

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
jl Joel Lawson, Associate Director Development Review
DATE: September 22, 2017

SUBJECT: BZA Case 19575 (104 8th Street, N.E.) for an area variance and special exception to add a fourth floor to a nonconforming structure.

I. OFFICE OF PLANNING RECOMMENDATION

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

- E § 303.1, Height (max. 3-stories permitted, 4-stories proposed);

OP recommends denial of the following special exception:

- C § 202.2, Nonconforming Structures (enlargement and addition to a nonconforming structure).

The application originally requested special exception relief to increase the height of the building from 35 to 36.2 feet. On September 18, 2017, the applicant informed OP by email that the special exception request to increase building height was being withdrawn.

II. LOCATION AND SITE DESCRIPTION

Address	104 8 th Street, N.E.
Applicant	Ruth Fisher
Legal Description	Square 896, Lot 34
Ward, ANC	Ward 6; ANC 6C
Zone	RF-1
Lot Characteristics	Rectangular lot with rear alley (3-foot width) access
Existing Development	Three-story flat
Adjacent Properties	Three-story flats
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Addition of partial fourth floor and roof deck

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RF-1	Regulation	Existing	Proposed	Relief
Height E § 303.1	35-feet and 3-story max.	31.75 feet and 3 stories	35 feet and 4 stories	REQUIRED (for no. of stories)
Lot Width E § 201	18-foot min.	19 feet	19 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,121 sq. ft.	1,121 sq. ft.	None Required
Lot Occupancy E § 304	60% max.; 70 by SE	68.2%	68.2%	None Required ¹
Rear Yard E § 306	20-foot min.	13.5 feet	13.5 feet	None Required

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from E § 303.1, Height, to Permit a Fourth Floor

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is developed with a three-story flat, with a second unit on the basement level, similar to the adjacent properties to the north and south. All three lots have access to the same three-foot wide rear alley with no off-street parking, although the lot to the north is slightly larger as the alley does not run parallel to its rear lot line, but rather dead-ends into it. As such, the applicant has not described an exceptional condition associated with the property that results in a practical difficulty.

ii. No Substantial Detriment to the Public Good

The proposed addition would create a four-story building within a block predominantly developed with two and three-story row houses and flats. Although the applicant proposes to revise the application to conform to the maximum building height of 35 feet, it would be a four-story building, out of character with the surrounding neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The Zoning Regulations restrict the number of stories within the RF-1 to preserve it as an area of moderate density housing. Increasing the number of stories beyond three, even though there would be no more than two dwellings within the structure, would give the appearance of a more dense and intense zone, in contradiction with the provisions of the RF-1 and the Zoning Regulations.

b. Special Exception Relief from C § 202, Nonconforming Structures

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

¹ The lot occupancy of the proposed addition is less than 60 percent. Therefore, no relief is required.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed addition would conform to the maximum 60 percent lot occupancy permitted within the RF-1 zone. Therefore, should the Board approve the requested variance to permit a fourth floor, for which OP recommends denial, OP would then support relief from this provision, provided the lot occupancy of the addition would not exceed 60 percent. Maintaining the existing lot occupancy would minimize the impact of this addition on neighboring properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other District agencies were received.

VI. COMMUNITY COMMENTS

No comments were received from ANC 6C as of the date of filing of this report.

Four community residents, including the adjacent residents to the north and south, submitted letters to the file in support of the application.

No other comments were received.

Attachment: Location Map

