

Supplemental Report

TO: District of Columbia Board of Zoning Adjustment
FROM: Crystal Myers, Case Manager
JLS
for Joel Lawson, Associate Director Development Review
DATE: April 23, 2018

SUBJECT: BZA #19721 – 2131 N ST NW-Request for variance relief to exceed lot occupancy

I. OFFICE OF PLANNING RECOMMENDATION

At its April 4, 2018 hearing the BZA requested that the Applicant provide a cost estimate (Exhibits 47 D&E) and new plans (Exhibit 48) for reducing the size of the deck. OP reviewed this additional information and continues to recommend **denial** of the requested variance relief.

The two cost estimates show that reducing the size of the deck would cost the owners \$8,950 or \$8,500. The plans are based on plans reducing the deck to the size of the original deck, which would mean a 70.4% lot occupancy. This would still require variance relief.

The Applicant argues that the cost of reducing the deck would be a practical difficulty to the owners because it would be over half the total price they paid for their existing nonconforming deck, which was \$14,000. Typically, OP does not consider it a practical difficulty to remove a structure that does not conform to zoning. Furthermore, the Applicant also had an addition done to their main house that benefitted from the measuring error. In 2015 the BZA granted lot occupancy relief for the addition as a special exception. The relief would have been reviewed as a variance if the correct measurements had been known at the time (BZA 18844A).

Granting variance relief for this proposal would cause harm to the zoning regulations. OP continues to recommend that the proposed deck be reduced to meet the maximum lot occupancy permitted as a special exception, 70%.