



MEMORANDUM

2012 FEB 21 PM 3: 29

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: February 21, 2012

SUBJECT: BZA Case 18314 –parking variance request for an existing two-story flat at 701 10th Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is **not opposed** to this request to waive the parking space required on the subject corner property for a flat use in a row dwelling per § 2101.1. However, the requested relief does not appear to be required to secure approval of a Certificate of Occupancy for the new flat. If the application is withdrawn and the parking space is retained, OP would recommend to the applicant that the space and the driveway / curb cut be reduced to 12 feet in width maximum.

II. LOCATION AND SITE DESCRIPTION:

Address:	701 10 th Street NE
Legal Description:	Square 0959 , Lot 0037
Ward:	6A
Lot Characteristics:	A rectangular corner lot at 10 th and G Streets NE, with no access to a rear alley.
Zoning:	R-4 – flat uses are allowed as a matter of right in this district
Existing Development:	A new two-story row dwelling that is vacant and designed to be a flat use. A 20 x 35-foot paved parking area covers the entire rear yard. Vehicular access to the parking area is provided by a 24-foot wide curb cut along G Street NE (refer to Figure 1).
Historic District:	None
Adjacent Properties:	Similar two-story row dwellings to the north and east along the 10 th and G Street frontages; a three-story multiple dwelling to the east across 10 th Street; and a two-story multiple-unit dwelling to the west across 10 th Street NE.

III. PROJECT DESCRIPTION IN BRIEF

Applicant: Redshift LLC, the owner of record

Proposal: The applicant seeks to vary the requirement of § 2101.1 for one onsite parking space for the existing flat use. According to the application, this would allow the existing curb cut to be removed after which a Certificate of Occupancy (CO) could be secured from the Zoning Administrator for the recently constructed flat.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18314

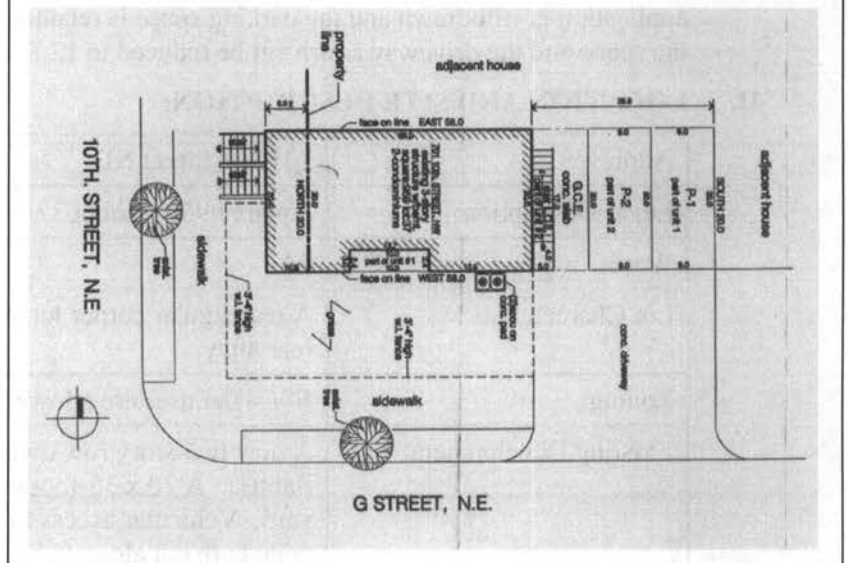
EXHIBIT NO. 27

IV. BACKGROUND:

Discussions with the DC agencies involved with this project revealed the following:

- In 2005 and 2006, building permits were issued to a previous property owner by the Department of Consumer and Regulatory Affairs (DCRA) for construction of a new flat. That process included applying to the District Department of Transportation (DDOT) for a permit to construct a 24-foot wide driveway along G Street NE to provide vehicular access to an onsite paved parking area with two perpendicular spaces.
- DDOT issued the requested curb cut permit on December 6, 2006 (refer to Exhibit 1) and the driveway was constructed (refer to Figure 1). It is OP's understanding that the ANC was opposed to this curb cut, and remains opposed to its retention.
- Redshift LLC acquired the property out of foreclosure in 2009 and proceeded to secure the necessary permits to complete the project construction. DCRA subsequently determined that the new building, as constructed, extended beyond the subject property boundaries and into public space (refer to Figure 1). The Zoning Administrator withheld issuance of the Certificate of Occupancy (CO) until this public space encroachment issue was resolved.
- To that end, the applicant filed a Construction Code Variance/Modification Application with DDOT, requesting that the code requirements be waived and the existing building encroachment into public space be allowed to remain. The requested code waiver was approved in June 2011 (refer to Exhibit 2).

Figure 1



Accordingly, it appears to OP that the CO was withheld *not* because of the existing curb cut but because the new building encroaches into public space. It also appears that DDOT approval of the requested waiver resolved that issue. If so, the applicant would appear to be able to withdraw this application, in which case OP recommends to the applicant that the driveway and parking space be reduced to 12 feet in width to minimize pervious surface and disruption to the sidewalk and on-street parking. However, if the applicant proceeds with this application, OP is not opposed to the BZA approving the request to eliminate the onsite parking space, as the corner lot has no alley access and the driveway, given the lot configuration, would result in the loss of street parking and may present issues of pedestrian and vehicular safety close to the intersection.

V. AGENCY COMMENTS

DDOT may provide agency comments under a separate cover.

VI. COMMUNITY COMMENTS

To date Advisory Neighborhood Commission (ANC) 6A has not submitted a final resolution to the case record file.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION



Office of Public Space
Management Administration
November 8, 2006

Joseph Fengler, Chair
Advisory Neighborhood Commission 6A
Box 75115
Washington DC 20013

Dear Mr. Fengler:

Re: Public Space Application (701 10th Street NE.)

Thank you for your response and objections to the curb cut permit application at the above location. The Advisory Neighborhood Commission views and comments were given great weight and taken into consideration. This letter is to inform you that the permit application was approved.

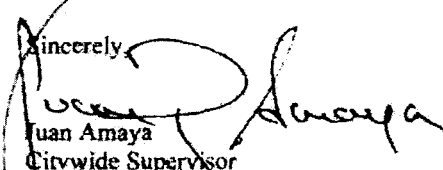
Please be advised that the decision was based on the following reasons:

- There is no alley access
- Reviews from other administrations within the Department of Transportation indicate no public safety issues.
- The net gain of one parking space (off street parking)

A concern was also expressed that the proposed curb cut will invite illegal parking on the public right away; however, we have three enforcement offices (MPD, OIO and Parking enforcement) that stand ready to provide assistance and/or service to the residents of the District of Columbia to prevent and enforce illegal parking. We will also require that the contractor plant several trees to make up for the green space that will be lost as a result of construction of the driveway.

Again I would like to thank you for your comments. Please feel free to contact me at 202 535 2209

Sincerely,



Juan Amaya

Citywide Supervisor
District Department of Transportation

cc: Denise Wiktor, Public Space Manager (DDOT)
cc: Ann Simpson-Mason, Public Space Associate Director. (DDOT)

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION**

CONSTRUCTION CODES VARIANCE/MODIFICATION APPLICATION

Date: March 14, 2011

Type of Construction: 3B
 Height of Construction:
 Construction Valuation: N/A
 Use Group: R-2
 Lot: 37 Square: 95970
 Gross Floor Area: N/A
 Sprinklered Yes ☐ No ☐
 Standpipe Yes ☐ No ☐
 Fire Alarm Yes ☐ No ☐
 Plans Attached Yes ☐ No ☐

APPLICATION NUMBER: 011-45-03

Red Shift LLC
 Owner's Name Phone Number
8685 Cameron Street, Suite M-4, Silver Spring, MD 20910
 Owner's Address Zip Code
Christine Shiker (202) 457-7167
 Agent's Name Phone Number
Holland & Knight LLP, 2029 Pennsylvania Ave, N.W., Washington, DC
 Agent's Address Zip Code 20006
701 10th Street, NE
 Project Address:
N/A
 Project or Permit Number:

In accordance with Section 106.2 of the District of Columbia Construction Code Supplement of 1999, DCMR 12A, as amended, I hereby request a variance/modification to the D.C. Construction Codes, specifically:
 (Code) Construction Code Supplement Section Number §§ 3202.4.1 Section Title Modification of Protection Requirements

In order to accommodate the following special circumstances or hardships:
See Attached.

As an alternative means of compliance with the regulation specified above, I propose to:

See Attached.

This proposal meets the intent of the Code specified above because: See Attached.

I, the owner/owner's agent, assume full responsibility for non-compliance with said Code Section(s) and render the D.C. Government harmless for any consequent liabilities.

Waiver request is based on: Application denial Yes ☐ No ☐; Plan review comments: Yes ☐ No ☐;
 Field inspection disapproval: Yes ☐ No ☐; Other: Yes ☐ No ☐ Section 3202.4.1

[Signature] Owner's Signature Christy Shiker Agent's Signature
Christy Shiker Contact Person Holland & Knight Phone (202) 457-7167

☒ APPROVED

FOR OFFICIAL USE ONLY

☐ DISAPPROVED

COMMENTS:

[Signature]
 Administrator

[Signature]
 Date

6-14-11