GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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# MEMORANDUM

DATE: June 7, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17336
1428 Florida Avenue N.W.

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## Summary

The applicant is seeking approval of variances to allow a small addition on the rear of an existing townhouse. The request is for variances from the maximum lot occupancy of §403.2, from the minimum rear yard requirement of §404.1, from the minimum required open court width of §406.1, and from the prohibition against additions to non-conforming buildings in §2001.3. OP **recommends approval** of the requested variances based on the analysis of variance tests below.

## Site and Area Description

The subject property is located at 1428 Florida Avenue N.W., Square 202, Lot 46. The lot is 823 square feet, of which the building currently occupies approximately 67%. The building contains two above ground stories and a cellar level. The subject property and the properties on all sides are zoned R-5-B. The immediate area consists mostly of residential row houses. One block to the east is the 14th Street corridor with moderate density commercial uses and one bloc to the west is Meridian Hill Park.

## Project Description

The existing building has two above ground stories and a cellar that extends less than four feet out of the ground. There is a 75 square foot deck off the rear of the house. The house occupies about 520 square feet or 63% of the lot, however the open court on the east side of the house is six inches too narrow and thus must count as building area, bringing the existing lot occupancy to 70%.

BZA
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Exhibit No. 23

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EXHIBIT NO. 23

The proposal is for a 61 square foot addition on the back of the house that would replace a part of the existing deck. Currently, the deck is about 75 square feet but does not count as lot occupancy because it is less than four feet above the ground. The addition would also extend the non-conforming court by six feet adding an additional 27 feet to lot occupancy. The deck would not be extended further into the rear yard. The future lot occupancy with the addition and extended court would be approximately 80%.

The proposed addition is only one story in height and includes a bathroom and extended first floor space to allow the applicant maneuverability as she ages in the property. The rear door will be replaced by a sliding door and the new bathroom will have a sliding door for ease of use.

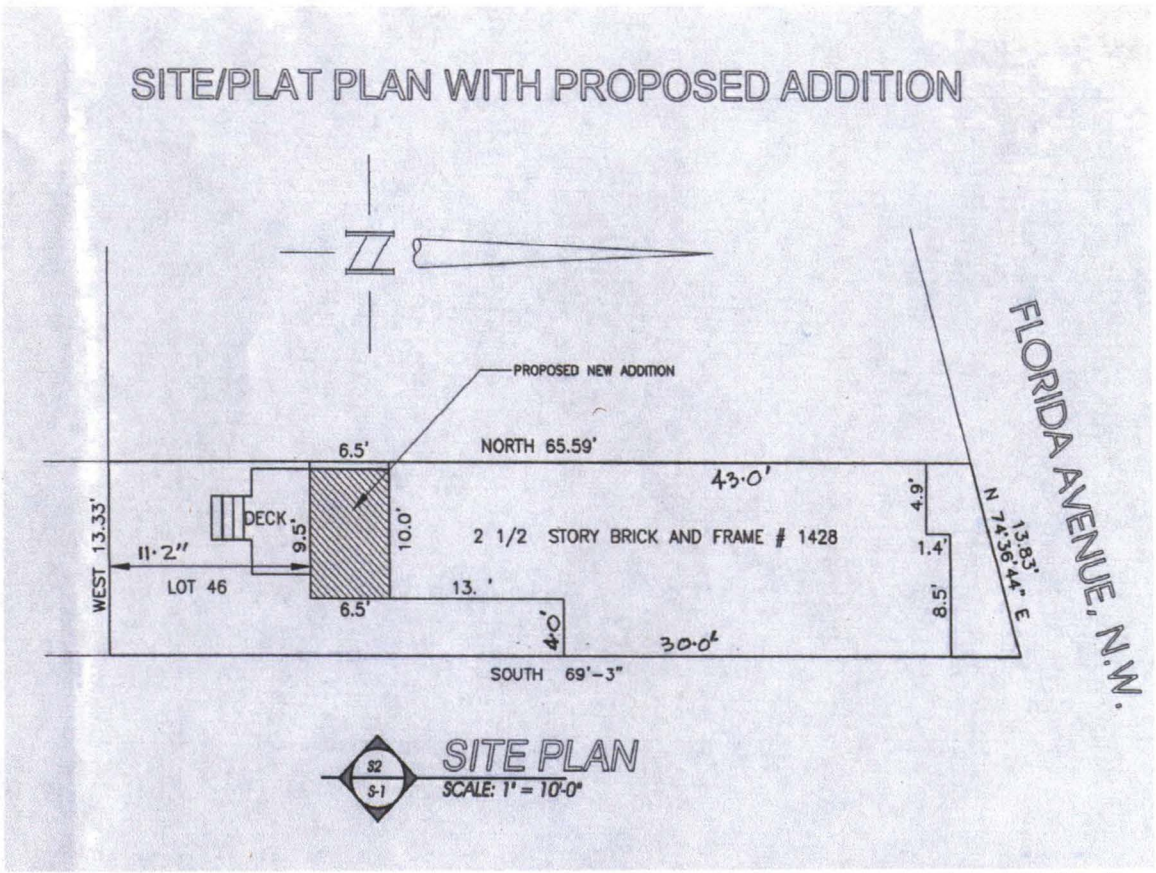



**Figure 1: Site Area**

## Zoning Requirements

The applicant is requesting variances from the maximum lot occupancy allowed in an R-5-B district from 60% to 80%, from the minimum required rear yard from 15' to 11', from the minimum required open court of 6' to 4'6", and from Section 2001.3 to allow an addition to a non-conforming structure. The building is currently non-conforming for lot occupancy and rear yard, but the proposed addition will not impact the existing non-conformities. The existing building is currently over the allowable FAR by 0.43.

| Section | Item | Required/Allowed | Existing | Proposed | Variance |
|---|---|---|---|---|---|
| 400.1 | Height | 50' | 26' | 26' | N/A |
| 403.2 | Lot Occupancy | 60% | 70% | 80% | 20% |
| 404.1 | Rear Yard | 15' | 17.5' | 11'2" | 3'10" |
| 405.9 | Side Yards | 0' | 0' | 0' | N/A |
| 406.1 | Open Court | 6' | 4.3' | 4.3' | 1.7' |




**Figure 2: Site Area**

## Variance 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.

**Exceptional Situation**

The unique situation on this lot is the result of a pre-1958 building that was designed prior to the existing zoning regulations and wholly meets the spirit of the regulations while varying slightly from the strict letter.

The existing court located on the rear east side of the existing house is approximately 4.5 feet wide. Even though the court abuts a public alley, the regulations require that any court under 5 feet in width count toward lot occupancy. While a width change of six inches would have no discernable effect on the house or court, the different zoning interpretation would result in a final lot occupancy of 70% instead of 80%. A six inch change would have made the project eligible for special exception relief under §223.

In addition, the building has an existing deck that is approximately 75 square feet in size and 3'6" above the ground. As the deck is below four feet in height, it does not count as building area and thus avoids counting toward the lot occupancy and rear yard. If the same deck had been built only six inches higher, the proposed addition would have been an enclosure of a part of the existing structure as defined by the zoning regulations and the entire project would have been a matter-of-right development.

The above described situation is existing and is unique and exceptional in that a matter of inches that would not change the building in any way separate a matter-of-right or special exception project from a more difficult variance procedure.

**Practical Difficulty**

The current layout of the house represents a practical difficulty to the owner who is aging and expects increased difficulty in using the home in its existing configuration. The addition will allow for an expanded ground floor, increasing maneuverability and adding a bathroom on the ground level. This will allow fewer trips to the second level and increased livability on the ground floor. In addition, the doorways will be widened and fitted with sliding doors instead of hinged. All of these changes are intended for increased access and maneuverability rather than for additional living space.

**Substantial Detriment and Integrity of the Zoning Regulations**

It does not appear that the proposed addition will have any negative impact on the surrounding neighborhood. At one story and 57 square feet, the addition is too small to have an affect on the light and air of neighboring properties. Moreover, it will not affect the character or appearance of the neighborhood.

More significantly, the granting of these variances should have no negative impact on the integrity of the zoning regulations. The regulations make every attempt to allow this type of addition through Section 223. The fact that the existing house comes within inches of meeting the black and white lines of not one, but two easier paths for approval attest to the fact that the proposal is in line with the spirit and intent of the zoning regulations.

In summary, OP believes that the three variance tests have been met by this application. There is a unique situation that results in a practical difficulty. The intent of the zoning ordinance is clearly met and there will be no substantial detriment to the surrounding neighborhood.

## Community Comments

OP has received no report from ANC 1B regarding this application. OP is aware of no neighborhood comments in favor or opposition to the project.

## Recommendation

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR §3103 of the Zoning Regulations, for the granting of the requested variances to permit the rear addition.

OP **recommends approval** of the requested variances for lot occupancy, rear yard, court width, and addition to a nonconforming structure at 1428 Florida Avenue N.W.

EM/tp