



## MEMORANDUM

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

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

**DATE:** February 23, 2010

**SUBJECT:** BZA Case 18035 - request for variance relief from § 2001.3 (addition to a non-conforming structure) and § 403 (total lot occupancy proposed to be 81%, when 60% is the maximum permitted), to construct a garage and to make a rear addition to an existing one-family row dwelling at 1919 23rd Street, NW

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of the requested variance relief.

### II. AREA AND SITE DESCRIPTION

Address:	1919 23rd Street, NW
Legal Description:	Square 2528, Lot 0276
Ward:	2
Lot Characteristics:	Rectangular lot, on the east side of 23rd Street, NW. Adjacent to a 12-foot-wide public alley on the north.
Existing Development:	Developed with a four-story row dwelling, with a one-car garage (side-loaded from the alley) built into the building. Two additional paved parking spaces are at the rear of the property. Two decks are at the rear of the property. The deck opening onto the second story is constructed atop fill. The other deck (proposed to be enclosed) is atop a portion of the roof of the second story, and enters onto the third story.
Zoning:	R-3
Historic District	Sheridan-Kalorama
Adjacent Properties:	The subject property is the end of four large row dwellings very similar in size, configuration, and time of construction.
Surrounding Neighborhood Character:	The east side of 23rd Street and the north side of Wyoming Avenue are zoned R-3, and are characterized by medium-to-large row dwellings. Property across 23rd Street is zoned R-1-B, and includes a variety of single-family detached dwellings. There are several apartment buildings (zoned R-5-B) to the rear of the subject property. These apartments share the same alley for parking access.



**III. APPLICATION IN BRIEF:**

1. Construct a two-car, one-story, accessory garage to enclose two existing parking spaces at the rear of the property. Construction of the garage would result in a total lot occupancy of 80.9%.
2. Construct an addition to an existing nonconforming structure that exceeds the permitted 60% lot occupancy. The addition would enclose an existing deck, resulting in additional floor space at the third-story level.

**IV. ZONING REQUIREMENTS and REQUESTED RELIEF**

<b>R-3 District</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Non-conforming?</b>
Height (ft.) § 400	40 ft./3 stories max.	39.6 ft./4 stories	No change	Yes
Lot Width (ft.) § 401	20 ft. min.	19.25 ft.	No change	Yes
Lot Area (sq.ft.) § 401	2,000 sq.ft. min.	2,118 sq.ft.	No change	No
Lot Occupancy § 403	60% max	62%	80.95%	Yes
Rear Yard (ft.) § 404	20 ft. min.	41.5 ft.	No change	No
Parking Spaces § 2101	1 space min.	2 spaces	2 spaces	No

**V. OFFICE OF PLANNING ANALYSIS**

**Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, which imposes a practical difficulty which is unnecessarily burdensome to the applicant?**

No. The property does not appear to be unique, although the existing side-loaded garage is the only one of its kind in the square. This unique condition appears to be relevant only to the request for relief from lot occupancy, and not to the request for relief from § 2001.3. Even though the side-loaded garage is difficult to use, due to the narrowness of the alley, the applicant already has access to rear-loaded parking at the rear of the property. Nothing precludes the applicant from using the existing uncovered parking spaces as they now exist. The applicant could also build a security fence around the parking spaces, which would conform to the Zoning Regulations.

There is also no practical difficulty with respect to the application for relief from § 2001.3. Although the applicant has stated reasons for wanting to “provide additional living space” on the third story, the applicant has not demonstrated a unique condition that results in a practical difficulty in using the existing living space within the building.

**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?**

The relief could be granted without substantial detriment to the public good. The applicant has offered evidence that the addition and the garage would be aesthetic improvements to the property, and would conform to historic preservation standards. The garage would have a green roof, which

would substantially mitigate stormwater runoff and add greenery to the alley.<sup>1</sup> The applicant has offered letters of support from several neighbors and the Advisory Neighborhood Commission, indicating that community members see no potential for harm.

However, granting the relief could substantially impair the intent, purpose, and integrity of the Zoning Regulations and Map. First, the applicant has not demonstrated a unique circumstance that leads to a practical difficulty, which the Zoning Regulations require for relief to be granted. Second, § 2001.3 provides a clear standard for a limit to the lot occupancy of a nonconforming structure, when an applicant desires to make an addition to the structure. The standard is 60%. Allowing an increase in lot occupancy to 80.95% would substantially undermine the clear intent of this provision.

Moreover, the applicant has an alternative path to build the addition on the third story. Section 223 allows additions to nonconforming structures, provided the lot occupancy remains within 70% and meets a series of tests related to impacts on the public good and neighborhood character. OP believes that the third-story addition (not the garage) would meet all the requirements of § 223, and would have no objection to approval of relief for the addition under those provisions.

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

OP has received no comments from any other agencies.

## **VII. HISTORIC PRESERVATION**

The property is within the Sheridan-Kalorama Historic District. Historic Preservation staff has reviewed the applicants' plans, and have stated that the plans raise no preservation issues.

## **VIII. COMMUNITY COMMENTS**

ANC 2D has written a letter in support of the applicant's variance requests. The applicant has also provided OP with copies of several letters from neighbors in support of the application.

## **IX. CONCLUSION AND RECOMMENDATION**

Although the existing side-loaded garage may present an exceptional condition, the applicant has not demonstrated a practical difficulty that is unnecessarily burdensome. Granting relief could substantially impair the intent, purpose, and integrity of the Zoning Regulations. As such, OP **cannot recommend approval** of the request relief.

JS/dje  
Dan Emerine, project manager

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<sup>1</sup> According to estimates provided by the applicant's architect, the green roof could reduce runoff on the site by 67%, or approximately 6,700 gallons of rainwater annually.