

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Cochran, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: November 17, 2017
SUBJECT: BZA Case 19614 (1844 Monroe Street, N.W.)

I. BACKGROUND

The applicant wishes to develop one flat on each of two record lots, that comprise one tax lot. The western flat would be attached to an existing structure to its west and to the second of the proposed flats, on its east. The second flat would be attached to the first flat on its western property line and, while it would be built to its eastern property line, would not be attached to the wall of a single family detached house on the lot to its east. The Zoning Administrator has ruled that the second flat would be a semi-detached structure requiring a side yard.

The Applicant has filed an appeal of the Zoning Administrator’s determination (BZA 19613). The applicant would withdraw Application 19614 if the Board finds in favor of the applicant in Case 19613.

This Office of Planning report assumes the proposed development consists of one attached dwelling and one semi-detached dwelling.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of Application 19614, for the following area variance relief for 1844 Monroe Street, N.W., in the RF-1 zone.

- Subtitle E § 307.1 (Required: a 5-foot wide yard for a semi-detached dwelling. Requested: no side yard)

OP also recommends that, if the Board does grant the requested relief, that approval include the following condition to which the applicant has agreed, to protect the privacy of the adjacent property:

- Only translucent glazing shall be permitted in any at-risk window located on the west wall of the proposed building on the western half of Tax Lot 849.

III. LOCATION AND SITE DESCRIPTION

| | |
|-----------------------------|---|
| Address / Legal Description | 1844 Monroe Street, N.W / Square 2614, Tax Lot 0849 (Record Lots 38 and 39) |
| Applicant: | B-Monroe Ventures, LLC |

| | |
|------------------------------------|---|
| Ward / ANC | Ward 1; ANC 1B |
| Zone | RF-1 |
| Historic District/ Resource | Mount Pleasant Historic District. Non-Contributing |
| Lot Characteristics | Two rectangular, level, 25-foot wide interior lots, each comprising 3,100 SF, with alley at rear |
| Existing Development | Vacant. Two dwellings previously existed on same record lots, but structures were demolished several decades ago. |
| Adjacent Properties | <u>East</u> : Three 3-story rowhouses; <u>West</u> : detached house |
| Surrounding Neighborhood Character | Entirely residential, consisting primarily of late 19 th century and early 20 th century rowhouses and flats, with a substantial presence of detached and semi-detached residences. |
| Proposed Development | In each lot, one three-story flat, extending lot line to lot line. |

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

| Topic | Regulation | Existing | Required / Permitted | Proposed | Relief |
|----------------------|------------|------------------------------|---|--|---|
| Lot Area | | 3100 sf on each proposed lot | 1800 sf min. for attached dwelling 3000 sf for semi-detached dwelling | (2) 3100 sf lots | Conforming lot area |
| Lot Width | D-1202.1 | 25 ft. for each proposed lot | 18' width for attached dwelling. 30' width for semi-detached dwelling. | (2) 25' wide lots (2) 25' wide lots | Existing non-conformity of width for semi-detached dwelling |
| Lot Occ. | E-304.1 | o | 60 % max for attached and semi-detached. | 54.5% | Conforming. |
| Front Setback | E-305.1 | -- | In line with row | Would be in-line with row | Conforming |
| Height | E-303.1 | -- | 35 ft., 3 stories max. | 34 ft. 3 stories | Conforming |
| Parking | C-701.5 | -- | 1/ 2 dwellings | 1 per 2 dwellings | Conforming |
| Rear Yard | E-306.1 | -- | 20 ft. | 34' 1 1/4" | Conforming |

| Topic | Regulation | Existing | Required / Permitted | Proposed | Relief |
|------------------|------------|----------|---|--------------|--|
| <i>Side Yard</i> | E-307.1 | n/a | None required for attached dwelling. <i>5 ft. required for semi-detached dwelling.</i> | 0 | Conforming for attached dwelling <i>Non-conforming for semi-detached dwelling. Relief requested</i> |
| GAR | E-204.1 | -- | 20% | Not provided | tbd |

V. OFFICE OF PLANNING ANALYSIS

a. Area Variance Relief from Subtitle E § 307.1

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has not demonstrated the existence of an exceptional condition that would result in a practical difficulty.

The exceptional situation cited by the applicant is the Zoning Administrator’s interpretation of what constitutes an attached structure and what constitutes a semi-detached structure. Because the Zoning Administrator is the official interpreter of the zoning regulations, the applicant is, in effect, stating that the zoning regulations themselves are the exceptional condition.

The applicant suggests that the denial of side yard relief would create a practical difficulty because the Historic Preservation Review Board (HPRB) would not approve a design that does not include two houses spanning from lot line to lot line. The applicant quotes part of a December 15, 2016 HPRB staff report to support this. However, the December report referred to an attached November 3, 2016 HPRB staff report which:

- Includes a 1927 Sanborn map detail showing that the previous structures on the applicant’s lots were two semi-detached houses, each with a side yard into which a bay window projected;
- States “The historic rowhouses on Monroe Street are generally around seventeen feet wide, although there are some at 20 and 23 feet, but with more pronounced bay projections. The remaining twenty-five-foot-wide lots on Park Road hold semidetached homes. The [applicant’s 25-wide] proposed houses are comparable only to the broadest rowhouses within the historic district, down on Lamont and Kilbourne near 17th Street”.

The applicant has not demonstrated that historic preservation considerations would create an exceptional condition resulting in a practical difficulty if side yard relief were not approved, or demonstrated any other exceptional circumstance resulting in a practical difficulty.

ii. No Substantial Detriment to the Public Good

Granting side yard relief would not create a substantial detriment to the public good, provided the proposed west-facing side windows were eliminated or glazed with translucent glass.

Relief would not result in a building that would impinge on neighborhood character. The surrounding neighborhood includes a variety of residential building types and styles, including rows of houses built lot-line to lot-line and located adjacent to detached houses.

The property to the east is part of a row of houses and would become attached to the eastern residence proposed by the applicant. Relief would not likely pose a substantial detriment to the light, air, privacy or enjoyment of use of the east-adjacent property.

The property to the west is a detached house at 1850 Monroe Street. The edge of its wrap-around porch would be approximately 12 feet from the wall of the flat proposed for the western half of the applicant's property. The wall of 1850 Monroe Street would be as close as approximately 19 feet from the nearest wall of the applicant's proposed buildings (Exhibit 7, Sheets 5, 12 and 13).

As the shadow study in Exhibit 29 demonstrates, while new by-right construction on the applicant's western tax lot would have an impact on the light available to the side yard and eastern building-wall of 1850 Monroe Street, the requested 5 feet of relief, in and of itself, is not likely to result in a substantial detriment to the light or air, available to the neighboring property.

However, the eight full-size at-risk windows the applicant proposes to include in the wall adjacent to 1850 Monroe Street could have a significant impact on that adjacent property's privacy and enjoyment of use. For this reason, OP has recommended that if the Board were to approve the requested relief a condition be attached that would require the use of translucent glass in all west-facing windows in the applicant's proposed buildings. The applicant has agreed to this condition.

iii. No Substantial Harm to the Zoning Regulations

The applicant has not demonstrated there would be no substantial harm to the zoning regulations from granting the requested area variance request when there has not been a demonstration of an exceptional condition resulting in a practical difficulty.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation had no objection to the application (Exhibit 38). No District agencies had filed comments when OP completed its report.

VII. COMMUNITY COMMENTS

ANC 1D had not filed a report at the time OP completed its report.

As of November 16, 2017, the case file contained a request for party status in opposition from the owners of the adjacent 1850 Monroe Street (Exhibits 36 and 37) and two other letters of opposition (Exhibits 31 and 34).

Attachment: Location Map



Figure 1. The Applicant's Site is outlined in red.