



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: March 9, 2010

SUBJECT: BZA Case No. 18047 – Request for area variance relief from §§ 406 and 2001.3 to accommodate a two-story rear addition to an existing single family row dwelling

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot recommend approval** of area variance relief pursuant §§ 406 and 2001.3(a)&(b) to accommodate a two-story rear addition to an existing single family row dwelling in the R-3 District.

II. AREA AND SITE DESCRIPTION:

Address:	1425 33 rd Street N.W.
Legal Description:	Square 1244, Lot 172
Ward/ANC:	2/2E
Lot Characteristics:	The lot is rectangular in shape and measures 100' length by 16.87' width, totaling approximately 1,687 square feet. The lot fronts 33 rd Street to the west and an improved 12' wide public alley to the east.
Zoning:	R-3: row dwellings
Existing Development:	There is an existing two-story single family row dwelling, which is a permitted use in this zone. There is also a detached one-story garage located along the alley at the rear of the Property.
Historic District:	Commission of Fine Arts (CFA)
Adjacent Properties:	Two-story single family row dwellings directly abut the Property. Two-story row dwellings are also located to the east, across the public alley. To the west of the Property, across 33 rd Street, are three-story row dwellings.
Surrounding Neighborhood Character:	Square 1244 contains a mix of uses. Roughly the western third of the Square is comprised of residential row dwellings. The middle third is occupied by Hyde-Addison Elementary School. Low scale commercial and retail uses line the eastern third of the Square.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	James Ravitz
Proposal:	The Applicant proposes to raze an existing one-story portion of an existing two-story residential row dwelling, and replace it with a new two-story addition. The addition would occupy the same footprint as the existing structure and would measure approximately 12' wide, 7' deep, and 22' tall.
Relief Sought:	§ 406 – court width § 2001.3 – expansion of a non-conforming structure



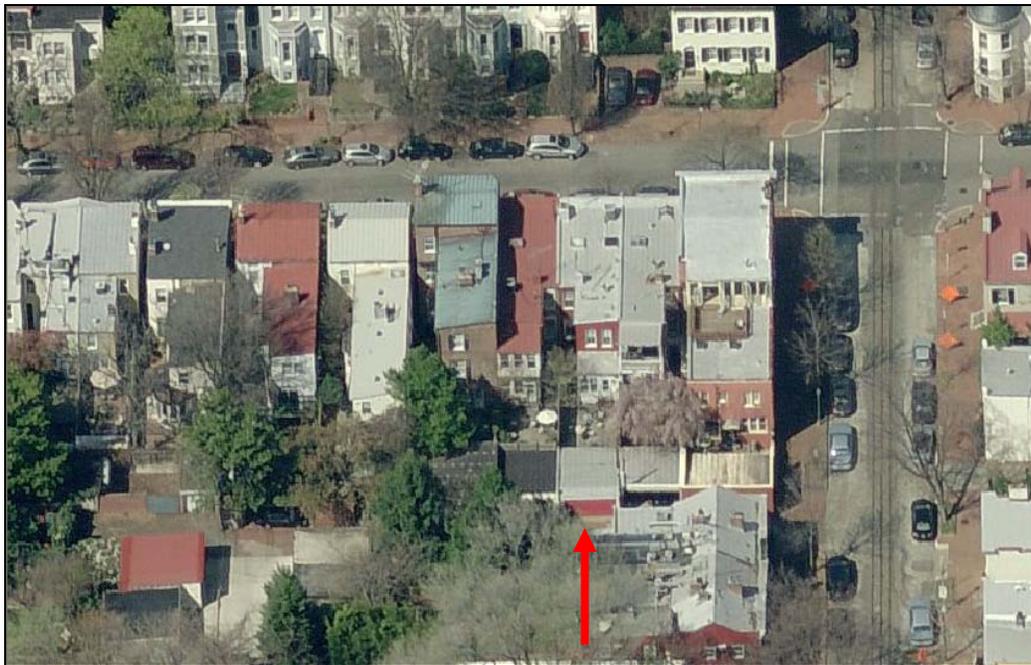
IV. IMAGES AND MAPS



Aerial view of the site (subject Property outlined in blue)



View of the Property from 33rd Street



View of the rear of the site

V. ZONING REQUIREMENTS

After reviewing the proposal and the existing conditions, the Office of the Zoning Administrator, in a letter dated December 16, 2009, referred this request to the Board of Zoning Adjustment (BZA) in order for the Applicant to seek variance approval under sections §§ 406 and 2001.3(a)&(b). Improvements on the Property occupy 75% of the lot, which exceeds the 60% lot occupancy allowed in an R-3 zone. There is also an existing 4' 10" court where, OP estimates, a conforming court of at least 8' in width would be required.¹

¹ The Zoning Regulations define "Court, height of" to be measured by "the vertical distance from the lowest level of the court to the highest point of any bounding wall."

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

R-3 Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40' max. 3 stories max.	< 40' 2 stories	< 40' 2 stories	None required
Lot area (sq. ft.) § 401	2,000 sq. ft. min.	1,687 sq. ft.	1,687 sq. ft.	Existing non-conformity
Lot width (ft.) § 401	20' min.	16.87'	16.87'	Existing non-conformity
Lot occupancy (building area/lot) § 403	60% max. 70% by special exception	75%	75%	Existing non-conformity
Rear yard (ft.) § 404	20' min.	41'	41'	None required
Courts, Open § 406, 2001.3	4" per foot of height of court, but not less than 6' min.	4.83'	4.83'	Relief required
Parking spaces (number) § 2101	1 min.	1	1	None required

VI. OFFICE OF PLANNING ANALYSIS

Area Variances: §§ 406 and 2001.3

- 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 not exhibit a specific uniqueness. The Property is substandard in size, which is not uncommon in the Square, as nearly half of the residentially zoned lots are less than the required 1,800 square feet and narrower than the required 18' width. That the lot currently exceeds the permitted lot occupancy and has a non-conforming court is not an exceptional condition. More specifically, the Applicant has indicated that the building and garage footprint occupy approximately 70% of the lot, but that the required inclusion of the non-conforming open court in the lot occupancy calculation causes the existing lot occupancy to increase to 75%.² The Applicant has not yet demonstrated whether the Property has other exceptional features.

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

As the Applicant has not identified any specific uniqueness, there can be no practical difficulty arising from a unique condition. The Property is already developed with an existing dwelling, measuring approximately 1,700 square feet, which exceeds the lot occupancy that is currently permitted by right in an R-3 zone.³ Additionally, the Zoning Regulations allow ordinary repairs, modernization and even structural modernization of nonconforming structures devoted to conforming uses, but constrain additions.

- 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?*

² See the definition of "Building area", which is defined as "the maximum horizontal projected area of a building and its accessory buildings. The term shall include all side yards and open courts less than five (5 ft.) in width"

³ The square footage was derived from the D.C. Office of Tax and Revenue listing: see <http://otr.cfo.dc.gov>.

The proposed addition would be located over the same footprint as the existing addition and would not increase the dwelling's height. It also appears that the addition would not be inconsistent with the bulk of abutting properties. The Applicant also has indicated that the ANC and the neighbor to the south (1423 33rd Street) are supportive of the proposal. As such, the addition would not appear to cause substantial detriment to the public good and could, in fact, be an attractive improvement to the rear of the dwelling.

The proposal impairs the intent, purpose, and integrity of the Zoning Regulations, in that it would exacerbate the lot occupancy which exceeds that anticipated by § 2001.3, without the presence of a unique circumstance leading to a practical difficulty, which the regulations require for relief to be granted.

VII. COMMUNITY COMMENTS/ANC

The Applicant has indicated that the ANC 2E is supportive of the proposal, but OP is not aware of a submission from the ANC. Additionally, the Applicant has indicated that the neighbor to the south of the Property (1423 33rd Street) is supportive of the proposal, and that the neighbor to the north of the Property (1427 33rd Street) has not commented on the proposal.

VIII. HISTORIC PRESERVATION

The CFA, by letter dated June 19, 2009, has expressed no objection to the proposed addition.

IX. RECOMMENDATION

The Office of Planning **cannot recommend approval** of area variance relief to accommodate a two-story rear addition to an existing single family row dwelling.

JS/pg
Paul Goldstein, case manager