



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 3, 2013
SUBJECT: BZA #18603 – 2112 R Street, NW

I. RECOMMENDATION

With regards to this proposal to build a small addition to an existing single family dwelling, the Office of Planning (OP) recommends **approval** of the following relief:

- § 402, FAR (1.8 permitted, 3.1 existing, 3.3 proposed);
- § 403, Lot Occupancy (60% permitted, 81% existing, 86% proposed);
- § 404, Rear Yard (15’ required, 10’ existing, 9’7” proposed);
- § 2001.3, Additions to Nonconforming Structures (nonconforming for lot occupancy; extend existing nonconformities for FAR, lot occupancy and rear yard);
- § 361, Special Exception for an art gallery.

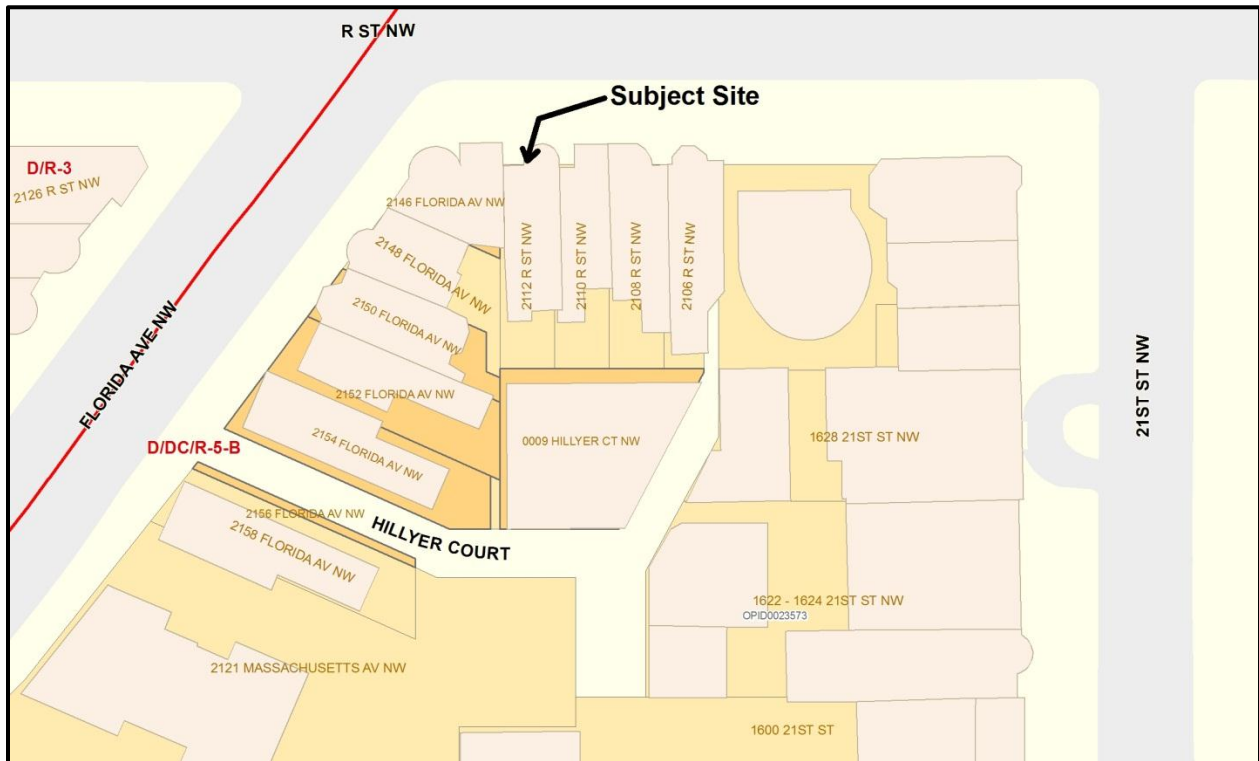
II. LOCATION AND SITE DESCRIPTION

| | |
|------------------------------------|--|
| Address | 2112 R Street, NW |
| Legal Description | Square 66, Lot 56 |
| Ward and ANC | 2, 2B |
| Lot Characteristics | Rectangular Lot – 18.75’ x 70’ |
| Zoning | D / DC / R-5-B – Apartment Residential with Dupont Circle and Diplomatic Overlays |
| Existing Development | Existing art gallery and flat in rowhouse structure with small rear yard |
| Historic District | Dupont Circle Historic District |
| Adjacent Properties | East – Art gallery West – Multifamily residential and rowhouse South – Hillyer Art Space |
| Surrounding Neighborhood Character | Mix of rowhouses, apartments, galleries, institutional and commercial uses. |



III. APPLICATION IN BRIEF

The applicant proposes to demolish an existing wooden addition at the rear of the property and replace it with a slightly larger addition to house bedrooms and a kitchen. The proposal also includes the demolition of an existing masonry addition and the construction of a deck and stair leading to the roof. The proposals require area variances as detailed in this report. In addition to a flat, which is a matter-of-right use, the applicant also intends to use the property for a small art gallery, for which a special exception is required.



IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

| D / DC / R-5-B | Regulation | Existing | Proposed | Relief |
|-------------------------------|--------------------------|-----------------------|------------------------|------------------|
| Height (ft.) § 400 | 50 ft. max. | 40'6" | No change | Conforming |
| Lot Area (sf) | n/a | 1,312 sf | No change | n/a |
| Lot Width (ft.) | n/a | 18'6" | No change | n/a |
| Floor Area Ratio § 402 | 1.8 | 3.1 (4,067 sf) | 3.25 (4,264 sf) | Requested |
| Lot Occupancy § 403 | 60% max. (787 sf) | 81% (1,063 sf) | 86% (1,128 sf) | Requested |
| Rear Yard (ft.) § 404 | 15 ft. | 10 ft. | 9'7" | Requested |

| D / DC / R-5-B | Regulation | Existing | Proposed | Relief |
|---|--|---|--|------------------|
| Side Yard (ft.) § 405 | None required | n/a | None | Conforming |
| Additions to Nonconforming Structures § 2001.3 | The addition: a) Shall conform to lot occ. b) Shall conform to structure requirements; shall not extend an existing nonconformity | Nonconforming lot occupancy, FAR and rear yard | Increasing nonconformities for lot occupancy, FAR and rear yard | Requested |

V. ANALYSIS

Variance Analysis

In order to be granted a variance, the applicant must show that they meet the three part test described in § 3103:

- 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 exhibits exceptional conditions. At 1,312 square feet it is somewhat small compared to other lots in the same square and nearby squares. Of lots fronting on R Street in this square and one square to the east and west, the average lot size is just under 2,500 square feet. The property also has an old wooden addition containing rooms that do not meet current building code; Building code requires habitable rooms to be at least 70 square feet in size and seven feet in any horizontal dimension. Furthermore, according to the applicant, the wooden structure is no longer stable and needs to be replaced. Finally, the structure has a masonry wall between the wooden addition and the rest of the house which is not easily removed or modified.

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

The exceptional conditions combine to form a practical difficulty for the applicant. The applicant wishes to replace the old wooden structure with a new addition that complies with the building code. The new addition would allow rooms that have at least 70 square feet of floor area and 7 feet of length in horizontal dimensions. In order to achieve those dimensions, the new addition must be slightly larger than the existing addition and extend further into the rear yard, increasing lot occupancy and FAR on the relatively small site. The rooms proposed for that space could not easily or practically be expanded into the interior of the house; The masonry wall that separates the wooden addition from the rest of the house is a load-bearing wall. Removing or modifying that wall would be structurally challenging and expensive. The net 65 square foot increase in lot occupancy would allow a code-compliant addition and a new deck to

replace the existing deck. These small changes would allow greater use and enjoyment of the subject property.

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?

Granting the requested relief would not impair the public good or the intent of the Zoning Regulations. The slight increase in lot occupancy and FAR, and the insignificant decrease in rear yard dimension would not impair the light, air and privacy of neighboring properties. The proposed changes are minor and do not appreciably increase the bulk of the structure.

While the Regulations intend to guide building patterns in a given zone, the subject structure and surrounding structures pre-date the existing regulations; The proposed changes would not significantly change the existing built form or deviate from the established character of the neighborhood.

Special Exception Analysis

§ 361.1 An art gallery shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

§ 361.2 The art gallery shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.

The proposed gallery would occupy one room at the front of the building, smaller than the existing gallery on the site which has operated, according to the applicant, for almost 30 years. Because of the limited size of the gallery, OP expects traffic to the site to be limited. This neighborhood is not unaccustomed to art galleries; Several galleries exist on R Street, the Hillyer Art Space is located south of the subject site in the alley, and the Phillips Collection is located on the same square. A restaurant is also located across R Street from this property. Although the applicant has not provided specific hours of operation, they have stated that most visitors would be expected on “First Fridays”, when galleries in the area open in the evening.

§ 361.3 The Board shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings.

The applicant has not yet determined the number of anticipated visitors to the site, but OP expects the number to be low. OP agrees with the applicant that because of its smaller size, the number of patrons at the proposed gallery should be less than the gallery that currently exists on

the site. And although the applicant has not provided specific hours of operation, they have stated that most visitors would be expected on “First Fridays”, when galleries in the area open in the evening.

§ 361.4 Adequate off-street parking, but not less than that required by chapter 21 of this title, shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.

Because of the small size of the gallery there is no parking requirement.

§ 361.5 The proposed use shall not adversely affect the present character or future development of the surrounding area.

The use will not affect the character of the area. The building is currently used for a gallery, as are several other buildings along R Street. No changes are proposed to the front of the property. The gallery will only occupy a front room in the house and will have only a small flush-mounted sign on the front of the building.

§ 361.6 The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties.

OP recommends no special design treatments.

VI. HISTORIC PRESERVATION

The subject site is located in the Dupont Circle Historic District. The addition has been approved by Historic Preservation staff.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

As of this writing the Office of Planning has received no comments from the ANC. The applicant has submitted to the record some letters from neighbors supporting the proposal.