



MEMORANDUM

TO: District Board of Zoning Adjustment

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

DATE: October 12, 2010

SUBJECT: BZA Application # 18116 - Request for area variance relief from the FAR (§ 402), lot occupancy (§ 403), and rear yard (§ 404) standards to accommodate a rear addition and attached garage to a residential row dwelling at 2023 N Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 402, maximum FAR (exceeds permitted FAR by 570 sq. ft.)
- § 403, maximum lot occupancy (exceeds permitted lot occupancy by 381 sq. ft.)
- § 404, minimum rear yard (deficient by 9.7')

The Applicant also applied for area variance relief from § 2001.3 (enlargement or addition to a non-conforming structure devoted to a conforming use), but OP does not believe that such relief is necessary because the building is not enlarging any existing non-conformities. Following the original submission, the Applicant has revised the proposal to reduce by 4' the depth of a proposed roof deck overhang, thereby decreasing the lot occupancy and increasing the rear yard setback.

II. AREA AND SITE DESCRIPTION:

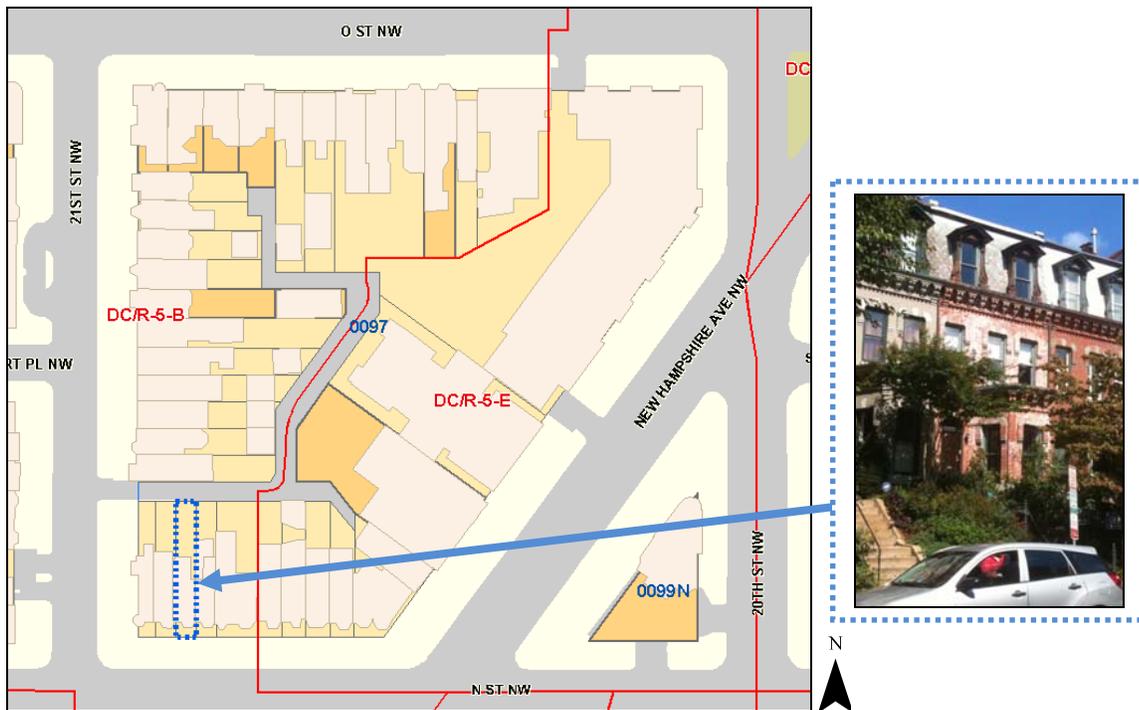
Address:	2023 N Street N.W.
Legal Description:	Square 97, Lot 47 (hereinafter, the "Property")
Ward/ANC:	2/2B
Lot Characteristics:	The lot is rectangular in shape and measures 15' in width by 100' in length, totaling 1,500 square feet in lot area. The lot fronts N Street to the south and an improved 13.5' public alley to the north.
Zoning:	DC/R-5-B: allows all types of urban residential use of a moderate height and density. The Dupont Circle Overlay is designed to ensure compatibility in scale between new buildings and old and to protect the integrity of contributing buildings.
Existing Development:	The Property is developed with a three-story single family row dwelling (the "Building") constructed at the turn of the twentieth century. The Building has a rear vehicular parking space accessed from the alley.
Historic District:	Dupont Circle Historic District
Adjacent Properties:	To the Property's east and west are abutting three-story row dwellings. Across the alley to the north is the south wall of a subdivided row dwelling.
Surrounding Neighborhood Character:	The east side of the Square is roughly characterized by higher density residential uses, with some commercial uses, zoned DC/R-5-E along New Hampshire Avenue. The remainder of the Square, including the subject Property, generally includes lower to medium density single and multi-family row dwellings zoned DC/R-5-B.



III. PROJECT DESCRIPTION IN BRIEF

Applicant	Kerry Bedard
Proposal:	The Applicant proposes rear additions to the existing Building. First, a three-story home addition would replace an existing first floor kitchen and basement. This expansion would extend the depth of the Building by approximately 12.5', fill-in an existing court, and result in an overall lot occupancy of approximately 60% and an FAR of approximately 1.8. Second, the proposal calls for a one-story attached rear garage with a roof deck that extends more than 25'. In total, the home and garage additions would occupy 85% of the lot and produce a 2.18 FAR and a rear yard of 5.3'.
Relief Sought:	§ 402, exceeding the maximum FAR § 403, exceeding the maximum lot occupancy § 404, deficient rear yard setback

IV. IMAGES AND MAPS



Aerial view of the site (highlighted in blue dots)



View of the alley looking east – subject property identified



View of the alley looking west – subject 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.

<i>R-5-B Zoning</i>	<i>Restriction</i>	<i>Existing</i>	<i>Proposed (each lot)</i>	<i>Relief</i>
Lot area (sq. ft.)	N/A	1,500	1,500	Conforms
Lot width (ft.)	N/A	15'	15'	Conforms
Lot Occupancy (building area/lot) § 403.2	60% max. 70% per § 223	47.6% ¹	85.4%	Relief needed: exceeds the maximum lot occupancy by 381.6 sq. ft.
Rear Yard (ft.) § 404.1	15' min.	43.2'	5.3'	Relief needed: deficient by 9.7'
Floor area ratio (sq. ft./lot) § 402.4	1.8 max.	1.04	2.18	Relief needed: exceeds restriction by .38 FAR or 570 sq. ft.

VI. RELIEF REQUESTED:

The Applicant’s proposal to expand the Building requires relief from the FAR (§ 402), lot occupancy (§ 403), and rear yard (§ 404) standards.

- 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. It is a typical shape and does not exhibit any unusual grade changes. The Property’s size mirrors abutting lots and generally reflects the dimensions of other row dwelling lots in the neighborhood. Features identified by the Applicant, including the Square’s single alley entrance, odors, vermin, water run-off, and crime, are not shown to be unique to the Property.

¹ It is not clear whether the lot occupancy calculation incorporated an existing 4’ wide court. The court totals approximately 63 square feet, which would increase the existing lot occupancy to more than 50% (which is conforming to R-5-B zoning).

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

Since there is no uniqueness, there cannot be a resulting practical difficulty. Nevertheless, even if the Board determines that features raised by the Applicant are exceptional, the Applicant has not demonstrated a resulting practical difficulty:

FAR and Lot Occupancy

The Applicant presently could expand the Building in a manner that conforms to the zoning regulations or would require only special exception relief (rather than variance relief). While the Building currently occupies 48% of the lot and has a 1.0 FAR, the R-5-B zone permits 60% lot occupancy by right (70% by special exception) and 1.8 FAR. As such, the Applicant could design an addition and/or an accessory garage that is more consistent with the zoning. The Applicant also has not demonstrated how the identified site concerns, such as odors and crime, are addressed by the proposed Building additions.

Rear Yard

The Applicant proposes that the existing rear yard, which currently measures 43', be decreased to 5.3'. The revised plan, which enlarged the rear yard by an additional 4', is intended to better facilitate vehicular movement and generally align the proposed garage with the abutting garage to the east. While the design change may improve alley circulation, the Applicant has not demonstrated that any proposed Building expansion could not adequately retain the required minimum rear yard of 15'.

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?

OP does not anticipate that the proposal would substantially harm the public good, although granting relief would substantially impair the intent, purpose and integrity of the Zoning Regulations and map. The expansion would exceed the permitted lot occupancy and FAR standards and produce a substandard rear yard. Section 223 anticipates and permits by special exception additions that do not comply with certain zoning requirements, including lot occupancy and rear yard standards. However, the proposal also exceeds the § 223 maximum limit of 70% lot occupancy. As such, the proposal would excessively develop the Property which conflicts with a purpose of the Zoning Regulations.

VII. ANC/COMMUNITY COMMENTS

ANC 2B, by letter dated April 15, 2010, voted to support of the proposal. The Applicant has indicated that the Dupont Circle Conservancy is supportive of the proposal. To date, OP has not received any submissions from neighbors of the Property.

VIII. HISTORIC PRESERVATION

The project was reviewed by the Historic Preservation Review Board (HPRB) and was approved in concept at their April 22, 2010 meeting.²

IX. CONCLUSION AND RECOMMENDATION

The Office of Planning **cannot recommend approval** of the requested relief. However, OP generally would be supportive of a smaller scale proposal capable of satisfying special exception standards.

JLS/pg
Paul Goldstein, case manager

² See HPA #10-219.