GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

DATE: April 5, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17307
978 Florida Ave, NW

Summary

The applicant seeks variances from the FAR provisions of §402.4 to allow 2.3 FAR, from the rear yard provisions of §404.1 to allow a rear yard of 13 feet, and from the provisions of §2001.3 to allow an addition to a non-conforming building for an existing rowhouse in the R-5-B zone. The applicant seeks to construct a third story on top of the existing house. The Office of Planning **recommends approval** of these variances based on the findings below.

Site and Area Description

The subject property is located at 978 Florida Avenue NW, Square 357, Lot 100. The existing house is a two-story row home built in the nineteenth century. The lot is only 460 square feet in area and the current building contains 694 square feet. Properties to the north, south and west are all zoned R-5-B. Properties to the east are zoned CR and R-5-E. The subject block on both sides and in both directions from the property is uniformly two-story houses of similar construction.

Project Description

The applicant proposes a third story addition to the existing structure that would add 347 square feet to the building. The total resulting gross floor area would be 1041 square feet. The FAR for the house would rise from 1.51 to 2.3. The lot occupancy and rear yard would remain the same.

BZA
Case No. 17307
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17307
EXHIBIT NO. 27

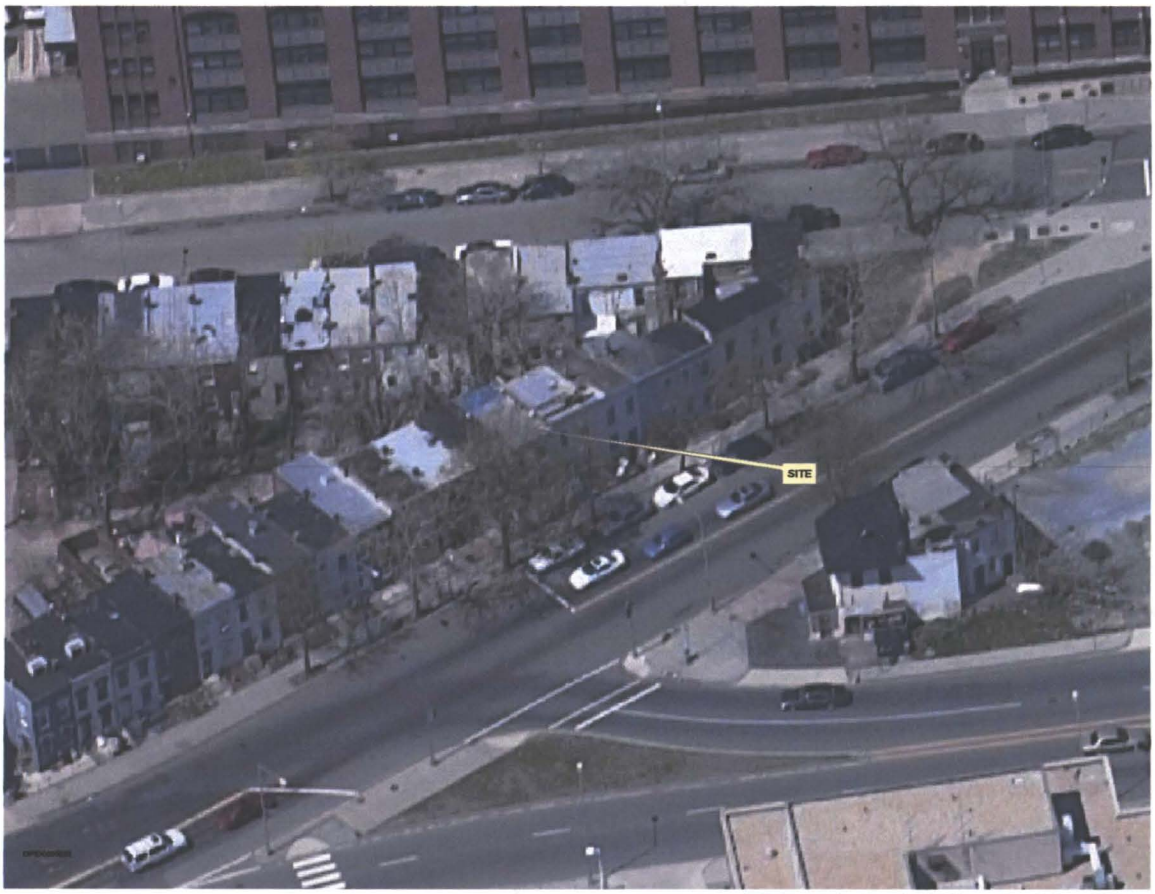


Figure 1: Aerial View looking West

Zoning Requirements

The applicant is requesting a variance from the FAR and rear yard requirements, as well as a variance to allow an addition to a nonconforming structure. The existing structure is nonconforming for rear yard and lot occupancy. The structure meets all other requirements of the R-5-B zoning district.

Section	Item	Required/Allowed	Existing	Requested	Deviation
400.1	Height	50'	23'	34'	N/A
402.1	FAR	1.8	1.51	2.3	0.5
403.2	Lot Occupancy	60%	75.4%	75.4%	Existing nonconformity
404.1	Rear Yard	15'	13'	13'	2'



Figure 2: Site Area

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

In describing the first test for a variance, §3103.2 looks at "exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations." The property in question appears to be exceptional in at least the first two respects. At 460 square feet, the lot is very small in comparison to the average lot size in the District. The lot is among the smallest on a square platted with minimal lots and tight development. The lot is approximately 12 feet wide and under 40 feet in length providing an argument for both exceptional narrowness and exceptional shallowness. Finally the lot was platted over 100 years ago, well before the adoption of the zoning regulations. The result is a property that meets the purpose and intent of the first test for variance relief.

Practical Difficulty

A practical difficulty arises from the unique size of this property. The existing building contains only 694 square feet, but has an FAR of 1.5 as a result of the small lot area. Complete buildout of the allowable 1.8 FAR would only allow an additional 134 square feet for a total of 828 square feet. The applicant proposes an addition of 347 square feet that, while only 213 square feet over the allowable matter-of-right development, results in an FAR of 2.3. The practical difficulty is that applying normal FAR standards to lots of this very small size results in distorted FAR numbers that exaggerate the size of the actual buildings. Even after the addition, the resulting home will not be excessively large for a single family home at just over 1000 square feet.

Substantial Detriment

In addition to the above tests, §3103.2 further requires that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. It does not appear that the addition will have a negative affect on surrounding property owners. In fact, last year a similar addition was approved by the BZA on the west side of the block (BZA #17233).

OP often comments on the effects of large FAR variances on the integrity of the zoning regulations. In this case however, the combination of R-5-B zoning with a small, single family lot has resulted in an unusual and exceptional situation that would not be precedent setting for other structures in the city. The seemingly large variance of 0.5 FAR is in actuality only 213 square feet and not the significant relief that it would be on a larger project.

ANC Recommendation

ANC 1B will meet to discuss this application on April 7, 2005. As of this date, OP is aware of no neighborhood opposition to this application.

Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of a variance to permit the addition of a third story. The request can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the variances by the Board of Zoning Adjustment to allow the addition to the property at 2609 P Street NW.

EM/tp