

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 21, 2014

**SUBJECT:** BZA Case 18873, 100 S Street NW - Variances and Special Exception to accommodate renovations and additions to row dwelling

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following variance and special exception requests:

Variance:

- § 403.1, Lot Occupancy (72% existing, 60% required, 85% proposed);
- § 2001.3, Addition to a Non-Conforming Structure.

Special Exception:

- § 2300.8, A carport located subject to the conditions for accessory open parking spaces

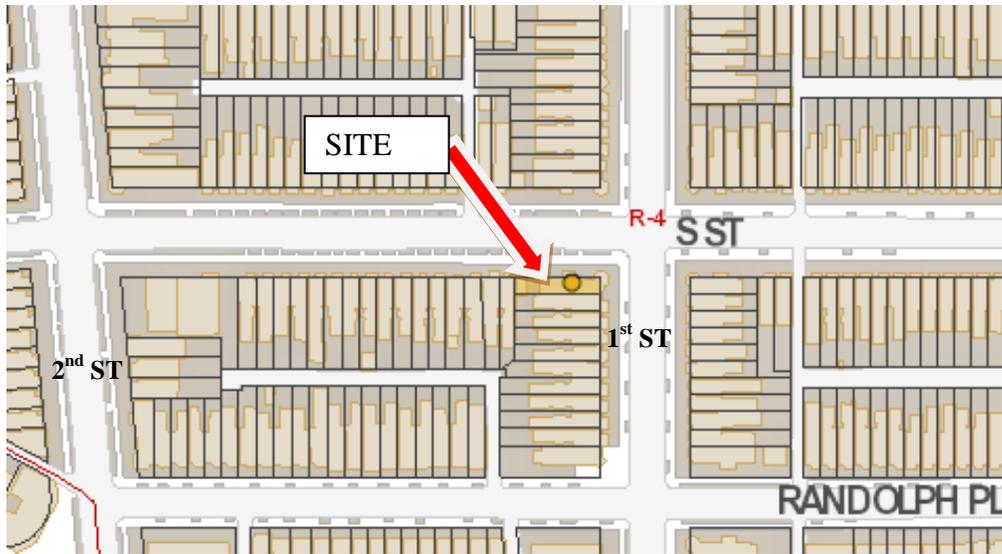
The property is also nonconforming to lot area and lot width. The Zoning Administrator has determined that this relief is not required for an addition to an existing building.

**II. LOCATION AND SITE DESCRIPTION**

Address	100 S Street, NW
Legal Description	Square 3104, Lot 804
Ward	5
Lot Characteristics	The rectangular shaped lot measures 18 feet in width and 67.5 feet in length and abuts a 15-foot wide alley in the rear. The lot is developed with a 3-story brick dwelling with basement.
Zoning	R-4 – row dwellings are permitted as a matter-of-right.
Existing Development	Three-story single family row dwelling with one parking space garage, permitted in this zone.
Historic District	Not within a Historic District
Adjacent Properties	The property is surrounded by row dwellings and is situated at the corner of S and 1 <sup>st</sup> Streets, NW.



Surrounding Neighborhood Character	The neighborhood is characterized by row dwellings and flats.
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Site Location



House and Garage Fronting on S Street, NW

### III. APPLICATION IN BRIEF

The original development pre-dates the 1958 Zoning Regulations. The latter rear addition to the original house was constructed around 1968 and has deteriorated to an extent that it is not now safe for habitation. The applicant proposes to demolish this rear addition and the garage. The new construction would be within the existing footprint.

The garage was also constructed in 1968, and is nearly collapsed. The structure would be demolished and replaced with a carport of 17.5 feet x 11.25 feet, for an area of 197 square feet. The applicant is proposing the carport instead of a garage so that it will be able to have dual functions. Between the rear of the house and the garage is a small open area and in order to better utilize the rear portion of the lot, the carport would be left open where it faces the rear of the house. Therefore, the carport would provide storage for the car as well as be used as outdoor space when the car is not in the carport. The Zoning Administrator determined that it a new structure even though it is wholly within the existing footprint of the existing garage. The Zoning Administrator has also determined that the existing lot occupancy is 72% and the carport would increase it to 85% and therefore a variance is required. The existing dwelling already is non-conforming to lot area, lot width and lot occupancy, and therefore relief from § 2001.3 (a) (b) (1) & (2) is also required.

The proposed carport requires Special Exception review under § 2300.8 which allows a carport to that is not attached to the main building or not located along the side of the building that faces the building line.

### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-4 Zone</b>	<b>Regulation</b>	<b>Existing<sup>1</sup></b>	<b>Proposed<sup>1</sup></b>	<b>Relief</b>
Lot Width § 401	18 ft. min.	17.5 ft.	17.5 ft.	Existing Non-conformity
Lot Area § 401	1,800 sf. min.	1,523 sf.	1,523 sf.	Existing Non-conformity
Lot Occupancy § 403.2	60% max.	72%	85%	<b>Required</b>
Rear Yard § 404	20 ft. min.	23.92 ft.	23.92 ft.	None required
Side Yard § 405	NA	NA	NA	None required
Nonconforming Structure § 2001.3	NA	NA	NA	<b>Relief required</b>
Accessory Building – Carport §	Not Allowed	Garage	Carport	<b>Special Exception</b>

<sup>1</sup>Information provided by Zoning Administrator

### V. OFFICE OF PLANNING ANALYSIS

- a. Variance Relief from § 403.2 (Lot Occupancy) and
- b. Variance Relief from § 2001.3 (Nonconforming Structures)

*2001.3 Enlargements or additions may be made to the structure; provided:*

- (a) *The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and*

The existing structures on the property are non-conforming to lot occupancy. The roof deck and third floor additions would be within the existing footprint of the building and not increase the lot occupancy, but would increase the extent of non-conformity.

- (b) *The addition or enlargement itself shall:*

- (1) *Conform to use and structure requirements; and*  
(2) *Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

### **Exceptional Situation Resulting in a Practical Difficulty**

The Subject Property pre-dates the 1958 Zoning Regulations and is developed with a single family home that covers more than the permitted amount of the lot occupancy. The rear addition and garage were constructed in approximately 1968. This portion of the development has deteriorated to the extent that it is inhabitable. In order to meet the Regulation, a portion of the original house, the addition, and the garage would have to be demolished. The subject property is long and narrow with no alley access from which to access the rear yard and therefore access is provided directly from S Street. While providing an area to shelter a car on the lower portion of the rear addition and steps could reduce the lot occupancy, this is precluded due to the location of the existing curb cut and the narrowness of the lot which would minimize a turning radius to access such a carport or garage. Further, a reduction in lot occupancy would require that the size of the carport to be reduced, but this is not possible as the area would then be too small to accommodate a vehicle. All of these factors combine together to create an exceptional situation which makes it practically difficult for the applicant to comply with lot occupancy requirements.

### **No Substantial Detriment to the Public Good**

OP does not anticipate any detriment to the public good as the proposed structures would replace the deteriorated 3-story addition and garage, and be the same size, and serve the same function. The upgrade from the old, dilapidated garage would be a visual improvement along S Street and provide security for the occupants of the residence.

### **No Substantial Harm to the Zoning Regulations**

A majority of the structure was constructed prior to the current Regulations and exceeded the lot occupancy. The addition and carport would replace existing structures. Although OP would have supported relief from the parking requirement in this situation, the applicant has demonstrated that a number of factors precludes the applicant from meeting the current requirements if a parking space is to be provided.

**c. Special Exception Review pursuant to § 2300.8**

*2300.8 A carport shall be attached to the main building and shall not be located along the side of the building that faces a building line except, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a carport may be located subject to the conditions for accessory open parking spaces in §§ 2116.5 through 2116.9.*

The applicant proposes to demolish and replace the existing, dilapidated garage and replace it with a carport. The proposed carport would not be attached to the main building and is located along the building line and is therefore subject to the requirements of §§ 2116.5 through 2116.9.

*2116.5 Except as provided in § 2117.9, if approved by the Board of Zoning Adjustment pursuant to § 3104 for special exceptions, open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling, in accordance with §§ 2116.6 through 2116.9.*

The proposed carport would be accessory to the principal building and is located along the same building line as the principal building.

*2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:*

*(a) Unusual topography, grades, shape, size, or dimensions of the lot;*

The property is long and narrow with the building line along the S Street frontage. Due to the orientation of the building and being a corner lot, it is not practical to locate the carport away from the building line.

*(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;*

The lot does not abut an alley through which the property or the carport could be accessed.

*(c) Traffic hazards caused by unusual street grades; or*

The property is not affected by any traffic hazard or unusual street grade.

*(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.*

There is nowhere else on the lot to accommodate the required parking space and there are no parking lots in neighborhood to accommodate the required parking space.

*2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on*

*adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.*

The accessory parking would be located on the lot.

*2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.*

Locating the carport as proposed would be convenient to the residents of the building.

*2116.9 The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.*

The proposal would replace a dilapidated garage which fronts on S Street. The parking space would be shielded from the street by a roll up door. The proposed carport would not adversely affect the use of the neighboring properties as it would be accessed directly from S Street and therefore not interact or affect access those properties. OP does not recommend any conditions.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

At the date of this report, OP is not aware of any comments for other agencies.

## **VII. COMMUNITY COMMENTS**

The property is within ANC 5E. On September 16, 2014 at a regularly scheduled meeting the ANC voted in support of the application. The applicant has also submitted letters of support from adjacent neighbors.