

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: June 12, 2015

SUBJECT: BZA Case 18992 – **amended** request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding nonconforming structures (§ 2001.3), lot occupancy (§ 772.1), court width (§ 776.3), and court area (§ 776.4) at 1015 E Street SE.

I. RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the following area variance relief at 1015 E Street SE to allow construction of a new rear addition:

- Nonconforming structure (§ 2001.3);
- Residential lot occupancy (§ 772.1), 60% maximum permitted, 67.3% proposed;
- Open court width (§ 776.3), 15 feet minimum required, 2.2 feet proposed; and
- Closed court area (§ 776.4), 450 square feet minimum required, 410 proposed.

The proposal is also subject to review and approval by the Historic Preservation Review Board (HPRB), which may result in design changes impacting the necessary relief.

II. BACKGROUND

Based on testimony received at the May 5, 2015, Board of Zoning Adjustment (BZA) hearing, the Applicant revised its plans to provide separation between the proposed addition and the adjoining properties to the west at 503 and 505 11th Street SE. The alternate proposal results in different relief being required.

In its amended application, the Applicant requested the right to have the flexibility to modify the design in response to feedback received from the HPRB and the Historic Preservation Office (HPO). Based on the timing of the scheduled BZA public meeting for June 16, 2015, the Applicant has not had an opportunity to appear before the HPRB. The Applicant has been in contact with HPO staff and believes the amended request for relief, with flexibility, should result in an approvable application.

III. REVISED APPLICATION IN BRIEF

The Applicant, Goulston and Storrs on behalf of Congressional 1015 E Street, LLC, proposes to construct a new 35-foot and 9 inch deep by 15-foot and 4.25 inch wide two story addition at the rear of the property that would be connected to the existing structure by a covered walkway. The existing flat would be converted to a 5-unit apartment building, as permitted in the zone. The existing building is a contributing building in the Capitol Hill Historic District. The main block of

the existing flat is approximately 30 feet in depth with an approximately 25-foot deep addition. The Applicant is proposing to demolish the 25-foot deep addition.

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

CHC/C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770.1	50 ft. max.	23 ft. 10 in. 2 stories	23 ft. 10 in. 2 stories	None required
Floor Area Ratio § 771.2	2.5 max.	0.7	1.1	None required
Lot Occupancy § 772.1	60 % max.	39.23 %	67.3 %	7.3 %
Rear Yard § 774.1	15 ft. min.	66 ft.	17 ft.	None required
Side Yard § 775.5	6 ft. min.	2 ft. 2 in.	N/A	Existing Nonconforming
Court Width § 776.3	15 ft. min.	N/A	2.2 ft.	12.8 ft.
Court Area § 776.4	450 sq. ft. min.	N/A	410 sq. ft.	40 sq. ft.

V. OFFICE OF PLANNING ANALYSIS

i. Exceptional Situation or Condition Resulting in a Practical Difficulty

To provide the desired separation between the adjoining property owners and the proposed addition, the Applicant has pushed the addition to the rear of the property. This results in the need for a walkway connection between the existing structure and the addition. The walkway and resulting open court at the western property line increase the lot occupancy by 12.4 percent, which creates the need for lot occupancy relief.

Closed court relief is required because the Applicant is providing separation between the proposed addition and the adjoining properties to the east. Were the Applicant to push the proposed addition back on the property to create a conforming closed court, it would likely result in required rear yard relief.

The HPRB expressed a desire to maintain the nonconforming western side yard. Preservation of the side yard at the existing building creates a nonconforming open court at the western property line. While the Applicant could, as a matter-of-right, construct a building that spanned lot line to lot line, preservation of the nonconforming western side yard and resulting creation of a nonconforming open court honors direction provided by the HPRB.

ii. No Substantial Detriment to the Public Good

The proposed revisions attempt to respect both the desires of the adjoining property owners, by maintaining separation between the proposed addition and the rear yard of the adjoining properties to the east, and the direction provided by the HPRB. The proposed separation should not result in diminished light and air to adjoining properties.

iii. No Substantial Harm to the Zoning Regulations

The Applicant has proposed a revised plan that addresses the concerns of the adjoining property owners while minimizing the variance relief required. Although the mass of the addition has shifted to the rear of the property, it should not negatively impact the light and air available to the adjoining properties. The use is permitted in the zone, and the overall scale of development would be generally consistent with or well below zoning permissions.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) submitted a letter to the record on June 9, 2015, indicating that the proposal will have no adverse impacts on the travel conditions of the District's transportation network. DDOT has no objection to the approval of the requested variances.

VII. COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 6B voted 9-0 on June 9, 2015, at its regularly scheduled meeting to support the revised plans submitted to the Board on June 4, 2015.

Attachment: Location Map

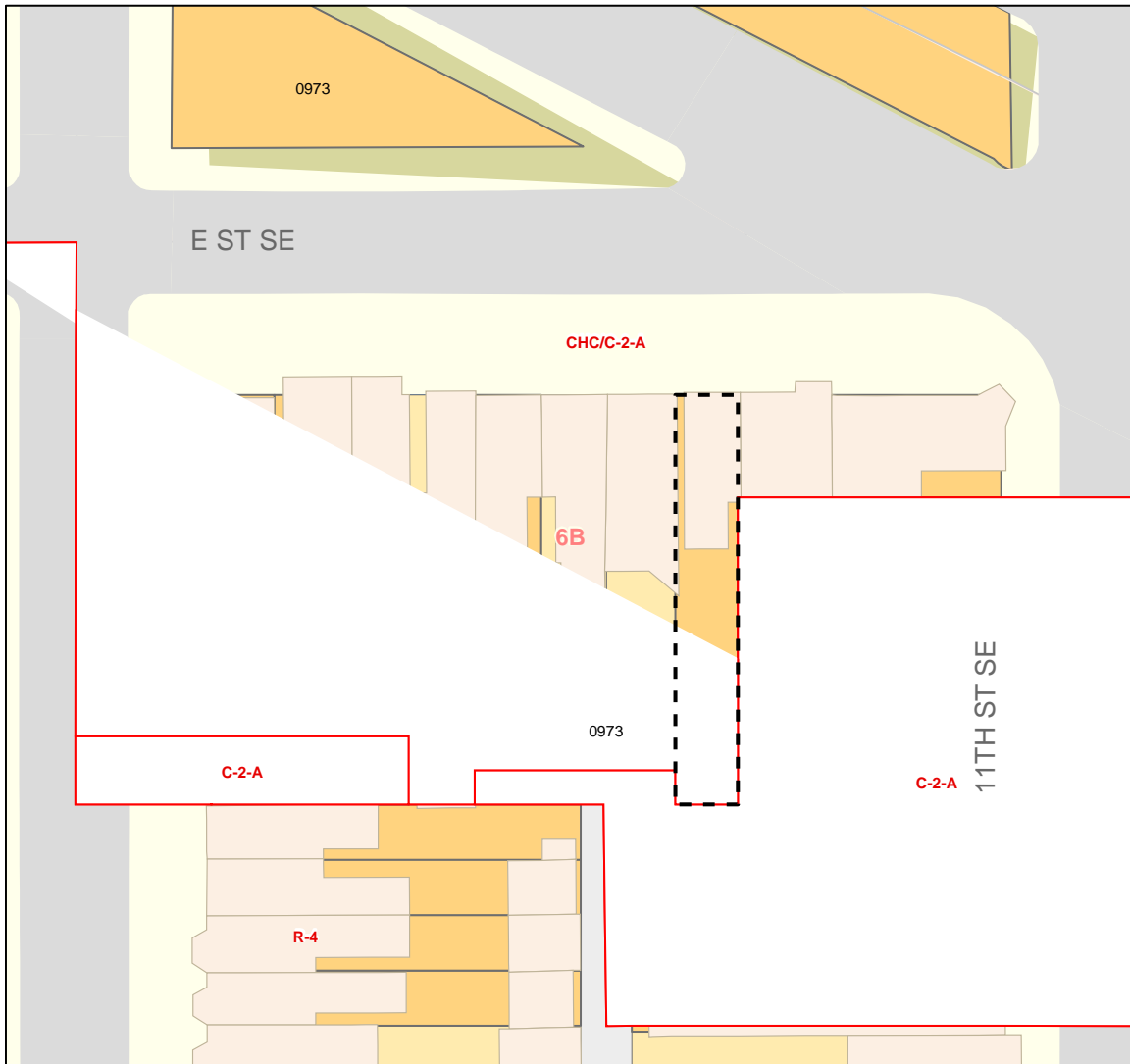


Figure 1: Location Map