GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

DATE: October 11, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17369
1029 4th Street NE

Summary

The applicant is seeking to connect his house and garage into one building and add a second level to the garage. The applicant seeks a variance from 2001.3 to add on to the existing structure. The Board may also decide that the applicant needs a variance from the lot occupancy provisions of Section 403.2 although no additional lot occupancy is proposed. The Office of Planning **recommends approval** of the *amended* variance request based on the analysis below.

Site and Area Description

The subject property is located at 1029 4th Street N.E., Square 806, Lot 23. The lot is 2,000 square feet and is located on the southeast corner of the intersection of 4th Street and L Street N.E. The property currently contains a 960 square foot home facing 4th Street with a 290 square foot unattached garage to the rear. Both the subject property and the surrounding neighborhood on all sides are zoned R-4. The neighborhood is made up predominately of row houses.

Project Description

The applicant proposes to build a connection between the existing house and garage in order to put a second unit above the existing garage. The applicant will be removing a small shed attached to the rear of the house and expanding the garage while adding a second story connection between the two structures. The lot occupancy is currently at 79.5%. The proposal will change the layout of the lot, but leave the overall lot occupancy unchanged. The amended plan is attached to this report.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17369
EXHIBIT NO. 23

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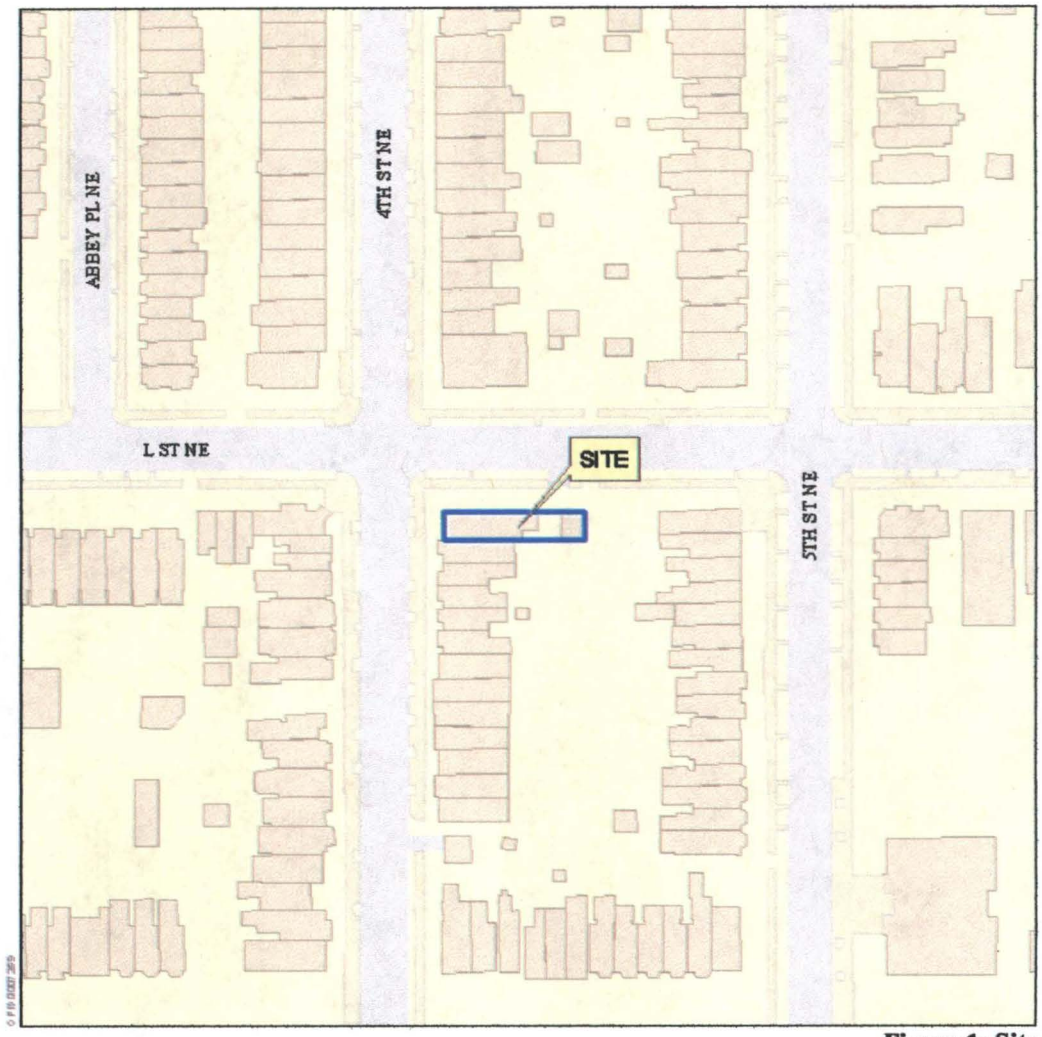


Figure 1: Site Area

Zoning Requirements

The applicant is requesting a variance from Section 2001.3 to allow an addition to a non-conforming structure. The existing building is currently non-conforming for lot occupancy and rear yard. The proposal will not increase the non-conformity of the existing lot occupancy or rear yard.

Section	Item	Required/Allowed	Existing	Requested	Variance
400.1	Height	3 stories	2 stories	2 stories	N/A
403.2	Lot Occupancy	60%	79.5%	79.5%	19.5%
404.1	Rear Yard	20'	0'	1.5'	18.5'
405.9	Side Yard	0'	0'	0'	N/A

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.

The applicant is seeking a way to add a second unit to the building as permitted in R-4. The original plan called for an addition on top of the existing garage. This plan required a difficult variance to allow an accessory dwelling on the lot as well as variances to height and living quarters in an accessory garage. Upon consultation with OP, the applicant has eliminated the need for these three variances by providing a second story connection between the house and garage that have connected the two structures into one for the purposes of the zoning ordinance. In addition, the rear of the house will be reconfigured so that the new lot occupancy will be slightly less after the addition than as it currently exists. The proposed changes have eliminated the need for three variances and only leave the need for a variance from Section 2001.3 to allow the addition when the existing lot occupancy is above the 60% allowed as a matter-of-right in the R-4 district.

Exceptional Situation & Practical Difficulty

The exceptional situation in this case results from the existing condition of the property. The applicant has an existing situation where the lot is non-conforming for lot occupancy. The applicant has also laid out a long list of necessary repairs to the existing house on the property. These include foundation problems, flooding problems, and various rot and mold issues arising from seeping water. The problems described appear to be unique damage to the property in question and do not allow for habitation of the building while it is being repaired. The damage to this existing structure presents an exceptional situation of unlivable conditions and presents a practical difficulty in meeting the strict requirements of the zoning regulations.

Even with the changes to the plan to eliminate the majority of variances needed by this project, the site is currently over lot occupancy, eliminating any matter-of-right options to make the proposed changes. The applicant has correctly designed the project to prevent any increase in lot occupancy, but would be denied any further options to pursue a flat on this lot without the single requested variance.

Substantial Detriment

The proposal would have no substantial detriment to the zone plan or map. The applicant will maintain the existing lot occupancy on the lot. The proposal will not have more than the two units allowed as a matter-of-right in the R-4 district. The strict prohibition of Section 2001 against additions on buildings not conforming to lot occupancy will not be compromised because of the unique circumstances of this case and the fact that the addition will not increase any non-conformities on the lot.

ANC Recommendation

OP has received no report from ANC 6C and is aware of no further comments on the application or opposition to this project from the neighborhood.

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 the requested variances and, pursuant to 11 DCMR 3104 of the Zoning Regulations, for the granting of the requested variance as amended. 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 variance to allow relief from Section 2001.3 at 1029 4th Street N.E.

Attachment: Amended proposal

EM/tp