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Outline of Testimony
before the Board of Zoning Adjustment

BZA Application No. 17176
1320 9th Street, N.W.

Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP

July 27, 2004

I. Site location and description

A. Located on west side of 9th Street between N and O Streets, N.W.

B. Square 367 is bounded on the north by O Street, on the east by 9th Street, on the south by N Street, and on the west by 10th Street

C. Lot 823 in Square 367

D. Frontage of 23.22 feet on 9th Street and 26 feet along the rear public alley

E. Land area of approximately 2,863 square feet

F. Currently occupied by a two-story with a partial third story, four-unit apartment building with space for ground level retail

II. Description of surrounding area

A. Lower Shaw area

B. Convention Center located one block to the south

BZA
Case No. 17176
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO. 17176
EXHIBIT NO. 34

C. To the north:

1. Vacant lot

D. To the west:

1. Public alley

2. R-4 residential uses

E. To the south:

1. Two-story commercial building

F. To the east:

1. 9th Street, N.W.

2. Gasoline service station

3. Church

III. Existing zoning – C-2-A

A. Multiple dwellings and retail and service uses are permitted as a matter of right

B. Height - maximum of fifty feet, no story limitation (§770.1)

C. Floor area ratio – maximum of 2.5, of which no more than 1.5 may be devoted to other than residential purposes (§771.2)

D. Maximum percentage of lot occupancy for residential uses – 60% (§772.1)

E. Rear Yard – 15 feet ((§774.1)

F. Side Yard – None required (§775.5)

G. Residential recreation space – not less than fifteen percent of gross floor area devoted to residential uses required to be provided (§773.3)

IV. Proposed development:

A. Expansion of third floor of existing building and carriage house

B. Five residential units will be provided

C. 992 square feet of retail space will be maintained

V. Variance relief required:

A. Lot occupancy (§772)

1. Minimum required: 60%

2. Existing structure occupies 83.2%

3. Proposed addition will create a total of 85%

4. Variance required: 25%, but less than 2% over existing condition

B. Rear yard (§774)

1. Minimum required: 15 feet

2. Existing: 0 feet

3. Proposed addition will continue along existing building lines

4. Variance required: 15 feet, but addition does not increase nonconformity

C. Regulations limiting alterations to nonconforming structures (§2001.3)

1. Proposed addition will slightly increase the already nonconforming lot occupancy

2. Maintain the nonconforming rear yard

3. Slightly decrease the nonconforming closed court width at the third floor only

D. Width of closed court (§776)

1. Minimum required: 4" per foot of height but not less than 15 feet

2. Proposed building height of 36 feet – court width would be required to be minimum of 15 feet

3. Existing court width is 10.8 feet (nonconforming) and will be reduced to 8.8 feet because of two-foot overhang on third floor

VI. Standards for variance relief (§3103.2)

A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional 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;

C. Provided, that the relief 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.

VII. Compliance with the variance standards

A. Exceptional or extraordinary situation or condition

1. Property is improved with a structure that has been determined to "contribute" to the character of the Blagden Alley Historic District, significantly limiting its redevelopment potential

2. Property is exceptionally narrow, approximately twenty-two feet compared to 120 feet in depth

3. With existing court, width of top floor addition could be only slightly more than 11 feet

B. Practical difficulty

1. Lot occupancy (§772)

a) Existing structure already exceeds lot occupancy limitation

b) Proposed addition will increase lot occupancy by only 50 square feet and only at the third floor

c) Total lot occupancy with the proposed addition will be 85% – less than 2% over the existing condition

d) With hallway, rooms could be only 8 feet wide

2. Rear yard (§774)

a) Existing structure has no rear yard

b) Proposed addition will simply continue along rear building line

c) Existing carriage house is only 22 feet in depth and requiring a 15 foot rear yard for the proposed addition would leave only 7 feet, eliminating any reasonable use of this area

3. Nonconforming structures (§2001.3)

a) The existing building is nonconforming

b) Any alteration to the existing building will also be nonconforming and will slightly increase the nonconformities

4. Width of closed court (§776)

a) Existing court is only 10.8 feet

b) A fifteen-foot court width would leave only 8.2 feet for much of the third floor

C. Application can be granted without substantial detriment to public good or the zone plan

1. With addition, property is still within height and FAR of C-2-A District

2. Renovation of this property will enhance the community while providing additional residential units

3. Proposed addition will be setback from its frontage on 9th Street, creating outdoor rooftop terrace space and minimizing the visual impact of the addition

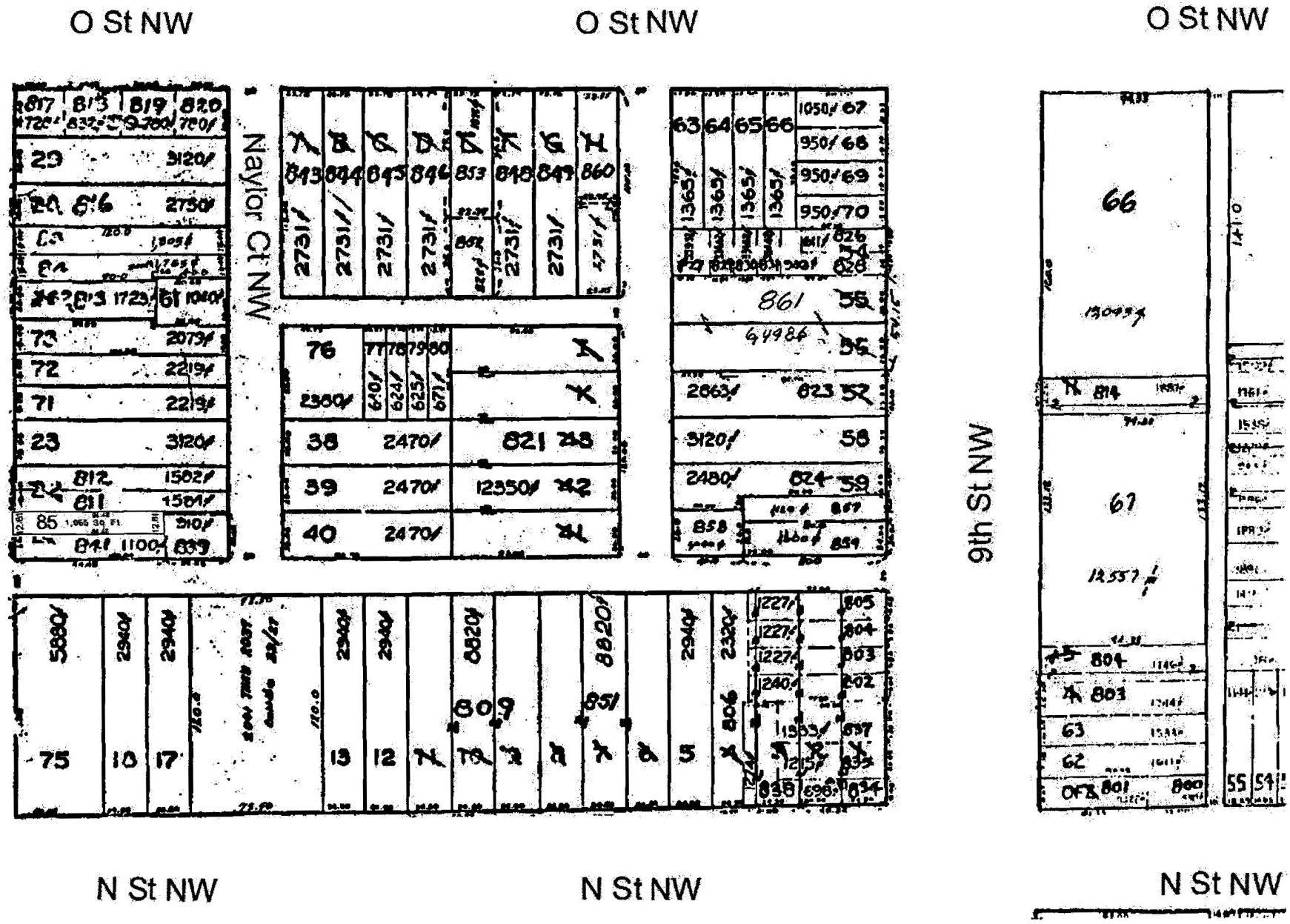
4. Design has been approved by HPRB

VIII. Conclusions

A. Site is affected by exceptional condition with regard to narrowness of property and existing historic structure

B. Practical difficulty results from existing nonconformities and need to enlarge third floor

C. The application should be granted


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9th St NW
N St NW
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