

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** February 23, 2018  
**SUBJECT:** BZA Case 19638 (4422 Connecticut Avenue, N.W.) **SUPPLEMENTAL REPORT**

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### I. BACKGROUND

At the January 24, 2018 public hearing of the Board of Zoning Adjustment (BZA), the Office of the Attorney General (OAG) determined that an area variance is required to Subtitle U, § 203.1(j) (4) to allow the applicant to not meet the following requirement:

*“At least eight percent (80%) of the parking surface shall be of pervious pavement.”*

This provision was not required when a special exception was first granted to use the subject property as an accessory parking and it was paved with an impervious surface. The BZA subsequently approved four renewals, allowing the use to continue with an impervious surface. The last order permitting this accessory parking lot to continue expired in July 2017 and the applicant did not apply to renew the special exception until September 29, 2017. As a result, the parking lot is no longer grandfathered and must now conform to all provisions of § 203.1(j), including the use of pervious pavement over eighty percent of the lot, even though it is currently paved with an impervious surface. Although the applicant offered to repave the lot within three years with a pervious surface, OAG informed the Board that an area variance was now required for the applicant to maintain the pervious paving on the lot because the last approval had expired. The BZA continued the hearing to permit the applicant to return and request an area variance from the above-mentioned provision.

### II. RECOMMENDATION

OP recommends the BZA approve the variance request to allow the accessory parking lot to be paved with less than 80% pervious paving for a period not to exceed three years after the effective date of the order granting the area variance request, should the BZA approve the special exception request to permit the accessory parking lot.

### III. OFFICE OF PLANNING ANALYSIS

**Variance Relief from U § 203.1(j)(4), At least 80% of the parking surface shall be of pervious pavement**

#### **i. Exceptional Situation Resulting in a Practical Difficulty**

The subject property is improved as an accessory parking lot, first approved by the Board in 1994, prior to requirement that pervious pavement be utilized for accessory parking lots. Repaving the subject property with pervious paving would be a major capital project requiring planning for its impact on the business for which it serves. As the applicant proposes to coordinate the repaving of the lot with the two adjacent lots, the requested time would allow for the coordination of the users of the other lots.

**ii. No Substantial Detriment to the Public Good**

The granting of this variance would allow the applicant time to coordinate the repaving with the users of the adjoining parking lots, permitting the three lots to be repaved together, minimizing disruptions within the neighborhood and to the commercial businesses along Connecticut Avenue to the extent possible.

**iii. No Substantial Harm to the Zoning Regulations**

The granting of this area variance would result in the repaving of three accessory parking lots with pervious paving, bringing all three lots into compliance with the pervious paving requirement, even though the other two are currently grandfathered.

**IV. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received pertaining to the area variance request of the application.

**V. COMMUNITY COMMENTS**

ANC 3F, in a resolution dated January 16, 2018, included within its list of conditions of approval of the application that the applicant repave the lot with pervious materials no later than three years from the final date of the BZA order.