MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: February 22, 2011

SUBJECT: BZA Application #18175 – Request for area variance relief from lot occupancy (§ 403.2) and enlargement of an existing non-conforming structure (§ 2001.3) provisions to accommodate a two-story rear addition to a residential row dwelling at 1432 Q Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of this application for a rear addition to an existing residential row dwelling, requiring the following relief:

- § 403, maximum lot occupancy (exceeds permitted lot occupancy by ~205 square feet)
- § 2001.3, addition to an existing non-conforming structure

II. AREA AND SITE DESCRIPTION

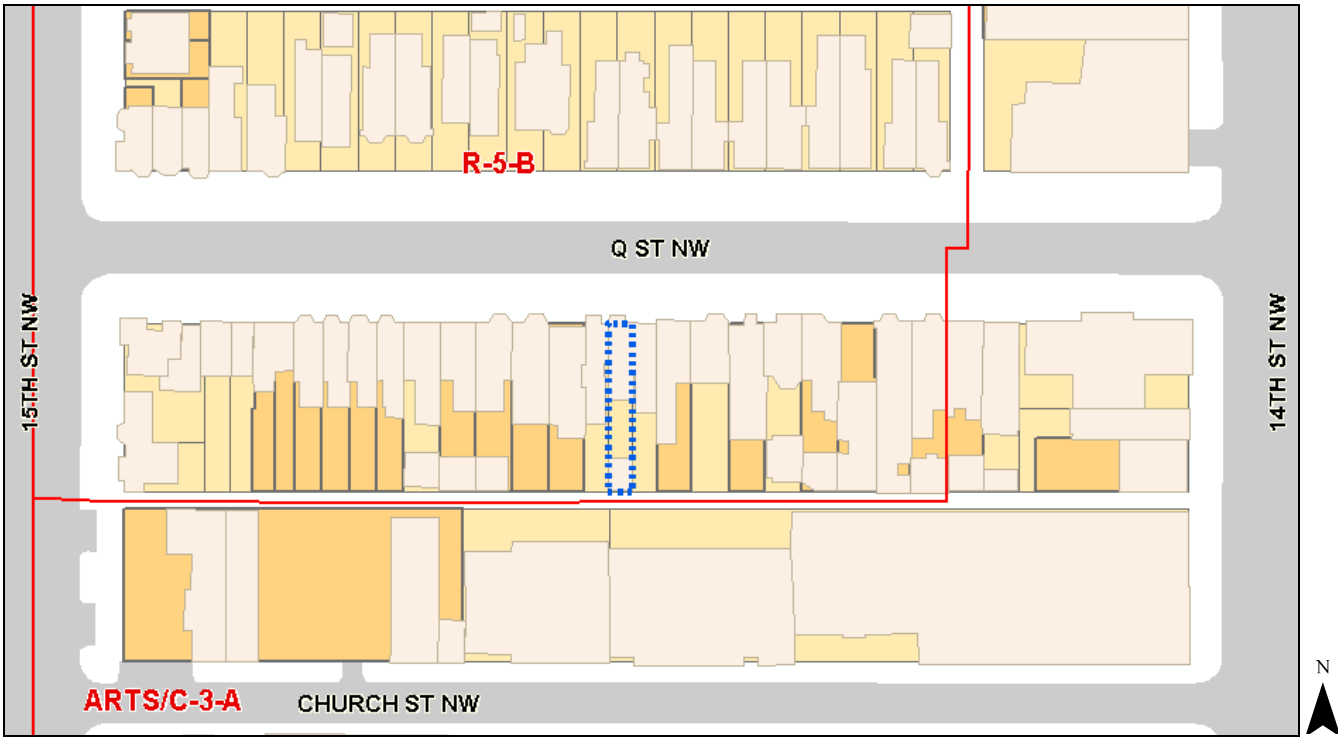
Address:	1432 Q Street N.W.
Legal Description:	Square 209, Lot 72 (hereinafter, the "Property")
Ward/ANC:	2/2F
Lot Characteristics:	The lot is rectangular in shape and measures 13.64' in width by 100' in length, totaling 1,364 square feet in lot area. The lot fronts Q Street to the north and an improved 10' wide public alley to the south.
Zoning:	R-5-B: allows all types of urban residential use of a moderate height and density.
Existing Development:	The Property is developed with a pre-1958 two-story (plus a cellar) single family row dwelling. There is also a two-story detached accessory building which accommodates a parking space accessed via the alley.
Historic District:	Greater Fourteenth Street Historic District
Adjacent Properties:	To the Property's east and west are abutting two-story row dwellings. Across the alley to the south is a multi-family apartment building.
Surrounding Neighborhood Character:	The north side of the Square, which is mostly zoned R-5-B, is characterized by row dwellings. The south side of the Square, which is zoned Arts/C-3-A, consists of higher density multi-family residential buildings and a few retail and commercial uses. More generally, the area is defined by a range of residential building types and, along 14th Street N.W. and P Street N.W., retail uses.

III. PROJECT DESCRIPTION IN BRIEF

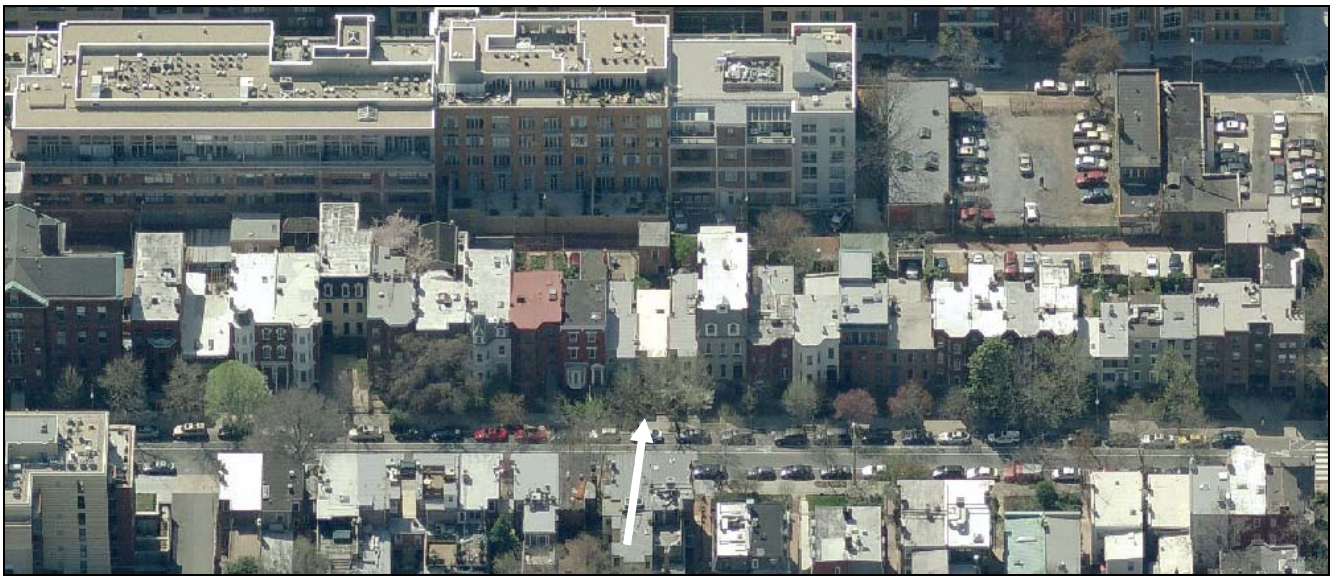
Applicant	David Stivaletta

Proposal:	The Applicant proposes a two-story rear addition to an existing row dwelling. The addition would measure approximately 12.6' in depth and 13.6' in width, and would rise approximately 21' in height. As a result, the application provides that the lot occupancy would increase from approximately 62.8% to 75%, which exceeds the permitted 60% lot occupancy permitted in the zone and triggers the need for area variance relief.
Relief Sought:	§ 403, exceeding the maximum lot occupancy § 2001.3, enlargement of an existing non-conforming structure

IV. IMAGES AND MAPS



Aerial view of the site (highlighted in blue)



View of the subject block looking south across Q Street (Property identified)

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-5-B Zoning	*Restriction*	*Existing*	*Proposed*	*Relief*
Lot area (sq. ft.)	N/A	1,364	1,364	Conforms
Lot width (ft.)	N/A	13.64'	13.64'	Conforms
Lot Occupancy (building area/lot) § 403.2	60% max. 70% per § 223	62.8%	75%	Relief needed: exceeds the maximum lot occupancy by about 205 square feet.
Rear Yard (ft.) § 404.1	15' min.	34.8'	22.2'[1]	Conforms
Floor area ratio (sq. ft./lot) § 402.4	1.8 max.	1.27	1.53	Conforms

VI. RELIEF REQUESTED:

The Applicant's proposal to expand the existing row dwelling requires relief from lot occupancy (§ 403) and enlargement of a non-conforming structure (§ 2001.3) standards.

1. **Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The Property does exhibit some distinguishing features. It measures 13.46' in width and 1,346 square feet in lot area and is among the smaller sized R-5-B zoned lots on the subject block. It is slightly smaller than abutting Lots 71 (~14.3' in width and 1,429 square feet in lot area) and Lot 73 (~15' in width and 1,508 square feet in lot area). The smallest lots on the subject block are closer to 15th Street. More generally, OP estimates that R-5-B zoned properties fronting Q Street range from about 15' to 23' in width and 1,500 to 2,300 square feet in lot area. The R-5-B zone does not provide minimum standards for lot width and area. The Property otherwise exhibits a typical shape and topography.

OP does not consider other characteristics raised by the Applicant to be exceptional. There are several garages along the subject block, ranging between one and two stories. Aside from the subject dwelling, there are also four other two-story row dwellings on the subject block. The fact that the Property is located across an alley from a four-story apartment building also is not a distinctive feature, nor is the fact that the Property is in a historic district.

2. **Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

Even if the Applicant demonstrates that there is a specific uniqueness or exceptional situation, the Applicant has not shown that the exceptional situation creates a practical difficulty that is unnecessarily burdensome to the Applicant. The Property already is developed with an existing dwelling which, in combination with the garage, exceeds the permitted by right lot occupancy in an R-5-B zone. The present garage also is two-

[1] The Applicant appears to have incorrectly measured the rear yard calculation. The existing rear yard appears to measure 34.8' rather than 53.4'. OP also estimates that the proposed rear yard would be 22.2'. As such, OP estimates that the proposed rear yard would still be conforming.

stories tall, which surpasses the accessory building height and/or story restrictions provided in § 2500.4.[2] OP is not specifically aware of how the second-story of the accessory building is used.

The Applicant could expand the dwelling pursuant to a special exception. Pursuant to § 223, improvements on the Property could cover 70% of the lot by special exception. The Applicant could enlarge the dwelling footprint by a moderate amount – approximately 100 square feet – pursuant to § 223. The Applicant has indicated that a conforming expansion would not sufficiently address the needs of the Applicant, but additional explanation could be instructive. The Applicant also could explore expansion to a third-story, although the Historic Preservation Office has cautioned that such a proposal would face preservation challenges.

Even though the Zoning Regulations constrain additions, they allow ordinary repairs, modernization and even structural modernization of nonconforming structures devoted to conforming uses. The Applicant has not presented that the existing dwelling falls below contemporary living standards.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Concerning impact on the public good, the proposed addition would appear to extend beyond both adjacent dwellings in depth. Additionally, the adjacent dwellings, which have narrow open courts facing the subject Property, have windows that may be shrouded by the proposed addition. However, both adjacent neighbors have submitted letters of support and it appears that ANC 2F is supportive. OP does not anticipate that the moderately sized addition would cause substantial detriment to the public good.

But the proposal would impair the intent of the Zoning Regulations. The existing development exceeds the allowable lot occupancy. Section 2001.3 clearly states that additions to non-conforming structures must meet lot occupancy provisions. Section 223 anticipates and permits additions to existing non-conforming dwellings but, in this zone, sets a maximum limit of 70% lot occupancy. The proposal indicates that the lot occupancy would exceed 70%. The full text of § 2001.3 follows:

> 2001.3: Enlargements or additions may be made to the structure; provided:
>
> (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13.
> (b) The addition or enlargement itself shall:
> (1) Conform to use and structure requirements; and
> (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new non-conformity of structure and addition combined.

VII. ANC/COMMUNITY COMMENTS

A representative of ANC 2F has indicated that the ANC is supportive of the proposal. To date, OP has not received an official submission from ANC 2F. OP has received letters in support from abutting neighbors at 1432½ and 1430 Q Street.

VIII. HISTORIC PRESERVATION

The Historic Preservation Office signed-off on a related project permit in October 2010.

[2] Section 2500.4 states that an "accessory building in any zone district shall not exceed one (1) story or fifteen (15 ft.) in height."

IX. CONCLUSION AND RECOMMENDATION

The Office of Planning **cannot recommend approval** of the requested relief.

JLS/pg
Paul Goldstein, case manager