



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: May 29, 2012

SUBJECT: BZA Case 18355 – Request for variances to construct a flat on a nonconforming, vacant lot, Square 553W, Lot 804, in the 1400 Block of 3rd Street, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of variance relief to construct a row structure with two units on a nonconforming lot in the 1400 Block of 3rd Street, NW (Square 553W, Lot 804). The requested reliefs are the following:

- § 401, Minimum lot area (1,800 square feet required, 862.54 square feet existing)
- § 401, Minimum lot width (18 feet required, 14 feet existing)

II. LOCATION AND SITE DESCRIPTION

Address	3 rd Street, NW
Legal Description	Square 553, Lot 804
Ward/ ANC	Ward 5/ANC-5C
Lot Characteristics	Undeveloped, gently sloping lot with alley right-of-way to the north and east.
Zoning	R-4 (Row dwellings and flats)
Adjacent Properties	To the south is a 2-story, multifamily apartment and to the north, east and west are single-family rowhouses and flats.
Surrounding Neighborhood Character	Mix of single-family rowhouses, flats, flats with 2 to 3 stories and the Dunbar High School to the southeast.

III. PROJECT DESCRIPTION

The applicant, Lolanda Tappin, proposes to construct a rowhouse with two units on the subject property. To accommodate the development, the applicant has requested relief from the lot area and lot width requirements.

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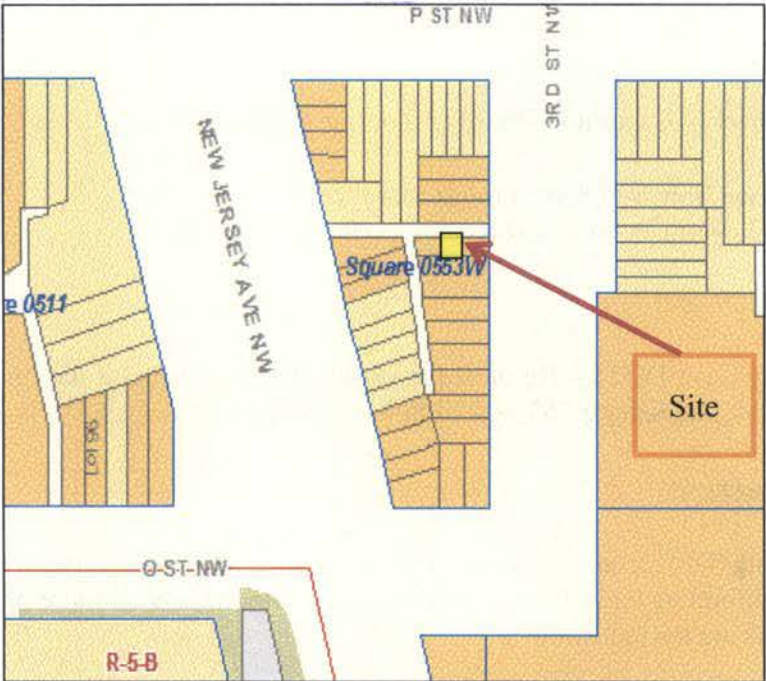
CASE NO. 18355

EXHIBIT NO. 26

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V1. SITE LOCATION AND PHOTOGRAPH



Site Location



Photograph of Property

V. ZONING REQUIREMENTS

Item	Section	R-4 Requirement	Proposed	Relief
Height	§400	40 ft. 3 Stories	38.6 3 Stories	Conforming
Lot Area	§401	1,800 sf	862.54 sf	Required
Lot Width	§401	18 ft.	14 ft.	Required

Lot Occupancy	§403	60%	55.7%	Conforming
Rear Yard	§404	20 ft.	20 ft.	Conforming
Side Yard	§405	No required If provided, minimum 8 ft.	0 ft.	Conforming
Parking	§2101	1 space per 3 du	1 space	Conforming

VI. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how the property meets the variance three-part test described in §3103.

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

The lot was created prior to adoption of the current zoning regulations, and its width and area are less than what would be now required.

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The subject property's existing non-conforming lot area and lot width create an exceptional situation for the property to be developed in accordance with the R-4 district requirements. No options are available to the applicant to acquire property on the south side of the lot, as these lots are developed and under separate ownership while to the north and west are active alleys. Since there are no opportunities to enlarge the subject property to meet the minimum lot width and area requirements, the lot could not be developable without relief from current standards.

- 3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

The proposed development would be separated from the property to the north by a ten-foot wide alley and will ensure that light, air and privacy are not adversely affected. In addition privacy will be retained as the building to the north has only one window facing the alley.

The proposed structure would conform to the use and bulk requirements of the R-4 district and the necessity for the requested relief was established consistent with these regulations. Therefore, granting relief would not be detrimental to the intent of the Zoning Regulations and Map.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the Office of Planning has received no comments on this application from other District agencies.

VIII. COMMUNITY COMMENTS

As of this writing, the Office of Planning has received no comments regarding the proposal from the ANC or from the community.

IX. CONCLUSION

The applicant has met the burden of proof for the requested variances pursuant to 11 DCMR 3103.1. The requested lot area and width variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.