

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Elisa Vitale, Case Manager  
JL Joel Lawson, Associate Director Development Review

**DATE:** September 25, 2019

**SUBJECT:** BZA Case 19572 - request for variance relief pursuant to X § 1002.1 from the requirements of C § 202.2(a) and (b) and special exception relief pursuant to C § 703.2 to allow the construction of an addition at an existing nonconforming mixed use building not meeting lot occupancy and parking at 1916 15<sup>th</sup> Street, SE

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On October 9, 2019, the Board reopened the record in this case and requested that the Office of Planning file a response to the record that identified and explained the increase or expansion of the nonconforming aspect of the existing structure that necessitated the variance relief from Subtitle C § 202.

As OP noted in its original report (Exhibit 35, dated November 3, 2017), the existing building predates the 1958 Zoning Regulations and is non-conforming for lot occupancy. The proposed upper story addition, however, would not expand this non-conformity as the proposed addition would remain within the lot occupancy limit for this zone. Therefore, OP's understanding from general conversations with the Office of the Zoning Administrator regarding the applicability of C § 202 relief is that variance relief from Subtitle C § 202 should not be required in this case. The Applicant did, however, request this relief (Exhibit 5, dated June 29, 2017) and, in an abundance of caution, the OP report acknowledged and evaluated the Applicant's relief request.

As such, it appears that relief from C § 202 is not required, but OP continues to support this application, whether or not the Board determines that variance relief from C § 202 is required.