

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 18, 2013

SUBJECT: BZA Case 18527, 1116 K Street NE - request for special exception relief from building lot control (§ 2516.1) and area variance relief from nonconforming structures devoted to conforming uses (§ 2001.3), required rear yard (§ 404.1), and off-street parking (§ 2101.1) to permit two principal buildings on a single lot.

At its April 2, 2013 public hearing, the Board requested the following additional information in support of the variance relief to permit the expansion of a nonconforming structure devoted to a conforming use (§ 2001.3) at 1116 K Street NE; specifically, the construction of a third floor loft:

- Letters from the property owners that front on Florida Avenue NE adjacent to the subject property;
- Photos depicting the Florida Avenue streetscape in the 1100 block;
- Justification for why a flat roof is not practical; and
- A description of the extraordinary or exceptional situation and the related practical difficulty creating the need for the third floor loft.

The applicant submitted additional letters of support from the property owners at 1118 K Street NE and 1105 Florida Avenue NE. The applicant provided a photo of the Florida Avenue streetscape, as viewed from the property, which shows the buildings on the north side of Florida Avenue; however, the applicant did not provide a photo of the south side of Florida Avenue where the subject property is located. The applicant indicated a desire to place the air conditioning condenser on the roof of the building, but did not state why a flat roof was not practical. The applicant indicated that the accessory building is small (14 feet wide by 18 feet deep) with less than 200 square feet of usable space per floor after subtracting out the space for the stairwell, which creates a practical difficulty. The proposed loft provides an additional 125 square feet of space, which would contribute to the livability of the unit.

OP maintains that there is not a practical difficulty; the existing two-story structure with basement could be re-purposed as a second principal dwelling unit with approximately 600 square feet of living space. The third floor loft, as proposed, would result in a building height of 30 feet and half an inch, which would not exceed the 35-foot height permitted in the R04 zone. However, according to the applicant's April 12th submittal, the existing row dwelling at 1116 K Street NE measures 27.5 feet in height; the building at 1105 Florida measures 26 feet, and the building at 1124 K Street measured 25 feet 8 inches.

Accessory buildings, including accessory dwelling units, are intended to be secondary to the principal building. As such, should the BZA grant the requested relief from § 2001.3 to permit the expansion of the nonconforming structure, OP recommends that the Board require the applicant to reduce the proposed height to be less than or, at most, equal to that of the existing row dwelling on the site.