



## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

**DATE:** December 8, 2009

**SUBJECT: BZA Application 18010 - 1212 Wylie Street NE**

### I. SUMMARY RECOMMENDATION

The Office of Planning **cannot support** the variance relief required from §§ 401.1 (prohibits expansion of buildings on lot inconsistent with § 401.3 except in accordance with other zoning provisions), 401.3 (minimum lot width and size), 403.2 (maximum lot occupancy), 404.1 (minimum rear yard setback), 406.1 (open court), and 2001.3 (a) and (b) (1) for construction of a rear second floor addition.

### II. SITE AND AREA DESCRIPTION

Address:	1212 Wylie Street NE
Legal Description:	Square 1003 Lot 0087
Ward:	6A
Lot Characteristics:	Rectangular 15 x 55-foot interior lot with frontage on Wylie Street that abuts a rear alley 10 feet wide.
Existing Development:	The property is developed with the two-story row dwelling of masonry construction with two small bedrooms, one bath and a one-story rear kitchen addition. The rear yard is enclosed with a wooden board-on-board fence and there is no parking space in the rear-yard.
Zoning:	<i>R-4</i> – a one-family row dwelling is allowed as a matter of right.
Historic District:	None.
Adjacent Properties:	All adjacent properties on this square are developed with one- and two-story row buildings, predominantly one-family row dwellings.
Surrounding Neighborhood Character:	Low-to-moderate density residential dwellings (refer to aerial photograph in Exhibits 1).

### III. APPLICATION IN BRIEF

**Applicant:** Ashley Poole

**Proposal:** The subject property has a total area of approximately 825 square feet. The applicant would construct an 11.75 x 12.50-foot bedroom addition atop the existing kitchen. The footprint of the rear addition would not increase, and neither the size of the existing open court or the existing building lot occupancy would change.

After reviewing this proposal and the existing conditions, the Office of the Zoning Administrator referred this request for Board of Zoning Adjustment review in a letter dated September 16, 2009. Besides the relief listed about from §§ 404.1 and 406.1, the letter indicated that relief is also required from §2001.3 (a) and (b)(1) and (2) to permit an addition to an existing non-conforming dwelling.

Relief from § 403.2 also appears to be required as indicated below. OP has provided analysis of this additional relief although the application has not been amended to include it.

Standard	R-4 Requirement	Proposal	Relief Required?
Minimum Lot Area (§ 401.3)	1,800 s.f.	825 s.f.	YES
Minimum Lot Width (§ 401.3)	18 feet	15 feet	YES
Height (§ 400.1)	40.0 feet	20+ feet	No
Lot Occupancy (§ 403.2)	60%	77%	YES
Rear Yard (§ 404.1)	20 feet	9.5 feet	YES
Open Court (§ 406.1)	6 feet	3.75 feet	YES
Parking, On-site (§ 2101.1)	None	None	No

Section 401.1 also states a building that on May 12, 1958 was located on a lot that does not meet the width and/or area standards under § 401.3 may not be enlarged except in accordance with the other provisions of the Zoning Regulations.

### IV. OFFICE OF PLANNING ANALYSIS

#### Compliance with §3103.2

- **Unique conditions or circumstances:** The applicant indicated that the existing lot is very small at 825 square feet, and the existing dwelling exceeds the allowable lot occupancy. However, according to the D.C. Office of Taxation and other records, over 40% of the lots on the northern half of this square (between Wylie and I Streets) are equal to or less than 825 square feet in area. All 12 of the 825 square-foot lots (nearly 25% of the lots on this portion of the square) are 15 feet wide. Based on an analysis of an aerial photograph, it also appears that nearly all the dwellings on the neighboring 825-square foot lots exceed the allowable 60% lot occupancy.

In light of this information, there are no unique conditions are associated with the subject property.

**Practical Difficulty:** As the applicant has not identified any unique condition, there can be no practical difficulty arising from a unique condition.

The Zoning Regulation allow ordinary repairs, modernization and even structural modernization of nonconforming structures devoted to conforming uses, but not additions. The same limitation applies to all the other 825-square foot lots developed with what currently are nonconforming characteristics that include exceeding the allowable lot occupancy.

- **Detriment to the Public Good and Integrity of the Zoning Regulations:** It does not appear that the addition as proposed would unduly impact the neighboring properties. However, approval of these multiple variances would weaken the intent of the current regulations. With the sometimes exception of unique small lots, smaller lots are, under the regulations, intended to be developed with buildings of a corresponding size, as is the case with this lot. The existing dwelling and many neighboring dwellings already exceed what is allowed under the current regulations.

Based on this analysis, granting the required variances on a property that is not unique would be detrimental to the integrity of the Zoning Regulations.

#### **V. COMMUNITY COMMENTS**

This application was forwarded to Advisory Neighborhood Commission (ANC) 6A for review and comment. According to the meeting minutes of November 14, 2009, the ANC voted to support this application.

#### **VI. RECOMMENDATION**

OP **cannot support** the variance relief required from §§ 401.1 (prohibits expansion of buildings on lot inconsistent with § 401.3 except in accordance with other zoning provisions), 401.3 (minimum lot width and size), 403.2 (maximum lot occupancy), 404.1 (minimum rear yard setback), 406.1 (open court), and 2001.3 (a) and (b) (1) for construction of a rear second floor addition.

Attachments: Exhibit 1 - Aerial with Zoning

JS/afj

Arthur Jackson, Case Manager



**BZA Application No. 18010**  
**1212 Wylie Street NE**



\*\*\* Government of the District of Columbia  
 Adrian M. Fenty, Mayor

Office of Planning ~ November 24, 2009

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery © Pictometry International

**LEGEND**

-  Property Squares
-  Metro Bus Routes
-  Street Centerlines
-  Water
-  Parks