

RECEIVED
D.C. OFFICE OF ZONING

2012 NOV 27 PM 3:37

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: November 27, 2012

SUBJECT: BZA 18432 – 1618 5th Street, NW

I. BACKGROUND

This lot is zoned R-4 and, pursuant to §401.3, is large enough to allow 3 units. The lot is currently developed with a single family semi-detached dwelling and separate 2 story dwelling unit at the rear of the lot, adjacent to the rear lot line. The two structures are separated by just over 20 feet, although within this area, there is a one story covered porch to the rear of the principal dwelling. Maps indicate that both structures existed well prior to 1958.

The owner wishes to replace the porch with a two story addition to facilitate conversion of the semi-detached structure to a flat; no changes to the rear dwelling unit are proposed.

II. OFFICE OF PLANNING RECOMMENDATION

The application by Land Use by Design on behalf of John Hines (applicant) requests:

- Area variance relief from the provision of §404.1, Rear Yard, (20 feet required, 0 feet proposed); and
- Special exception review from § 2516.1 (allows one principal structure on lot, 2 principal structures existing and proposed) in an R-4 district.

Because the property is large enough to allow 3 units by right, the Office of Planning (OP) recommends **APPROVAL** of the requested relief subject to the applicant providing:

1. A Site Plans which demonstrates clearly the existing buildings on the site; and
2. Floor plans for the proposed addition.

III. LOCATION AND SITE DESCRIPTION

Address	1618 5 th Street, NW	BOARD OF ZONING ADJUSTMENT District of Columbia
Legal Description:	Square 477, Lot 845	CASE NO. <u>18432</u>
Ward/ANC:	2/ANC-2C	EXHIBIT NO. <u>28</u>
Lot Characteristics:	The rectangular lot has an area of 3,372 square feet and fronts on 5 th Street, NW. The property has no rear access.	
Existing Development:	The property is developed with a 2-story, semi-detached, single family dwelling and to the rear is a 2-story single family dwelling.	
Zoning:	R-4	
Adjacent Properties:	To adjacent properties surrounding the site are all developed with 2 story rowhouses in the R-4 zone.	
Surrounding Neighborhood Character:	The neighborhood is characterized by mixture of 2- and 3-story rowhouses and flats in the R-4 zone.	
Historic District	Not within a historic district.	



Site Location and Zoning



Photograph of Site

IV. APPLICATION IN BRIEF

Currently, the property has 2, two-story structures, each containing a single dwelling unit. The larger structure has a rear, one-story, covered porch which the applicant proposes to demolish and replace with a 2-story addition within the footprint of the existing porch. The building would be converted to a flat, making a total of 3 units on the property.

R-4 Zone	Regulation	Proposed ¹	Relief
Height (ft.) § 400.1	40 ft./3 stories	48.75ft.	None Required
Lot Width (ft.) § 401	40 ft.	36.75 ft.	None required
Lot Area (sq. ft.) § 401	2,700 sq. ft.	3,372 sq. ft.	None required
Lot Occupancy § 403	60% max.	53.1%	None required
Rear Yard (ft.) § 404	20 ft. min.	0 ft.	Required
Side Yard (ft.) § 405	8 ft. min. if provided	None provided	None required

V. OFFICE OF PLANNING ANALYSIS

Background

The following is an approximate timeline of activities on the property:

Date	Activity
1870	Applicant states property was developed with a 2-story, single family house and a carriage house to the rear.
1984 and 1989	Building Permits granted for carriage house to be converted to a dwelling unit. Building Permit identifies the zoning on the property as R-5-B, although maps from the time appear to indicate that the zoning then was R-4, as it is now.

¹ Information provided by applicant.

Present	Although the Zoning Administrator has no records of a Certificate of Occupancy being granted to convert the carriage house into one dwelling, the Zoning Administrator has determined that: • The conversion of the single dwelling to a flat (2 units) and the porch addition are permitted as a matter-of-right as the zoning allows 3 units on the site due to the lot size. • Special exception review (Section 2516) is required to retain 2 buildings on the single record lot; and • The rear building requires a variance to § 404 as it does not have a rear yard.
---------	--

Special Exception

Section 2516 Exceptions to Building Lot Control (Residence Districts)

2516.1 *If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.*

The proposal is to continue to have 2 principal buildings on a single lot.

2516.2 *This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.*

The subject property is within a residence district, R-4.

2516.3 *In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:*

- (a) *The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and*
- (b) *If the applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.*

The proposal does not create any new rights-of-way and easements. The applicant has not provided any plans showing landscaping, grading or floor plans for the addition, although it is not expected that these would change dramatically from the existing situation since both structures already exist. The applicant has provided an elevation that shows the addition but it is very hard to read. The applicant was requested to provide an elevation that is clear and readable and floor plans.

2516.4 *The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507, and §§ 3202.2 and 3202.3 are met.*

The lot would continue to have two principal buildings and meets the lot area and lot width, lot occupancy, height, and side yard requirements for the R-4 zone. However, the rear building does not meet the rear yard requirement and the applicant has requested relief from the requirement.

2516.5 *If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:*

- (a) The front of the building shall be the side upon which the principal entrance is located;*
- (b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;*
- (c) A rear yard shall be required; and*
- (d) If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.*

Both buildings have access to street frontage. The applicant has not indicated that the property will be re-subdivided into two lots.

2516.6 *In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*

- (a) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;*
- (b) Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;*
- (c) If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and*
- (d) The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.*

N/A

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The height limit for buildings in the R-4 district is 40 feet or 3 stories. Both buildings are within the height limit.

2516.8 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

The development complies with most of the provisions in that it meets the lot occupancy, side yard, height, and side yard requirements. The lot width and lot area are existing conditions which are slightly below the

requirement of the R-4 zone. The applicant has requested a variance from the rear yard requirement. The lack of the rear yard should not affect the light, air and privacy of the adjacent neighboring houses.

2516.9 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

- (a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*
 - (1) Public safety relating to police and fire concerns;*
 - (2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*
 - (3) Public education;*
 - (4) Recreation;*
 - (5) Parking, loading, and traffic;*
 - (6) Urban design;*
 - (7) As appropriate, historic preservation and visual impacts on adjacent parkland;*
- (b) Considerations of site planning; the size, location, and bearing capacity of driveways, deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;*
- (c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;*
- (d) The impact of the proposed development on neighboring properties; and*
- (e) The findings, considerations, and recommendations of other District government agencies.*

The proposed development is not inconsistent with the Comprehensive Plan and the intent of the R-4 zone. Adequate access to public safety vehicles is provided, while access to public recreation and public education are provided in the wider neighborhood. The proposed addition would not negatively impact these services. An adequate number of parking spaces to serve the residents are provided on the site.

The proposal was reviewed by District Department of Transportation (DDOT) and in their report of October 17, 2012 stated that “*the proposal will have no adverse impacts on the travel conditions of the District’s travel network*”. Overall, the proposed development should not negative impact the existing neighborhood.

2516.10 *The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.*

OP is not recommending any conditions.

Variance

The applicant has requested a variance from Section 404.1, rear yard requirement. The carriage house was converted to a single family dwelling and it requires a rear yard setback. The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

The buildings were both originally constructed well before the current zoning code. The rear structure was constructed as a carriage house which is permitted with a rear yard. Subsequent to its construction, the building was converted from a carriage house to a single family dwelling.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

This is an existing situation – no additions to the rear structure are proposed as part of this application. In order to meet the 20-foot rear yard requirement, the building would have to be moved or reduced which would be an exceptional practical difficulty on the applicant and would make the structure virtually unusable.

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.

The rear building has existed at its current location since 1870 and has not affected the neighborhood. There have been no additions to the structure over the years and there should not be any detriment to the public good if it is retain in its current location. The lack of a rear yard will not allow for an increase in the size of the building and, and having three units on the property is consistent with the intent, purpose and integrity of the R-4 zone.

VI. COMMUNITY COMMENTS

On July 13, 2012, ANC-2C vote in favor of recommending approval of the requested special exception and variance to the BZA.

mbr