



## MEMORANDUM

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

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** March 27, 2012

**SUBJECT:** **BZA Case 18329** - request for variance relief from § 400.1 to allow construction of a two-story addition that would increase the overall height of the existing two-story one family dwelling located at 1415 Otis Street NE to four stories

### I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **cannot recommend** approval of a variance to allow four stories because the application did not sufficiently explain how existing property characteristics present a practical difficulty.

### II. LOCATION AND SITE DESCRIPTION:

Address:	1415 Otis Street NE
Legal Description:	Square 4004 Lot 0025
Ward:	5A
Lot Characteristics:	A rectangular interior lot with an area of 9,430 square feet (0.22 acre) immediately south of Otis Street NE with no rear alley access.
Zoning:	<i>R-1-B</i> – one-family detached dwellings are allowed as a matter of right.
Existing Development:	The hilly property is developed with a two-story detached one-family dwelling constructed in approximately 1952. The dwelling ground level is recessed into the surrounding hillside. Vehicles access the ground level garage is via a driveway from Otis Street (refer to Figure 1).
Historic District:	None
Adjacent Properties:	Two-story one-family dwellings, most with what appears to be attic space.
Surrounding Neighborhood Character:	Moderate density residential (refer to Exhibit 1).

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	Louis W. Bell, the owner of record.
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Proposal:	<p>To construct a two-story addition to the existing two-story dwelling that would increase the dwelling height to four stories and approximately 35 feet. Heights of three stories and 40 feet are permitted in R-1-B under § 400.1. According to the submitted plans, the proposed third level would be a full floor. Approximately 25% of the fourth level framing would be open to the third floor creating a partial loft space.</p> <p>The referral letter dated September 10, 2011 from the Zoning Administrator to the Board of Zoning Adjustment stated that the resulting four-story dwelling would require variance relief.</p> <p>The application explained that additional living space is desired to accommodate visiting relatives. The third floor allowed under the Zoning Regulations did not provide enough additional space, and construction of an additional floor over the existing foundation was considered more cost efficient means to the desired ends.</p>
Relief Sought:	§3103.1 – variance for a non-conforming number of stories.

**IV. ZONING REQUIREMENTS**

R-1-B District	Regulation	Existing	Proposed <sup>1</sup>	Relief:
Height (ft.) § 400	40 feet, 3 story limit	Unknown 2 stories	35 feet, 4 stories	+ 1 story
Lot Width (ft.) § 401	50 feet	70 feet	SAME	None required
Lot Area (sq. ft.) § 401	5,000 sq. ft.	9,430 sq. ft.	SAME	None required
Floor Area Ratio § 401	None prescribed	None prescribed	None prescribed	None required
Lot Occupancy § 403	40 % max.	18 %.	SAME	None required
Rear Yard (ft.) § 404	25 feet min.	75 feet	SAME	None required
Side Yard (ft.) § 405	8 feet min.	7 feet and 31 <sup>2</sup> feet	SAME	None required <sup>3</sup>
Parking § 2101.1	1 per dwellings	1 garage space	SAME	None required

Based on the zoning computation provided with the application, the existing dwelling conforms to the current Zoning Regulations. The proposed construction would not change the existing building footprint and the proposed addition would be well within the permitted 40-foot height limit, but requires variance relief from § 400.1 to increase the number of floors on the subject property from two to four.

**V. OP ANALYSIS**

Compliance with §3103.2

- Unique and exceptional conditions resulting in a practical difficulty:

The application supplement dated November 28, 2011 essentially states that a confluence of factors resulted in



<sup>1</sup> Based on architectural plans submitted by the applicant.

<sup>2</sup> Based on the submitted annotated plat

<sup>3</sup> Extending the existing non-conforming 7-foot side yard setback is permitted under § 405.8

the need for requested variance relief. The applicant desires another 1 ½ floors of livable space. The sloping topography, low ceiling height, lack of natural light and presence of the storage room, furnace room, laundry and garage make the ground floor unsuitable for conversion into living space. Other options considered for securing additional floor area were deemed unworkable:

- **Excavating the ground level to create additional headroom, and around the dwelling to add more windows that would increase natural light into the lower level.** This option was considered infeasible because of anticipated problems controlling hillside storm water run-off and the anticipated excavation and dirt removal costs.
- **Constructing a rear addition to the upper level into the hillside with a basement extension of the lower level.** This would again require building into the hillside and cutting down several 85 year old chestnut trees in the rear yard.

While these represent legitimate practical difficulties, the application did not address other options allowed as a matter of right that were shared with the applicant, such as:

- **Expanding horizontally.** The existing dwelling occupies 18% of the lot while 40% occupancy percentage is allowed in the R-1-B district, and the side yard setback from the western boundary is approximately 31 feet. An addition constructed *across* the existing slope (parallel to Otis Street) could extend as much as 23 feet<sup>4</sup> from the existing façade with fewer. The possible 40 x 55-foot (2,200 square feet) floor plate would be much larger much larger while only increasing the lot occupancy to approximately 23% although there could possibly be some interior layout issues. The applicant could also have the option of extending the lower level *and* building a third floor of equal size.
- **Redesigning the fourth-floor to qualify as attic space.** The regulations do not consider attic spaces with structural headroom of less than 6 feet 6 inches as habitable spaces. If the structural height of the proposed loft space was reduced accordingly, it would no longer be count as a floor. The space would also have more limited utility.

Based on this analysis, a more comprehensive analysis by the applicant is warranted of other available expansion options allowed under zoning.

- Detriment to the public good:

It does not appear that the proposed fourth floor would unduly impact the available air and light or the privacy of surrounding properties. However, both sides of Otis Street are lined with two-story dwellings, most with attics. Visually it appears the proposed addition would be taller than other residences along this section of the street, but the overall height of 35 feet would be within the allowable height of 40 feet.

- Detriment to the intent, purpose and integrity of the zoning regulations:

The intent of the story regulation, presumably, is to set limits on the potential building bulk. The proposed addition would be within the allowable height and lot occupancy and the zone does not establish a limit on the floor area ratio (FAR), so the house would be well within the bulk anticipated for this zone.

However, the application did not address how the conforming solutions referenced above present a practical difficulty.

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<sup>4</sup> This dimension takes into account the 8-foot side yard setback required under § 405.

## VI. AGENCY COMMENTS

The District Department of Transportation did not express any objection to the requested variance in a memorandum to the Board of Zoning Adjustment (BZA) dated March 27, 2012.

## VII. COMMUNITY COMMENTS

On March 5, 2012, Advisory Neighborhood Commission (ANC) 5A voted unanimously to support this request at a regularly scheduled meeting, but not above the height restriction.

The application included a number of letters of support from area property owners. Eight of the 12 letters were from the owners of properties located on the opposite side of Otis Street (refer to Figure 2). Of the four letters from the owners of properties on Square 4004:

- Two were from owners of the property that front Newton Street NE (including the abutting property to south); and
- Two were from the owners on the other above-referenced properties along Otis Street that are developed with dwellings recessed into the hillside.

Figure 2

