

**MEMORANDUM**

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

**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director, Development Review

**DATE:** July 6, 2018

**SUBJECT:** BZA #19800 – 2131 N Street, NW – Request for special exception relief to exceed lot occupancy.

**I. RECOMMENDATION**

The Office of Planning (OP) recommends **Approval** of the requested variance relief:

- F§ 604.1 Lot Occupancy (60% maximum permitted, 69.8% requested);

Although not requested, relief from C § 202.2 may also be required and if so, OP would recommend approval.

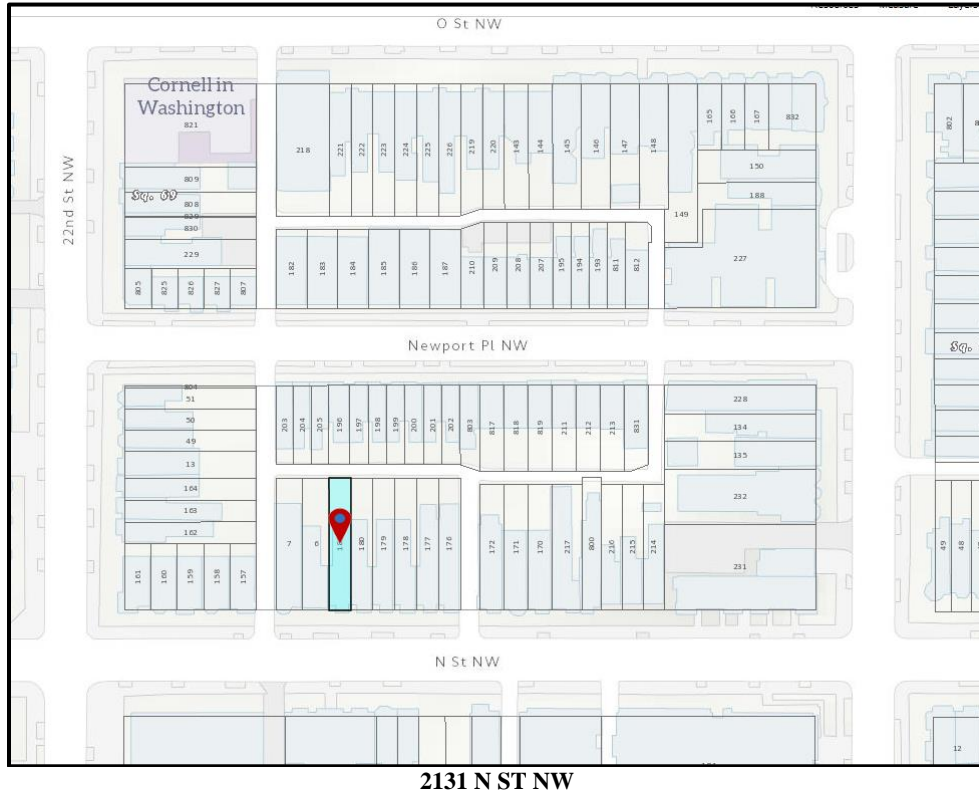
**II. BACKGROUND**

On April 4, 2018 the BZA considered the Applicant’s request for variance relief to allow for the existing noncompliant lot occupancy on the site to be permitted as a variance (BZA 19721) to allow retention of an existing deck. The existing deck resulted in the property having a lot occupancy of 71.9%. The BZA denied the request and recommended that the Applicant lower the lot occupancy on the site so that only special exception relief would be required. The Applicant has done this by lowering portion of the deck so that it does not count towards lot occupancy, and only special exception relief is needed.

**III. LOCATION AND SITE DESCRIPTION**

Applicant	Michael D. Griegg on behalf of Alexander Pitt & Christine Zhen Wei Quang
Address	2131 N Street, NW
Legal Description	Square 69, Lot 181
Ward / ANC	Ward 2; ANC 2B
Zone	RA-8
Historic District or Resource	Dupont Circle
Lot Characteristics	Rectangular 16.67’ X 100’ lot on N Street, NW. A 10’ public alley at the rear of the lot.
Existing Development	Rowhouse
Adjacent Properties	Rowhouses

Surrounding Neighborhood Character	Mix of apartment buildings and rowhouses
Proposal	The proposal would lower the height of the side of the deck to reduce the site’s lot occupancy, but would otherwise allow for retention of the new construction.



**III. ZONING REQUIREMENTS AND RELIEF REQUESTED**

RA Zone	Regulation	Existing	Proposed	Relief
Lot Width F § 201	18 ft.	16.67 ft.	16.67 ft.	Existing Non-Conforming
Lot Area F § 201	1,800 sq.ft. max.	1,667 sq. ft.	1,667 sq. ft.	Existing Non-Conforming
Height F § 603	50’ max.	39 ft.	39’	Existing Non-Conforming
Lot Occupancy F § 604	60% max; 70% (max if approved as a special exception); 66% (approved in 18844A)	71.9%	69.8%	<b>Special Exception Requested</b>
Rear Yard F § 605	20 ft. max	20 ft.	20 ft.	Conforming

## IV. ANALYSIS

### Subtitle D Chapter 5201, special exception relief for lot occupancy

5201.1 *The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

(a) *Lot occupancy;*

...

(f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The proposal is for special exception relief from the lot occupancy requirements. It would reduce the existing lot occupancy from 71.9% to 69.8% by lowering a portion of the deck closest to the courtyard from 4'4" to 3'7".

5201.2 *Special exception relief under this section is applicable only to the following:*

(a) *An addition to a residential building;*

(b) *A new or enlarged accessory structure that is accessory to such a building; or*

(c) *A reduction in the minimum setback requirements of an alley lot.*

The proposal is for altering a rear deck, which is an addition to a residential building.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The existing deck at only 4'4" in height does not unduly impact the neighboring properties light and air. It would have even less of an impact when the side of the deck is lowered to 3'7". The deck's screen allows for ample light and air to pass through to neighboring properties.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The deck should not unduly compromise the use and enjoyment of neighboring properties. The deck is surrounded on all three sides by 6-foot-screen walls. The screen maintains sufficient privacy between the neighbors. The opposite side of the alley is lined mostly with fenced in rear yards so these properties should not be impacted.

(c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;*

The deck with its screen is visible from the rear public alley but it should not substantially visually intrude on the character, scale, and pattern of the houses along the public area. On the same side of the alley as this property, two houses down, is another property with a deck that appears to be significantly larger than this deck.

*(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and*

The application includes sufficient plans, photographs and elevations. No additional information is recommended.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The proposed lot occupancy would be 69.8% so special exception relief is being requested.

5201.4 *The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

5201.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The proposal would not introduce a non-conforming use.

5201.6 *This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The height of the house would not be impacted. It would remain in conformance with the zone.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

OP's Historic Preservation division does not oppose the proposal. As of the writing of this report, no District Agencies provided comments.

## **VI. COMMUNITY COMMENTS**

As of the writing of this report no comments have been submitted from the community and no report has been submitted from ANC2B.

However, as part of the BZA case 19721 for this site when variance relief was requested to permit the existing deck, both the adjacent neighbor to the east and ANC 2B supported the request.