



MEMORANDUM

TO: District Board of Zoning Adjustment

2012 FEB 28 PM 4: 02

FROM: Paul Goldstein, Case Manager

Joel Lawson, Associate Director Development Review

DATE: February 28, 2012

SUBJECT: BZA No. 18318 - Request for lot area, lot width, and lot occupancy variance relief to construct three alley dwellings at 1321-25 Naylor Court NW

I. OFFICE OF PLANNING RECOMMENDATION

While the Office of Planning (OP) **does not oppose** the requested lot dimension relief (§ 401), OP **cannot recommend approval** of the requested lot occupancy relief (§ 403), concerning the Applicant's proposal of three alley lot dwellings at 1321-25 Naylor Court NW (Square 367, Lot 862). The Applicant requested the following relief:

- Area variance relief from § 401.3 to permit three substandard sized alley lots (the lots would have deficient lot areas of 185, 185, and 90 square feet; two lots would have deficient widths of 1');)
- Area variance relief from § 403.2 to permit three dwellings with excessive lot coverage (the lots would exceed the permitted lot occupancy by about 81, 81, and 86 square feet).

II. AREA AND SITE DESCRIPTION

Address:	1321-25 Naylor Court NW
Legal Description:	Square 367, Lot 862 (hereinafter, the "Property")
Ward/ANC:	2/2F
Lot Characteristics:	The subject lot is rectangular in shape. It measures 52' by 95' and totals 4,940 square feet in land area. The Property fronts a 30' wide alley to the west and a 15' wide alley to the north. The Square is bounded by O, 9 th , N, and 10 th Streets NW.
Zoning:	R-4: Row dwellings and flats
Existing Development:	The Property currently is improved with a dilapidated one-story garage.
Historic District:	Blagden Alley/Naylor Court Historic District Shaw Historic District
Adjacent Properties:	Abutting the Property to the south is an alley dwelling and to the east is a District-owned warehouse.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18318

EXHIBIT NO. 32

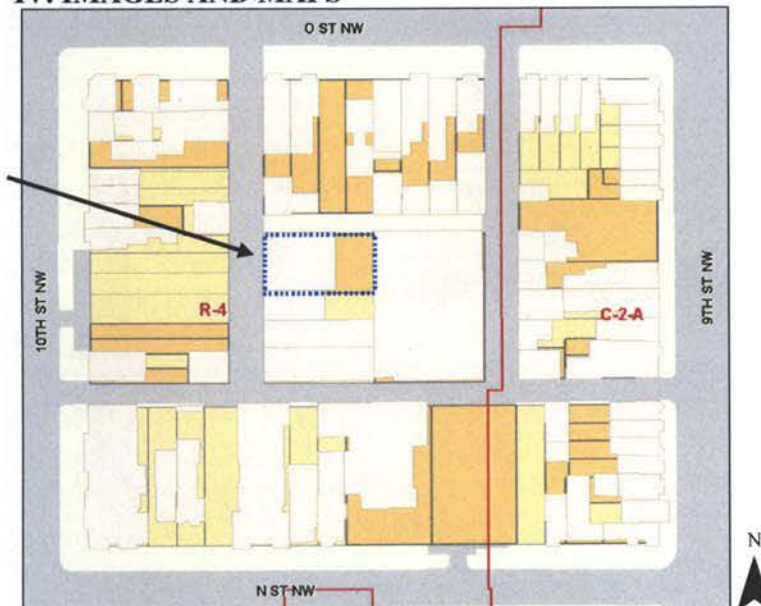
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Surrounding Neighborhood Character:	The subject Square is split zoned R-4/C-2-A and is characterized by a mix of building types and uses. The Property is one of several alley lots in the Square. Existing alley lot uses include residential, parking, and commercial operations. Based on records from the Office of Tax and Revenue, OP estimates that there are 5 existing alley dwellings in the Square. The Square is characterized by row dwellings zoned R-4 along roughly the Square's north and west sides, multi-family apartments along the Square's south side, and religious and mixed-use development along the Square's southeast and east sides. There also are accessory surface parking lots across from the Property along 10th Street NW. The Property is approximately one block west of the Walter E. Washington Convention Center.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	KB Developers, LLC
Proposal:	The Applicant proposes to: (1) demolish an existing one-story garage; (2) subdivide the site into three new record alley lots; and (3) construct three row dwellings. The row dwellings would front on the 30' wide alley to the west. They would rise three-stories and approximately 30' in height and have a stepped back design (which also would accommodate a roof deck) from the 30' wide alley on the third level. Each dwelling would have a dedicated detached private garage of approximately 15' in height, accessed through a common entry on the Property's north side. The Applicant has indicated that the driveway access for the three dwellings would be addressed through an easement.

IV. IMAGES AND MAPS



View of the site (highlighted and identified with an arrow)



View of the Property (identified with an arrow) looking east across 10th Street

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project.

R-4 Zoning	Restriction	Existing	Proposed	Relief
Lot area (sq. ft.) § 401	1,800 min.	4,940	1,615; 1,615; 1,710	<i>Relief needed:</i> three lots are deficient by 185, 185, and 90 sq. ft.
Lot width (ft.) § 401	18' min.	52'	17'; 17'; and 18'	<i>Relief needed:</i> two lots are deficient by 1'.
Lot occupancy (building area/lot area) § 403	60%	-	65%	<i>Relief needed:</i> three lots have excessive lot occupancy of about 81, 81, and 86 sq. ft.
Height (ft.) §§ 2507, 400	Not to exceed distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley; 40' max in an R-4 zone	-	30'	Conforms ¹
Parking (#) § 2101	1 per unit	-	1 per unit (3 total)	Conforms

VI. RELIEF REQUESTED:

Row dwellings are a permitted use in the R-4 zone, and single family residential use is permitted by right on alley lots which abut an alley network of at least 30' in width (§ 2507). The proposal aims to subdivide a presently conforming site into three non-conforming record lots and to construct three new row dwellings.

¹ Proposed Lot 3 abuts both a 30' wide and 15' wide alley. The application proposes that the wider alley can be referenced for height purposes.

All three lots would be substandard in lot area (§ 401), two lots would be substandard in lot width (§ 401), and all three lots would have excessive lot occupancy (§ 403).

OP also notes that no relief has been requested for the height of the detached garages; as such, OP has no opinion as to whether the proposed mezzanines are consistent with zoning.² OP also cannot determine whether any open court relief may be needed as a result of the bay window projections.

Area Variances: §§ 401 and 403

The area variance requirements pursuant to § 3103 to be met are as follows:

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The Property exhibits a specific uniqueness based on the alley lot's atypically large size in the Square. OP identified nine alley lots in the Square, including the subject lot and one which is District owned and improved with an expansive warehouse. At 52' wide and 4,940 square feet, the subject Property is considerably larger than the Square's other privately-owned alley lots which average 26' in width and 1,678 square feet in size. Additionally, OP estimates that there are 22 lots (non-alley lots) improved with single family development in the Square. These lots average only 19' in width and 1,737 square feet in size. Another factor cited by the Applicant – that the Property is located in a historic district – does not present an exceptional condition.

- 2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

Lot area and lot width

The proposed lot dimensions would only be minimally non-conforming to the lot area and lot width standards. Although adjacent alley lots to the Property's south conform to R-4 lot dimensions, the proposal presents an opportunity for new row dwelling development which better reflects prevailing non-alley lot single family dwelling dimensions in the Square.³ The proposed dimensions also would be more consistent with R-4 alley lot sizes in general. OP research concerning alley record lots has revealed that the median size of alley record lots in R-4 districts citywide is 743 square feet of land area and, where data exists, 660 square feet for alley record lots used as single family residences. If the Property was divided into two conforming alley lots measuring 2,470 square feet, each lot would be nearly four times larger than the median single family alley lot size in this zone.

The Applicant also provided information relating to the anticipated financial benefit of three row dwellings (built on smaller lots) as compared with the challenges of constructing two row dwellings on larger conforming lots. Although useful, OP's review would have benefited from the Applicant providing additional detail concerning the financial impracticability of two row dwellings. For instance, why it is financially infeasible to build smaller homes on two lots rather than the referenced 3,900 square foot homes,

² "Mezzanine" is defined as "a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. A mezzanine shall not be considered a story in determining the maximum number of permitted stories." OP notes that § 2500.4 provides that an "accessory building in any zone district shall not exceed one (1) story or fifteen feet (15 ft.) in height, except as provided in § 2500.5."

³ OP is not aware of whether buildings constructed on the adjacent properties were originally intended for residential use.

and how is it useful to compare alley dwelling square footage costs with non-alley dwelling costs.⁴ There also was no discussion about the impact of the Applicant's land cost on project economics. Such information could help to demonstrate how the economic burden of compliance with the lot dimensions standards contributes to a practical difficulty showing.

Lot occupancy

Although the excessive lot occupancy is relatively minor in scope (excessive by about 81 to 86 sq. ft. per lot), the Applicant has not sufficiently demonstrated that the Property's larger size imposes a practical difficulty in complying with the permitted lot occupancy. The proposal calls for the entirely new construction of three-bedroom, four-bathroom homes with detached garages on newly subdivided alley lots. As no existing structures on the site would constrain development, it would seemingly appear that the project could be constructed in compliance with lot occupancy limits.

The Applicant's pre-hearing statement highlighted the functional role of the bay windows feature of the design (which projects to the rear of the second and third floors in each dwelling), and how the additional lot occupancy is required to meet both historic preservation standards and requirements for functional living space. While helpful information, OP estimates that the bay window feature only accounts for a portion of the excessive lot occupancy. Further, the application does not discuss how the detached garages contribute to the lot occupancy. OP estimates that the garages would occupy between approximately 332 to 351 square feet of the lot.⁵ OP encourages the Applicant to provide additional information regarding the practical difficulty in meeting the lot occupancy standards at the BZA hearing.

3. The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Granting a variance for lot dimensions and lot occupancy should not cause substantial detriment to the public good. There are currently several existing alley dwellings in the Square and a new residential proposal could bring added vitality to both an underused Property and the alley network as a whole. The application also included indications of community support from the Blagden Alley-Naylor Court Association and an adjacent property owner.

However, granting a lot occupancy variance would impair the intent, purpose, and integrity of the zone plan as it relates to the excessive lot occupancy. The project's lot coverage would result in a greater intensity of residential development on each lot than anticipated in R-4 zones.

VII. ANC/COMMUNITY COMMENTS

The application included minutes from the July 20, 2011 meeting of the Blagden-Naylor Court Association (BANCA). The minutes appear to provide favorable BANCA feedback concerning the proposal. Additionally, a letter from the Secretary of BANCA appears to reference a BANCA vote in support of the proposal. The application also included an email, dated July 25, 2011, from a neighbor (owner of 1327 10th Street and 1330 Naylor Court NW) expressing support for the proposal. To date, OP is not aware of any other submission from neighbors.

OP also is not presently aware of any official submission from ANC 2F regarding the application, although meeting minutes from the ANC's September 12, 2011 meeting indicate support for the project's design.⁶

VIII. HISTORIC PRESERVATION

⁴ See Applicant's Pre-hearing Statement, dated February 21, 2012, Exhibit 1.

⁵ The garages would measure approximately 17' by 19.5', 17' by 19.5', and 18' by 19.5'.

⁶ See <http://www.anc2f.org/files/minutes/2011/minutes20110907.pdf>.

The Historic Preservation Review Board (HPRB) approved the demolition of the existing garage and the new construction in concept at the September 22, 2011 HPRB hearing.