

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 21, 2014
SUBJECT: BZA Case 18844, 2131 N Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following:

- § 403, Lot Occupancy (maximum 60 percent permitted, 77.56 percent proposed); and
- § 406, Open Court (minimum 6 feet required, 4.5 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2131 N Street, N.W.
Legal Description	Square 69, Lot 181
Ward	2
Lot Characteristics	Rectangular lot with rear alley access
Zoning	DC/R-5-B R-5-B- Moderate density residential DC- Dupont Circle Overlay
Existing Development	Row dwelling, permitted in this zone.
Historic District	Dupont Circle
Adjacent Properties	North, East and West: Row houses and flats South: Across N Street, apartments, row houses and an electrical substation
Surrounding Neighborhood Character	Mixture of residential, hotel, office and public utility uses.

III. APPLICATION IN BRIEF

Proposal	Construction of a two-story addition to the rear of the dwelling and a two-vehicle carport beneath a trellis with poles 24 inches on center.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

DC/R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50 feet max.	39 feet	39 feet	None required
Lot Width § 401	None prescribed	16.67 feet	16.67 feet	None required
Lot Area § 401	None prescribed	1,667 SF	1,667 SF	None required
Floor Area Ratio § 402	1.8 max.	1.5	1.7	None required
Lot Occupancy § 403	60% max.	69.4%	77.56%	Required
Rear Yard § 404	15-foot min.	20 feet	20 feet	None required
Side Yard § 405	None required	None	None	None required
Open Court § 406	6-foot min.	Min. 4.5 feet	Min. 4.5 feet	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is similar in size and development to the lots to the east, with row of houses similarly constructed on similar lots prior to the adoption of the Zoning Regulations in 1958. The applicant informed OP that due to the narrowness of the existing open court (less than five feet in width) it counts toward the percentage of lot occupancy, reducing the buildable area of the lot and resulting in a hardship to the applicant. However, this is no different from the way lot occupancy is calculated for any lot anywhere within the District, and assumes that the Zoning Regulations are a practical difficulty. Therefore, OP finds that there is no exceptional situation resulting in either a practical difficulty or a hardship.

ii. No Substantial Detriment to the Public Good

The increase in lot occupancy would allow the applicant to construct a building addition of approximately 140 square feet onto the rear of the dwelling. It would have no windows on the party wall side of the structure facing into the adjoining rear yard and should not be visible from any public street.

iii. No Substantial Harm to the Zoning Regulations

The granting of this variance request would result in substantial harm to the Zoning Regulations in that the application assumes that the Regulations themselves are a hardship.

b. Variance Relief from § 406, Open Court

i. Exceptional Situation Resulting in a Practical Difficulty

The application indicates that the exception situation is that the proposed building addition would face not only an open court on the subject property, but also the rear yard of the adjoining lot to the west, eliminating the need to provide an open court of adequate width. This is not an unusual situation. It is common for row houses to

extend back varying amounts to the rear, as can be noted from the Location Map on page 4.

ii. No Substantial Detriment to the Public Good

The proposed addition would face the adjacent rear yard to the west, minimizing the appearance and impact of the reduced width of the open court.

iii. No Substantial Harm to the Zoning Regulations

There is no exceptional situation resulting in a practical difficulty. The granting of an area variance in the absence of an exceptional situation is contrary to the intent of the Zoning Regulations.

The Office of Planning concludes that the subject application is not in conformance with the criteria for the granting of area variances for either open court or lot occupancy, and therefore recommends denial of the application.

The Historic Preservation Review Board approved the design on its consent calendar on September 18, 2014.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

The applicant informed the Office of Planning that ANC 2B voted to support the application at its regularly scheduled meeting of October 8, 2014.

