GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: July 6, 2004

SUBJECT: BZA Application #17177 (Debra Moss & Jerry Crute)
304 Maryland, N.E. (Square 783, Lot 37)

APPLICATION

The application by Debra Moss (Applicant) requests, pursuant to 11 DCMR, 3 variances, to permit an addition to a single family dwelling in the CAP/R-5-B District. The applicant is requested the following relief from the Board:

1. A variance from the floor area ratio requirements (§402);
2. A variance from the lot occupancy requirements (§403); and
3. A variance from the rear yard requirements (§403).

SUMMARY RECOMMENDATION

The Office of Planning supports the application and recommends approval of the above stated variances.

SITE AND AREA DESCRIPTION

The subject property, 304 Maryland Avenue, N.E. (Square 783, Lot 37), is in the northeast quadrant of the intersection of Third Street and Maryland Avenue, N.E. The subject 938 square foot lot is developed with a 3-story single-family row dwelling, which was constructed in 1900.

Row dwellings mostly surround the subject site. There are a variety of commercial, retail, office, and other service uses to the north of the site, along both sides of Maryland Avenue (between 2nd & 4th Streets). The predominant uses to the south of the subject site are row dwellings. To the east of the site is a public space square (Stanton Park), and there are row dwellings to the west of the site. The eastern boundary of the Capitol Hill Complex is beyond the row dwelling.

The subject structure is row dwelling that is not typical of the other row dwellings on the subject block, or of such dwellings found in row house districts throughout the city. Most row houses contain a

Case No. 17177
Exhibit No. 26
BZA

Board of Zoning Adjustment
District of Columbia
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West view from Row Houses and U.S.Capitol.



East view from Stanton Park.

depth of three rooms. The subject dwelling only has a depth of two rooms, with the exception of a small 4' x 6' one-story kitchen shed at the rear of the main floor. This situation exists because the subject lot is oddly shaped and is the smallest lot on the block. This unique situation means that the applicant cannot build needed addition to the house by right, as most neighboring owners can do, without zoning relief from FAR, lot occupancy and rear yard requirements.

PROPOSAL

The applicant proposes to remove a one-story small shed kitchen and a deck from the existing dwelling, and replace them with a new three-story addition. The proposed new rear addition will exceed the allowed Floor Area Ratio (FAR), the maximum percent of lot occupancy and the minimum percent of required rear yard.

ZONING REQUIREMENTS

The subject site has a base zoning of R-5-B and is within the Capitol Hill Overlay District (CAP). The R-5-B is designed to permit flexibility of design by permitting in a single district, all types of urban residential development if they conform to the height, density and area requirements.

Generally, the purpose of the Capitol Interest Overlay District is to promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to the Capitol, in a manner consistent with the goals and mandate of the United States Congress.

The following table outlines the deviations from the requirements of the R-5-B and CAP Overlay Districts:

	Existing	Allowed/ Required	Provided	Variance/Special Exception
Lot Area	938 sq. ft.	None Prescribed	938 sq. ft.	0
Lot Width	18.0 feet	None Prescribed	18.0 feet	0
Lot Occupancy	66%	60%	83%	23% Deviation
Rear Yard	16'-5"	15'	13.5	11% Deviation
Floor Area Ratio	1.96	1.8	2.15	19.5% Deviation

ANALYSIS

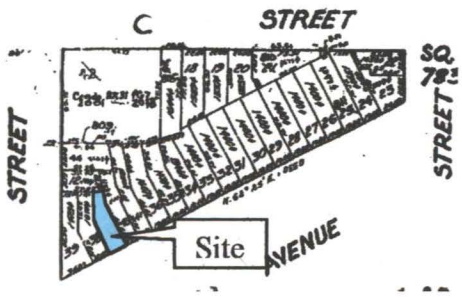
VARIANCES

Floor Area Ratio Variance

Section 402 of the Zoning Regulations permits a maximum FAR of 1.8 in the R-5-B. The subject dwelling is already at 1.96 FAR, and will increase to 2.15 percent of lot coverage, when the proposed addition is constructed.

The following demonstrates how the Floor Area Ratio variance requirements are met:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition



The shallowness and shape of the subject lot is an exceptional condition for the applicant to build a three-story addition. It is the intention of the applicant to create more living space on the subject lot, in order to accommodate a growing family. The subject dwelling is located in a triangular-shaped square, near the intersection of Third Street And Maryland Avenue, N.E. The lot has a doglegged back yard and the existing house predates the current 1958 Zoning Regulations. The subject lot is an example of some row house lots that are near the corner of an awkwardly configured square, which result in a smaller lot size than the adjacent properties houses. Typically, these dwellings are found in R-4 districts with no prescribed FAR, and a minimum lot area of 1800 square feet.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

The exceptional conditions of the subject property, (oddly configured shape; shallowness and pre-1958 construction) make it near impossible to build an addition to the dwelling without violating the strict application of the Regulations and if the applicant is not allow to increase living space, it would result in practical difficulty upon the owner of the property.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The applicant's desire to acquire more living space is challenged because the odd shape and shallowness of the subject lot limits expansion opportunities. However, the applicant proposed addition would be consistent with additions to other neighboring properties, although most other neighboring properties with additions did not have the expansion constraints due to the small size and shallowness of the property.

The granting of the requested variance from the FRA requirements will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan, as the future use of the property will continue to be for single-family residential purposes.

Lot Occupancy Variance

The following demonstrates how the Lot Occupancy variance requirements are met:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition

Section 403.2 of the Zoning Regulations allows maximum lot occupancy of 60% for developments in the R-5-B District. The existing pre-1958 dwelling already exceeds the lot occupancy requirements by occupying 66% of the subject lot. If the Board approves the variance request, the percent of lot occupancy would increase to 83%, and the resulting dwelling would be 23% above the permitted lot occupancy. The lot occupancy was an existing condition when the applicant acquired the property approximately five years ago. However, the applicant now needs additional living space on each of the three floors of the house, to accommodate a growing family.



Silman Kitchen, rear, first floor.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

When the applicant purchased the subject dwelling, there was a small shed kitchen of 4' – 6" 6' x 6' on the rear of main floor. It has since been determined by a licensed structural engineer (Robert Silman Associates, PLLC) that the shed kitchen is structurally

deteriorating, resulting in the kitchen falling off the house and in need of replacement. When the kitchen is removed, the strict application of the Zoning Regulations would leave the house without a kitchen, or other needed additional living space, which would constitute a practical difficulty and undue hardship on the owners.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The proposed three-story addition will extend the existing footprint by 13 feet, aligning with the existing structure to the east. The addition would not change the intended use of the subject property from single-family residential use, but would bring the subject house to the same three-room depth, that all other houses on the block already enjoy or are permitted to have by right.

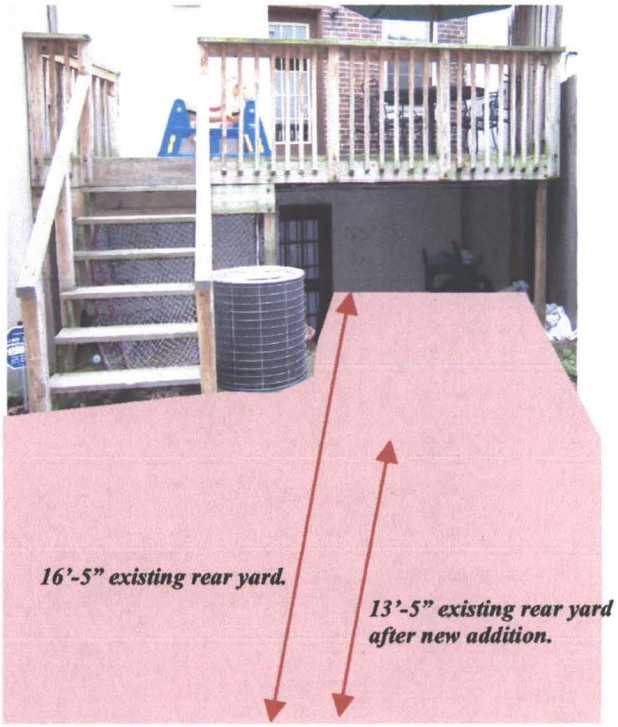
Rear Yard Variance

The following demonstrates how the Rear Yard variance requirements are met:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition

Section 404 of the Regulations requires a rear yard in the R-5-B District to be not less than 15 feet. The existing rear yard on the subject property is 16.5 feet. The proposed three-story rear addition will reduce the rear yard to 13.5 feet, which is 11% below the minimum required rear yard.

Because the subject lot is irregularly shaped, the subject house is unusually shallow (only two rooms deep), and the applicant is in need of additional living space. There is an existing small shed kitchen to the rear of the house, which represents the only example of a third room on the house. However, the shed kitchen on the main floor of the house is inadequate to accommodate basic kitchen functions. The kitchen shed has been determined by a structural engineer to be deteriorated, unsafe and it is falling off the main house. The structure engineer has advised the applicant to replace the kitchen.



By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

When the kitchen is removed, the applicant will be without a basic and critical component of a residential unit, (a kitchen) and the subject house would revert back to having a depth of only two rooms.

If the applicant is permitted to build the requested three-story addition, it will intrude into a portion of the required rear yard, because of the shallow depth of the property. However, the rear yard of the subject property has a combination of wooden fences and masonry walls on both adjoining properties. There is a window on the east side (second floor) of the adjoining dwelling to the east of the subject dwelling, which will be eliminated by the proposed addition. The owner of that property has signed a petition not objecting to the proposed addition. The adjacent corner property to the west has a side that extends the full length of the property, on Third Street, which minimizes any reduction of light and air.



Masonry walls and fences on abutting properties.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The strict application of the Zoning Regulations would result in a practical difficulty upon the owner of the property if the addition were not granted. Building the proposed addition cannot be accomplished without encroaching into a portion of the rear yard of the subject property, but it will not be detrimental to the public good, as the addition will allow an essential component (a kitchen and other livable space) of residential structures to be realized by the applicant. There will continue to be a 13-foot rear yard remaining after the addition is constructed.

COMMUNITY COMMENTS

On May 12, 2004, ANC-6C passed a motion to support the application for Variances of the Lot Occupancy, Rear Yard, and FAR requirements at 304 Maryland Avenue, N.E. The ANC noted that a petition signed by neighbors of the applicant was presented in supported the application.

The Capitol Hill Restoration Society Zoning Committee at a meeting held on June 10, 2004, voted to support the application.

SUMMARY AND RECOMMENDATION

The Office of Planning supports the variance requests for Floor Area Ratio, Lot Occupancy and Rear Yard. OP believes that the application can be approved without being detrimental to the public good and will not cause substantial detriment to the public good and the project will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

ATTACHMENT
AA/jemp







BZA Application - 17177
Variance Request: FAR; Lot Occupancy and Rear Yard
304 Maryland Avenue, N.E.

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Office of Planning – May 6, 2004

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