GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen M. McCarthy
Interim Director

DATE: June 14, 2005

SUBJECT: BZA Application 17341 - Request filed by Stephen N. Gell, Esquire, for **three area variances** to increase the maximum lot occupancy permitted, decrease the minimum rear yard required and decrease the minimum required width of an open court for an existing row dwelling, proposed by Simon Bell and John Roegner for 919 Westminster Street, N.W.

APPLICATION
Application of Simon Bell and John Roegner for:

Variance relief to:

1. **§ 403.2 of 11 DCMR** to permit a lot occupancy of 78 percent in a zone district where a maximum of 60 percent is permitted;
2. **§ 404.1 of 11 DCMR** to permit a rear yard of 16 feet, 5 inches in a zone district where a minimum of 20 feet is required; and
3. **§ 406.1 of 11 DCMR** to permit a 4.5-foot wide open court in a zone district where a minimum of 11 feet is required

for a row dwelling on the north side of Westminster Street, N.W., between 9th Street and 10th Street, Square 362, Lot 199. The property is zoned R-4, row dwellings, conversions and apartments residence district, and is located within the Greater U Street Historic District.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the application as submitted by the applicant.

PROJECT DESCRIPTION
The application proposes the removal of a deteriorating one-story building addition including a rear porch and toilet room from the rear of a row dwelling and the construction of a roof deck

BZA
Case No. 17341
Exhibit No. 27

Board of Zoning Adjustment
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above an existing one-story kitchen at the rear of the property. In place of the rear porch the applicant proposes to create two on-site parking spaces, directly accessible from the public alley.

SITE AND AREA DESCRIPTION

Square: 362 **Lot:** 199 **Quadrant:** North West
Area: 1,547 square feet **Lot Width**: 18.75 **Alley Access:** Yes
Improvements: Row dwelling constructed 1896 including one-story kitchen at rear and circa 1910 rear porch addition.

Surrounding Uses
North: Across public alley, flats and row houses
South: Across Westminster Street, flats and row houses
East and West: Row dwellings
All surrounding properties are located within the R-4 Zone District and the Greater U Street Historic District.

Generalized Land Use Map: moderate density residential land use- *"([r]ow houses and garden apartments are the predominant uses; may also include low density housing)".*

Zone District: R-4: row dwellings, conversions, and apartments residence district (§ 105.1(a)(4)). *"The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families."* (§ 330.1)

RELIEF REQUESTED:

Uniqueness of Property
The subject property is unique because it was developed prior to the adoption of the Zoning Regulations at a lot occupancy in excess of the maximum permitted and a rear yard and open court less than the minimum required for row dwellings today within the R-4 Zone District. As a result the existing dwelling is nonconforming to the provisions of the Zoning Regulations, restricting the ability of the applicant to make modifications to the property.

Variance pursuant to § 403.2– Percentage of Lot Occupancy (R)
§ 403.2 sets forth the maximum lot occupancy permitted for row dwellings within the R-4 Zone District as 60 percent. The application proposes a lot occupancy of 78 percent, in excess of that minimum requirement. The existing lot occupancy is 83 percent and the applicant's proposal is to reduce the lot occupancy, bringing it closer to compliance than the existing situation. However, because of the proposal to construct a roof deck over the kitchen, which will have no effect on the lot occupancy, and the nonconforming status of the property, a variance must be granted to permit a 78 percent lot occupancy before a permit can be issued for the deck. It would be a peculiar and practical difficulty to the applicant to require that the improvements predating the Zoning Regulations conform to the current regulations, even though the applicant's proposal will result in

a situation where the property will be more in conformance than it is today. Therefore, this variance can be granted without substantial detriment to the public good.

Variance pursuant to § 404.1- Rear Yards (R)
The existing rear yard is 13 feet, 10.5 inches, less than the minimum 20 feet now required. Demolition of the back porch will increase the rear yard to 16 feet, 5 inches. As a result the rear yard will be closer to conformance with the minimum rear yard required, but still the property will be nonconforming. The proposed roof deck will have no effect on the rear yard, but a variance to minimum rear yard is required in order to obtain a permit for the construction of the roof deck. Therefore, this variance can be granted without substantial detriment to the public good.

Variance pursuant to § 406.1- Courts (R)
The subject property is improved with an open court 4.5 feet in width, less than the minimum 11 feet required by the Zoning Regulations. Similar to the rear yard and the lot occupancy, the proposed roof deck will have no effect on the existing width of the open court. Therefore, this variance can be granted without substantial detriment to the public good.

COMPREHENSIVE PLAN

This proposal will contribute toward achieving the following Ward 1 policy and objective:

> *"To stimulate the production of new and rehabilitated housing..."* (§ 1205.1(a))
>
> *"To protect and enhance important historic resources of Ward 1 and the national capital;"* (§ 1226.1(a))

COMMUNITY COMMENTS

ANC 1B voted unanimously (8-0-0) to support the application at their regularly scheduled meeting on June 2, 2005.

The **Westminster Neighborhood Association** is "*in support of this addition and voted overwhelmingly to support the applicant's request*" at its April 2005 monthly meeting.

AGENCY COMMENTS

The **Historic Preservation Office** informed the Office of Planning that the request does not pose significant preservation impacts.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief. The Office of Planning concludes that the variances meet the required tests and 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.*"

The Office of Planning recommends **APPROVAL** of the following:

1. A lot occupancy of 78 percent in a zone district where a maximum of 60 percent is permitted;
2. A rear yard of 16 feet, 5 inches in a zone district where a minimum of 20 feet is required; and
3. A 4.5-foot wide open court in a zone district where a minimum of 11 feet is required.

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BZA APPLICATION NO. 17341
919 Westminster Street, N.W.

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

Office of Planning ~ June 2, 2005

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.

- Rowhouse
- Multi-family
- Single-Family Semi-Detached
- Vacant

