

**MEMORANDUM**

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

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** September 7, 2010

**SUBJECT:** Supplemental Report for BZA Application 18082, 1019 Florida Avenue, N.E.

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At the hearing on July 13, 2010, the Board gave the applicant until August 30, 2010 to make revisions to the application, and gave the Office of Planning until September 9, 2010 to submit a supplemental report. On August 30, 2010 the applicant submitted a revised application to the file, which includes additional argument pertaining to the uniqueness of the subject property, and a revised deck proposal, affecting the relief requested for lot occupancy and rear yard.

**Relief Requested**

The amended application increases the proposed rear yard from 2.5 feet to 4 feet, and indicates that the proposed lot occupancy was reduced from 96 to 88 percent. Although the applicant scaled back the size of the proposed deck, the area on the west side of the deck, an open court, is too narrow to not count as lot occupancy because its minimal horizontal dimension at the open end of the court is less than five feet in width, and the average width of the court is less than five feet in width. Including this open court in the lot occupancy calculation results in a lot occupancy of 94.7 percent.

**Uniqueness**

The amended application compares the property with others within the square that are either larger, or the same size or smaller but with access to public space to the front or side of the lot, increasing the outdoor recreational space available to the residents of those lots. In addition, the amended application argues that only the lots facing Florida Avenue within the subject square are located on a street that does not permit on-street parking, with the exception of Sunday mornings, creating a need to use the rear yard for off-street parking and for recreational space.

Within the Square 956 only thirty percent of the lots are larger than the subject property. The remaining seventy percent of the lots are the same size or smaller, resulting in no finding of uniqueness related to lot size. Although all of the lots fronting on Florida Avenue are impacted by the parking restrictions on Florida Avenue, not all have alley access. The subject property, as do the majority of the lots with frontage on Florida Avenue, has rear alley access, again resulting in no finding of uniqueness.

The subject lot has no public space available for use by its occupants to either the front or side. However, neither do the lots on either side of the property, which are of the same width and area, and improved with similar row houses. They are also impacted by the same parking restrictions that affect the lots to either side. Therefore, the Office of Planning continues to find no uniqueness, and therefore cannot recommend approval of the amended application.

**Recommendation**

The Office of Planning continues to recommend denial of the application.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP

