

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: February 23, 2016

SUBJECT: BZA Case 19191, request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding additions to nonconforming structures (§2001.3) at 133 U Street, NE.

I. BACKGROUND

The Applicant for this case originally requested relief from lot occupancy (§ 403), rear yard (§405) and court (§406), as well as from § 2001.3 to construct a third story addition to the existing rowhouse and a new deck on top of an existing garage. The Zoning Administrator has since determined that the only relief required for this proposal is variance relief from § 2001.3, to permit additions to an existing non-conforming structure. Although the Applicant has not amended the application accordingly, OP analysis is based on the most recent letter of determination from the Zoning Administrator.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is **not opposed** to the requested area variance relief for:

- § 2001.3, additions to an existing rowhouse building not conforming for lot occupancy (60% permitted; 92% existing; 92% proposed).

III. LOCATION AND SITE DESCRIPTION

Address	133 U Street NE
Applicant	Tahani Share, Landis Architects Builders, agent on behalf of Colleen Eubanks, owner
Legal Description	Square 5351, Lot 878
Ward/ANC	5/5E
Lot Characteristics	Generally rectangular lot bounded to the north by U Street NE; to the west by an adjoining row dwelling; to the south by a 15-foot improved public alley; and to the east by a 10-foot improved public alley. The lot is 1,220 square feet in area.
Zoning	R-4 – detached, attached, semi-detached, single-family dwellings and flats.

Existing Development	The lot is currently developed with residential row dwelling that is being used as a flat.
Adjacent Properties	Residential row dwellings in the R-4 zone.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly low and moderate density residential, consisting of single-family row dwellings and flats.

IV. APPLICATION IN BRIEF

The Applicant proposes to construct a third story addition that would align with the footprint of the existing row dwelling. The applicant also proposes to construct a deck on the existing garage. The site is currently non-conforming for lot occupancy.

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2001.3, Nonconforming Structures

The Board of Zoning Adjustment may grant a variance under § 3103.2 from § 2001.3 upon a showing that:

- i. The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition which results in a practical difficulty to the owner;**

The existing building was constructed in 1912, which pre-dates the 1958 Zoning Regulations, and has an existing lot occupancy of 92%. The existing nonconforming lot occupancy, coupled with the small lot size (1,220 square feet or 68% of the minimum required 1,800 square feet), limit the applicant's ability to update or expand the existing dwelling in a conforming manner. The applicant is proposing to construct an addition that would provide additional living space. Unless the applicant was to substantially reduce the footprint of the existing structure, or remove the existing garage, which would be a practical difficulty, any addition to the subject dwelling would require a variance to lot occupancy.

- ii. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map.**

The proposed addition would not extend beyond the footprint of the existing non-conforming structure and the proposed deck would not extend beyond the limits of the existing garage. The property, which is presently used as a flat (a permitted use in the R-4 zone) would continue to be used as a flat.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date this report was drafted, comments from other District Agencies had not been received.

VII. COMMUNITY COMMENTS

The Eckington Civic Association voted 12-7-0 to support the application for a zoning variance to build a third story addition, a deck on top of a garage and a reconfiguration of stairs at its January 4, 2016, Eckington Civic Association meeting. Two U Street NE residents living within 200 feet of the subject property voted to oppose the application.

ANC 5E had not submitted comments in the record at the time this report was drafted.

Location Map

