

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 21, 2014

SUBJECT: BZA Case 18841 - request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding nonconforming structures with respect to lot occupancy (§ 2001.3) and courts (§ 406) to construct an addition to an existing flat at 1522 8th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **is not able to support** the requested relief for a three-story addition to an existing flat at 1522 8th ST NW:

- §§ 403 & 2001.3, area variance for expansion of a nonconforming structure (60 % maximum lot occupancy permitted, 77 % existing and proposed for the upper story addition); and
- § 406.1, area variance relief for non-conforming open courts (11.83 feet required, 5.83 feet provided).

II. LOCATION AND SITE DESCRIPTION

Address	1522 8 th Street NW
Legal Description	Square 397, Lot 828
Ward	6E
Lot Characteristics	The property is rectangular in shape. The western property line abuts a 10-foot improved alley.
Zoning	R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development	Three-story flat, permitted in this zone.
Historic District	Shaw Historic District
Adjacent Properties	The surrounding neighborhood is residential in character, with commercial (C-2-A) to the south and to the east (C-3-C) fronting 7 th Street NW.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Meredith H. Moldenhauer, Griffin, Murphy, Moldenhauer & Wiggins, LLP, agent on behalf of Robert Searle, owner.
Proposal	The applicant proposes to construct an extension to the upper floor of the house, on top of an existing approximately fifteen-foot (15 ft.) wide by twenty-eight and one-half-foot (28.5 ft.) deep, two-story portion of the house.



Relief Sought	Variance relief pursuant to § 3103.2 from the requirements regarding expansion of a nonconforming structure (§ 2001.3) with respect to lot occupancy (§ 403) and courts (§ 406).
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IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	35.5 ft.	No change	None required
Lot Width (ft.) § 401	18 ft. min.	20.8 ft.	No change	None required
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,966 sq. ft.	No change	None required
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	60 % max.; 70% by special exception	77 %	77 %	Existing nonconforming for lower floors, relief required for upper floor addition (17 %)
Rear Yard (ft.) § 404	20 ft. min.	36.08 ft.	No change	None required
Court, Open § 406	11.83 ft. min.	5.83 ft.	5.83 ft.	Existing nonconforming court being extended so relief required (6 ft.)

V. OP ANALYSIS

The Applicant is requesting variance relief under § 3103.2 from the requirements regarding expansion of lot occupancy nonconformity (§§ 403 and 2001.3) and courts (§ 406) to construct a three-story addition to an existing flat.

i. Exceptional Situation Resulting in a Practical Difficulty

The need for the variance relief arises from extending the third floor to the rear wall of the first and second story below. While the applicant indicates that there is a structurally unsound load-bearing wall, the practical difficulty arises from the applicant’s proposal to remove the division wall on the first and second floors and extend the third floor to the rear of the structure. The applicant has not demonstrated that it is impractical to reconstruct the addition on the same footprint while addressing structural concerns. Furthermore, Historic Preservation staff indicated that the roof deck, proposed for the roof of the new third floor addition, could, more appropriately, be placed on top of the existing 2-story rear wing.

ii. No Substantial Detriment to the Public Good

While the applicant is proposing to renovate an existing structure in poor condition, the build out of the third floor could potentially impact the light, air and privacy of neighboring property owners as it would extend beyond the neighboring structures.

iii. No Substantial Harm to the Zoning Regulations

The Zoning Regulations require that developed lots remain within the prescribed lot occupancy, while permitting for renovations. The applicant has not provided sufficient

¹ Information provided by applicant.

justification as to why the nonconforming structure should be expanded to facilitate the renovation, which is contrary to § 2001.3(b)(2). Thus, the intent and purpose of the regulations would be harmed with relief from these requirements.

VI. COMMUNITY COMMENTS

ANC 6E voted at its September 2014 meeting to support the requested zoning relief.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) had not provided comments on the subject application at the time this report was written.

Attachments:

1. Location map

