

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 20, 2015
SUBJECT: BZA Case 18872, 510 Independence Avenue, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

While the Office of Planning (OP) is supportive of the concept in general, it not able to provide a recommendation regarding the requested relief, as the applicant has not sufficiently addressed the first prong of the variance test, which requires evidence of an exceptional situation leading to a practical difficulty.

- § 403, Lot Occupancy (60% maximum, 76% proposed); and
- § 2001.3, Nonconforming Structures

II. LOCATION AND SITE DESCRIPTION

Address	510 Independence Avenue, S.E.
Legal Description	Square 842, Lot 800
Ward	6, 6B
Lot Characteristics	The rectangular lot is 1,296 square feet in area, and has a frontage of 17.52 feet along Independence Avenue. The lot does not have alley access.
Zoning	R-4 – Row dwellings
Existing Development	Row dwelling, permitted in this zone.
Historic District	Capitol Hill Historic District
Adjacent Properties	Adjacent properties are generally row dwellings; however, there are a few multi-family developments in this neighborhood, including one located in the northeast portion of the square.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally residential, consisting largely of two to three story row dwellings. The subject lot is located approximately one block north of Seward Square, which is a neighborhood green space divided by Pennsylvania Avenue and North Carolina Avenue, and is about three blocks from the nearest commercial corridor on Pennsylvania Avenue.

III. APPLICATION IN BRIEF

Proposal:	The applicant proposes to construct a rear yard addition that would fill in a portion of the five-foot court, increasing the lot occupancy from 68% to 76%. The proposal also includes a partial third story addition that would accommodate a bedroom.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	Not provided	Not provided	None required
Lot Width § 401	18 ft. min.	17.6 ft.	17.6 ft.	Existing nonconforming
Lot Area § 401	1,800 SF min.	1,296 SF	1,296 SF	Existing nonconforming
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	68%	76%	Required
Rear Yard § 404	20 ft. min.	13.8 ft.	13.8 ft.	Existing nonconforming
Court § 406	6 ft. min.	5 ft.	5 ft.	Existing nonconforming

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has not demonstrated that there is an exceptional situation resulting in a practical difficulty. The application notes that the property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: 1) the windows in the open court have been bricked over and the wall at the rear of the property has no windows; 2) the property suffers from an awkward interior layout; and 3) the property has several existing nonconforming aspects. None of these are exceptional or unusual conditions, either individually or as a confluence of factors.

Neither does the applicant demonstrate a link between the factors noted in the pre-hearing statement and a practical difficulty justifying the need for the requested relief:

- The First Floor Demolition Plan provided on sheet SK-6 in Exhibit A indicates that the rear walls of the bedroom and part of the kitchen will be removed. This affords the applicant the opportunity to address the awkward interior layout of the floor plan.
- The court addition is structurally necessary for the provision of larger bedrooms on the second and third floors. The additional area does not provide area needed for access or circulation, as demonstrated in both floor plan options. OP could support minor lot occupancy relief if it provided required access or circulation that would allow for modernization of the dwelling.

- The applicant has not noted any structural issues related to removing the brick from the windows that would necessitate the proposed addition. Rather, the demolition plan identifies that the entire rear addition will be removed, affording the applicant the opportunity to increase light into the dwelling, if desired.
- The nonconformities noted by the applicant, including lot occupancy, rear yard and open court, already afford the row dwelling greater lot occupancy than permitted by the Zoning Regulations. The Regulations do not represent a unique circumstance resulting in a practical difficulty.
- The applicant has noted that the degree of relief that is being sought with this application is minimal, particularly when compared to alternatives that could be accomplished with a special exception. OP appreciates that the modesty of the proposed addition is more in scale with the existing pattern of development, but the applicant must still demonstrate that there is a uniqueness resulting in a practical difficulty that would justify the additional lot occupancy.

ii. No Substantial Detriment to the Public Good

The proposed addition should not pose a substantial detriment to the public good. The request has been reviewed by the Historic Preservation Review Board, where it was approved on January 29, 2015. In addition, the applicant has been responsive to the community's requests by redesigning the original proposal to expand the floor area vertically rather than horizontally, at additional expense and time to the applicant. Redesigning the addition has also resulted in a decrease in the proposed lot occupancy from 81% to 76%. The modest addition, as proposed, would be in scale with the neighborhood, and would not be visible from the right-of-way.

iii. No Substantial Harm to the Zoning Regulations

Granting the variance would not cause substantial harm to the Zoning Regulations. The addition would be minor, and although it would increase lot occupancy, the court would align with the neighboring court and would not project further into the existing nonconforming rear yard. The Historic Preservation Review Board has applied design requirements to the addition, reviewing materials to ensure that the historic character of the structure is maintained while minimizing its impact and visibility from adjacent properties and public right-of-ways.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of the writing, comments from other District agencies had not been received.

VII. COMMUNITY COMMENTS

At its regularly scheduled meeting on January 13, 2015, ANC 6B voted unanimously to recommend approval of the requested relief. The applicant has also provided letters from immediately adjacent neighbors noting their support for the project.

Location Map

