

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 19, 2018

SUBJECT: BZA Case # 19655 (508 7th Street SE - MU-4 zone): **Supplemental Report**

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval of variance relief pursuant to X 1001.3** under C § 202.2 for a two-story rear addition to a nonconforming residential structure in the MU-4 zone.

OP also continues to recommend **approval of special exception relief** from the prescribed lot occupancy (G § 404.1), rear yard (G § 405.2) and side yard (G § 406.2) requirements under Subtitle G pursuant to the standards under G § 1200 and X § 901, as outlined in OP's original report, [Exhibit 35](#).

II. BACKGROUND

At the December 20, 2017 public hearing, the Board directed that relief from the addition to a nonconforming structure in the MU-4 zone is appropriately reviewed as a variance. This supplemental report addresses the relevant variance test.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

202.1 Except as provided in Subtitle C § 203.8, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.

202.2 Enlargements or additions may be made to the structure; provided that the addition or enlargement itself shall:

(a) Conform to use and development standard requirements; and

(b) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

The proposed two-story rear addition to the semi-detached residential structure within the MU-4 zone would be nonconforming due to lot occupancy, rear yard and the side yard. The existing dwelling is also non-conforming to all of these regulations, so additions to a non-conforming structure are proposed, and relief from this provision is required. Unlike low to moderate density residential zones, where this relief would be by special exception, the current wording of the ZR-16 regulations does not permit this relief by special exception, thus a variance is required.

IV. OFFICE OF PLANNING ANALYSIS

Variance Relief from C § 202.2 pursuant to X 1001.3

i. Exceptional Situation Resulting in a Practical Difficulty

This is a residential row structure within a historic district, but is located within a commercial zone. The existing residential structure does not satisfy current building code requirements, including the height of an existing bedroom, as explained in the applicant's revised submission for variance relief ([Exhibit 40](#)). If the applicant undertook interior renovations only, which would typically be permitted by-right, this would appear to create inefficiencies that would result in impractical living spaces. This results in a practical difficulty in renovating the structure.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would permit the structure to be renovated and updated to current code guidelines for safety and livability, thus maintaining the property's viable residential use.

iii. No Substantial Harm to the Zoning Regulations

The proposal would reduce the existing lot occupancy, increase the rear yard, and would not further reduce the existing width of the side yard. Therefore, substantial harm to the Regulations should not occur, particularly since this residential rowhouse is located within a typically higher density and height MU-4 zone.

V. COMMUNITY COMMENTS

The applicant met with the ANC 6B to explain the requirement for variance relief from C § 202.2. The applicant informed OP that the ANC at its regularly held meeting on January 8, 2018 continued to maintain their support of the application and that their support is reflected in [Exhibit 37](#) of the record.