherwise allowed under the Zoning Regulations.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-4. Section 331.1 (a) of the Zoning Regulations allows a one-family row dwelling as a matter of right per Section 320.3 (b). Section 403.2 also limits the lot occupancy of one-family dwellings to 60% in this zoning district. The subject dwelling currently occupies 64% of the lot. Section 406.1 also requires minimum open court dimension of 4 inches per foot of height, but not less than 6 feet. The existing court is less than 6 feet in width. Thus, the existing dwelling is a nonconforming building devoted to a conforming use.

The regulations include the following provisions regarding expansion of such buildings:

"2001.3 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:
  (1) Conform to use and structure requirements; and
  (2) Neither increase or extend any existing, conforming aspect of the structure; nor
  (3) Create any new nonconformity of structure and addition combined."

While the proposal would eliminate the nonconforming court, it would increase the degree the current lot occupancy percentage is out of conformance from 4% to 15% over the maximum allowed as a matter-of-right.

ANALYSIS

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§ 5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The type of zoning relief needed is an "area" variance, requiring that the circumstances surrounding this request are "unique" and that the usual application of the referenced regulations would result in "peculiar and extraordinary practical difficulties."

Compliance with Section 3103.2:

- Extraordinary or exception conditions: The Statement of Existing and Intended Use notes that the subject property does not meet the minimum lot width and area standards in the Zoning Regulations of 1,800 square feet and 18 feet, respectively. It also notes that the existing dwelling was constructed in 1886, it exceeds the allowable lot occupancy, and the width of the open court does not meet the required minimum dimension. Staff agrees, however of the 39 parcels on the square, 13 (33%) are less than 18 feet wide, 30 (77%) have lot areas less than 1,800 square feet, 25 (64%) appear to have open courts along side property boundaries, and 10 (25%) existing dwellings were constructed in or before 1900. In fact, the two abutting properties are nearly identical to the subject property. Based on this information, this site is not "exceptional" within the square due to its shape, size, or building footprint and age.

- Peculiar and Extraordinary Practical Difficulties: The Statement notes "The property at 507 Independence Ave, SE could be added to without a zoning hearing if the addition were to be within the existing footprint of the building." It continues that constructing a third floor atop the two-story extension "... would not meet the space needs of the family ... on the first floor for the kitchen and family room." The Statement concludes, "In addition to hardship of financial burden that would be created, this zoning regulation would prevent the construction of a new house to better suit the needs of the owner."

The proposed addition appears to primarily add interior circulation space. While this may be preferable, the Statement provided by the Applicant does not explain any "peculiar" or "extraordinary" practical difficulty. Since no other documentation has been provided to substantiate the mentioned financial hardship, staff cannot conclude that the current regulation presents a practical difficulty.

Planning staff suggested that the Applicants consider pursuing a special exception under Section 223.1, instead of this variance, to increase the allowable lot occupancy to 70% (a 6% increase

over what exists today). Based on a site visit, OP thinks the proposal meets the special exception standards and would support approval. The Applicants indicated, however, that this option would not generate sufficient additional floor area.

Due to the lack of uniqueness and adequate justification, OP staff thinks the requested 15% increase over maximum allowable percentage of lot occupancy cannot be granted without impairing the intent, purpose and integrity of the zone map as embodies in the Zoning Regulations and Map.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates this area for Moderate Density residential development characterized by row houses and garden apartments as predominant uses.

COMMUNITY COMMENTS
The Applicants indicate that Advisory Neighborhood Commission (ANC) 6B recommended approval of this request during a regular meeting on March 9, 2004.

AGENCY COMMENTS
The State Historic Preservation Office was not aware of this proposal although it would be subject to approval by the Historic Preservation Review Board. Staff, however, did not express any concerns based on a brief review of the plans.

RECOMMENDATION
The Office of Planning recommends denial of the variance because this application does not rise to the standards required under Section 3103.2. OP encourages the Applicant to consider a smaller addition that could meet the special exception standards of Section 223.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning

Exhibit 1



BZA Application No. 17125
507 Independence Ave, SE

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Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 21, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Street Centerlines

Property Squares

Zoning Districts

BZA 17125_507 IndependenceAvSE_V
Revised: 1:34 PM, February 24, 2004