

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: March 1, 2016

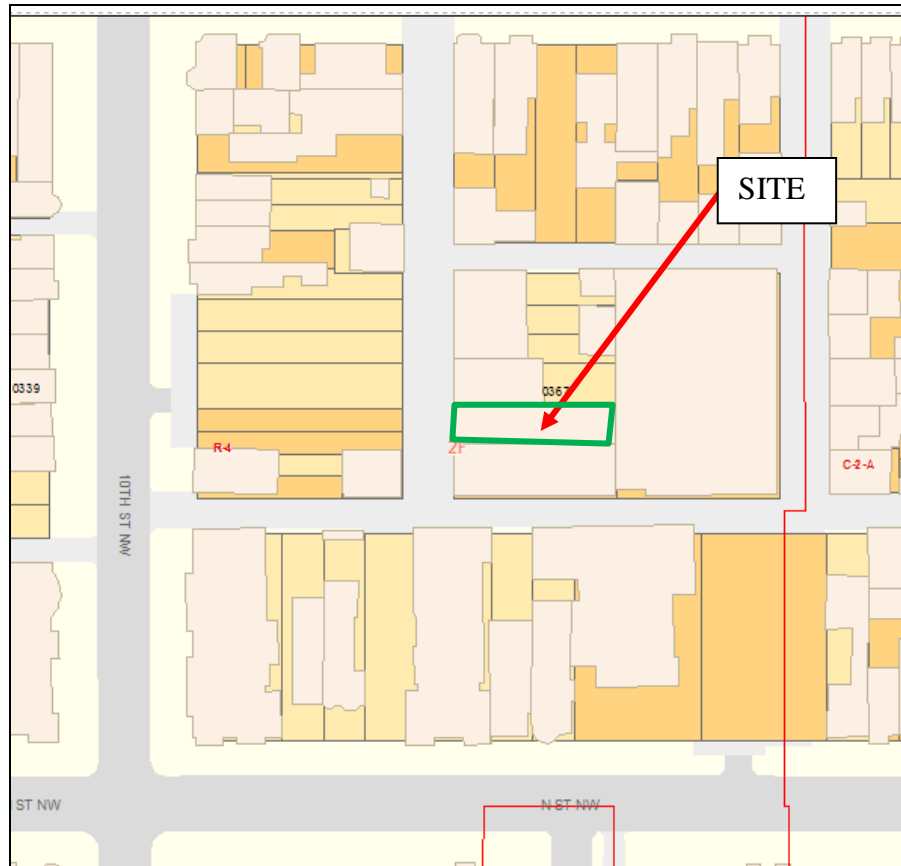
SUBJECT: BZA Case 19197 – Variance pursuant to § 3103.2 and § 2001.3 to expand a nonconforming structure to accommodate a single-family alley dwelling at 1317 Naylor Court, NW.

I. OFFICE OF PLANNING RECOMMENDATION

Jennifer Hu and Nicholas Rubenstein request variance relief pursuant to DCMR § 3104 and § 2001.3 to add to a nonconforming building not meeting the lot occupancy and rear yard requirements. The proposal would allow the conversion of a garage to a single family residence with an added second floor at 1317 Naylor Court, NW. **The Office of Planning (OP) recommends approval of the requested variance.**

II. LOCATION AND SITE DESCRIPTION

Address:	1317 Naylor Court, NW
Legal Description:	Square 367, Lot 863
Ward:	Ward 2/ANC 2F
Lot Characteristics:	The lot is flat, rectangular with an area of 2,523.7 square feet (95 feet x 26 .66 feet) and abuts a 30-foot wide public alley. The lot is an alley lot with no adjacent street frontage.
Zoning:	R-4 – single family dwellings row dwellings and flats.
Existing Development:	A vacant, one-story garage
Historic District:	The property is within the Blagden Alley/Naylor Court and Shaw historic district.
Adjacent Properties:	Predominantly row dwellings with some small apartment buildings.



Site Plan



Alley Façade with Adjacent Properties



III. PROJECT DESCRIPTION

The applicant wishes to convert the garage into a single family residence and add a second story.

IV. ZONING REQUIREMENTS

The building is currently non-conforming to § 403 lot occupancy (100%) and § 404, rear yard (0 feet).

<i>R-4 Zone</i>	<i>Regulation</i>	<i>Existing</i>	<i>Proposed¹</i>	<i>Relief</i>
Height § 2507.4	The height of a structure erected or constructed on an alley lot shall not exceed the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley. – 30 feet	9.5 ft.	25.5.3 ft.	None required
Lot Width § 401	18 ft. min.	26.66 ft.	26.66 ft.	None required
Lot Area § 401	1,800 sq. ft. min.	2,523.7 sq. ft.	2,523.7 sq. ft.	None required
Lot Occupancy § 403	60 % max. 70% under § 223	100%	100%	Existing Nonconformity
Rear Yard § 404	20 ft. min.	0 ft.	0 ft.	Existing Nonconformity
§ 2001.3	Expanding a non-conforming structure	-	Addition on building not meeting the lot occupancy and rear yard requirements.	Required

¹ Information provided by applicant.

V. OP ANALYSIS

The proposal meets the variance requirements as follows:

a. Variance Relief from § 2001.3, Addition to a Nonconforming Structure not meeting the lot occupancy and rear yard requirement.

i. Exceptional Situation Resulting in a Practical Difficulty

The lot is currently developed with a one-story building that was formerly used as a garage and would be converted to a single-family residence. The conversion of the building to residential use meets the criteria of § 2507.1 and § 2507.2 as it fronts on a 30-foot wide alley that connects to O Street, NW which has a 90 foot right-of-way. The building currently occupies the entire lot, 100% lot occupancy and no rear yard. The building has an open floor plate and natural light is provided through the entrance, a roll up door and a door at the front of the building. The building is surrounded on three sides by two-story buildings. In converting the building to a residential use, the building would be divided into separate rooms which would further limit light into the building.

To meet the zoning requirements, the applicant would have to demolish portions of the building which cannot be done as the building is historic. Secondly, the two-story buildings on three sides of the building block light to the building, and third, there would be no opportunity to have bedrooms with windows. These situations are exceptional situations which presents practical difficulties to the applicant in getting sufficient light into the building.

ii. No Substantial Detriment to the Public Good

The requested relief to allow the bedroom to be placed in a second floor addition would not cause substantial detriment to the public good as the addition would be setback 12-feet from the front façade to reduce its visibility along the alley. Additionally, the addition would be setback 15.33 feet from the rear wall. Many of the buildings along Naylor Court have been converted to residential use in two-story buildings and therefore this conversion and addition would be more compatible than a garage. The proposal would be for a single family dwelling and would therefore not greatly increase the population along the alley. The conversion would also accommodate two parking spaces and therefore not negatively impact parking along the alley.

iii. No Substantial Harm to the Zoning Regulations

The Zoning Regulations allows for the conversions for non-residential buildings to residential use along the alley. The proposed addition to a nonconforming structure would create a small addition with functional space without intruding on neighborhood buildings which is consistent with the intent of the Zoning Regulations.

VI. HISTORIC PRESERVATION

The property is within the Blagden Alley/Naylor Court and Shaw historic districts and the building has been determined to be a contributing building to the historic district. The proposed addition was reviewed and given concept approval by the Historic Preservation Review Board (HPRB) at their October 1, 2015 meeting.

VII. COMMUNITY COMMENTS

The property is within ANC-2F. At its September 2, 2015 public meeting, Exhibit 33, the ANC voted to recommend approval of the proposed addition. The record at Exhibit 24 to 32 contains letters of support from neighborhood residents.