



2012 APR 24 PM 4:36

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 24, 2012
SUBJECT: **BZA Case 18342** – Request for a variance for property located at 2425 Franklin Street NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of a variance from minimum lot area required under § 401.1 for construction of a three-story one-family detached dwelling on property that does not meet the referenced zoning requirements. OP also recommends revision of the submitted site plans to locate the 9 x 19 parking pad adjacent to western dwelling wall *and not* the front porch.

OP also recommends that the applicant work with the District Department of Transportation (DDOT), Urban Forestry Administration to ensure that the street tree is carefully protected throughout the construction process.

II. AREA AND SITE DESCRIPTION

Address:	2425 Franklin Street NE
Legal Description:	Square 4265, Lot 0821 (record lots 0005 part of 1 and 0006)
Ward:	5B
Lot Characteristics:	The two underlying record lots total 3,573 square feet (0.08 acre) and occupy frontage along Franklin Street NE. There is no rear alley access. An existing driveway and curb cut along Franklin Street Vehicular allow vehicular access onto the site.
Existing Development:	A one-car garage occupies the subject property.
Zoning:	<i>R-1-B</i> – allows one-family dwellings with accessory parking spaces as a matter of right.
Historic District:	None
Adjacent Properties:	Predominantly one- and two-story detached dwellings to the west and north across Franklin Street, and a parking lot on the adjacent property to the east.
Surrounding Neighborhood Character:	Moderate-scale residential (refer to Figure 1).

III. APPLICATION IN BRIEF

Applicant:	Mohannad Sikder, the owner of record
------------	--------------------------------------

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18342

EXHIBIT NO. 24



Proposal:	To combine the underlying properties to create a single lot of record on which would be constructed a new three-story dwelling. One on-site parking space would be provided in the western side yard. Based on the submitted plans, the north end of the parking pad is proposed to would align with the dwelling front porch. The combined site width of 40 feet and area of 3,574 square feet is less than the minimum 50 feet and 5,000 square feet required, respectively, for all other structures including one-family dwellings in the R-1-B district. The applicant indicated that an attempt was made to inquire about purchasing a portion of the abutting parking lot property to the east to enlarge this site. To date no response to this inquiry has been received. Section 401.5 allows a structure to be erected on unimproved nonconforming lot under single ownership on November 1, 1957, with no abutting vacant property in common ownership, <i>if</i> the lot width and area both equal 80% of the requirement minimums. However, the subject site was improved with a garage and the combined land area is less than 72% of the required minimum.
Relief Sought:	§3103.2 – for variance relief to reduce the reference lot width and area requirements to equal the existing site dimensions.

IV. ZONING REQUIREMENTS

R-1-B District	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max., 3 floors	N.A.	33.8 ft., 3 fl.	None required
Lot Width (ft.) § 401	50 ft. min.	40 ft.	SAME	-20%
Lot Area (sq. ft.) § 401	5,000 sq. ft. min.	3,574 sq. ft.	SAME	- 28%
Lot Occupancy § 403	40% max.	N.A.	33%	None required
Rear Yard (ft.) § 404	25 ft. min.	N.A.	43 ft.	None required
Side Yard (ft.) § 405	8 ft. min.	N.A.	SAME	None required
Parking § 2101	1 space/dwelling min.	N/A	1 space	None required

Based on the zoning computation provided with the application, the proposed dwelling would conform to the current Zoning Regulations. However, the existing lot would still be inconsistent with the required minimum width and area.

V. OFFICE OF PLANNING ANALYSIS

- Unique and exceptional conditions resulting in a practical difficulty:

Most of the lots on this square are substandard in width, area or both. However most are also developed with structures that predate the zoning regulations. A number of these dwelling exist over a pair of record lots that was never subdivided into a single record. The uniqueness of this property is the proposal to construct a new dwelling on this non-conforming site.

The practical difficulty is that there are no adjacent properties under common ownership that could be

¹ Information provided by applicant.

subdivided to create a standard site. Since the lot cannot be altered to be consistent with the current Zoning Regulations, the property owner is unable to construct any structure for a use that is allowed in the R-1-B district. The inability to use this property for a use allowed in the zone district presents an exceptional practical difficulty.

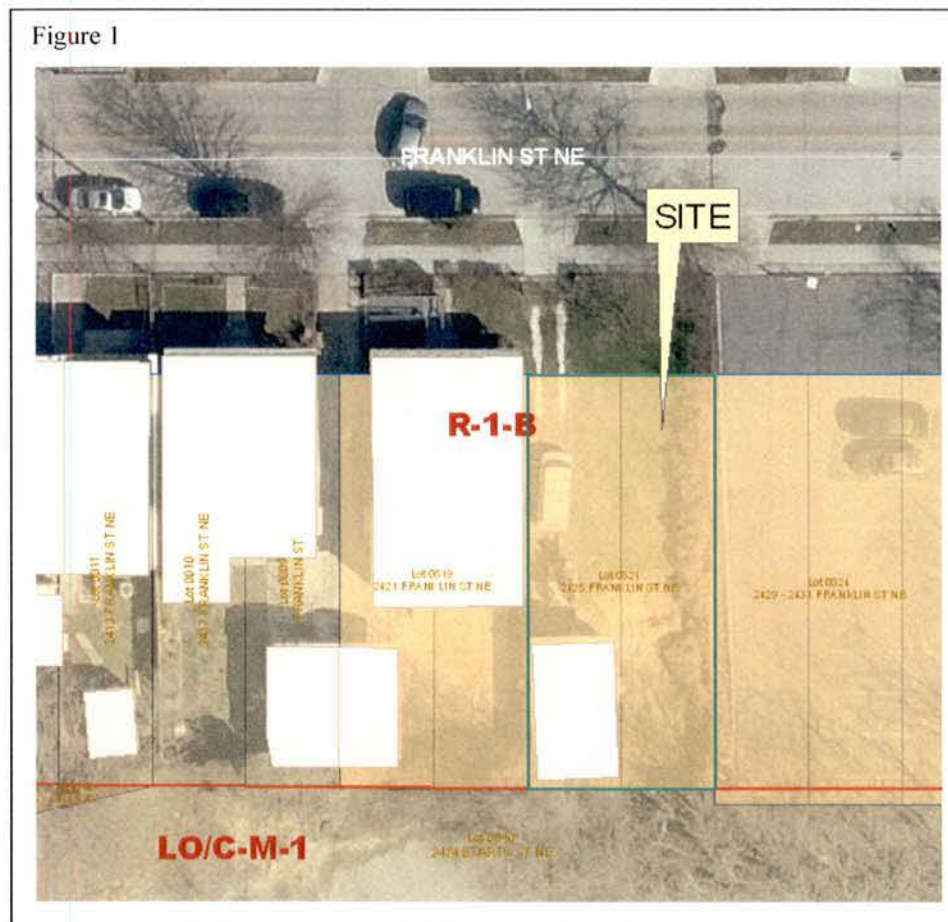
- Determent the public good:

Construction of the proposed three-story dwelling that meets all other bulk and area requirements of the Zoning Regulations would not be detrimental to the public good.

- Detriment to the intent, purpose and integrity of the zoning regulations:

Construction of the dwelling as proposed would also generally be consistent with the intent, purpose and integrity of the regulations. However, OP recommends modification of the submitted plans to shift the parking pad further south to locate vehicles parking there between the walls of the neighboring dwellings instead of between the front porches. Then OP thinks the application meets the standards for variance approval.

Figure 1



VI. AGENCY REVIEW

In a memorandum dated April 13, 2012, the District Department of Transportation expressed no objection to the requested relief, noting there would be not impacts on the existing transportation network.

VII. COMMUNITY COMMENTS

This application was forward to Advisory Neighborhood Commission (ANC) 5B for review and comment. To date no ANC resolution on this case has been added to the case record file.