

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 4, 2012

SUBJECT: BZA Case 18455, 4257 and 4259 Brooks Street NE (and adjacent lot), request for area variance relief from the minimum lot area and lot width (§ 401.3) for the construction of two semi-detached dwellings.

I. OFFICE OF PLANNING RECOMMENDATION

The applicant has submitted a request for the following variances:

- § 401.3 Lot Width for both lots (30 ft. required, 26.5 ft. existing, 26.5 ft. proposed); and
- § 401.3 Lot Area for lot 930 (3,000 sf required, 2,408 ft. existing, 2,408 ft. proposed).
- § 401.3 Lot Area for lot 937 (3,000 sf required, 2,628 ft. existing, 2,628 ft. proposed)

Office of Planning recommends approval of this request, but notes that Section 401.2 may negate the need for relief, as discussed further in this report.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18455

II. LOCATION AND SITE DESCRIPTION

EXHIBIT NO. 25

Address	4257 Brooks Street NE (and adjacent lot)
Legal Description	Square 5087, Lots 930, 937
Ward	7
Lot Characteristics	The lots are rectangular in shape and measure approximately 25' in width by 109' in length. Lot 930 totals 2,408 square feet in lot area. Lot 937 totals 2,628 square feet in lot area. The lots front Brooks Street NE to the north and Stickney Road NE to the south
Zoning	R-2 – detached and semi detached single family dwellings.
Existing Development	The lots are currently vacant
Historic District	NA
Adjacent Properties	The adjacent properties are primarily comprised of detached and semi-detached single family homes.
Surrounding Neighborhood Character	The Square, and the neighborhood more generally, is characterized by low-density residential. To the south of the subject property are several low-density apartment buildings.

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III. APPLICATION IN BRIEF

The Applicant proposes to construct two semi-detached single family dwellings on two currently vacant adjacent lots. The subject lots are tax lots which pre-exist the 1958 zoning regulations. Lot 930 is owned by Lafon McCrae and Lot 937 is owned by Raymonde LLC, (according to the Applicant, Lafon McCrae is also a part-owner of Lot 937). Lot 930 previously included a structure which has since been demolished, the Applicant indicated that Lot 937 has never included a structure. The application includes drawings, elevations and plans showing the proposed single family semi-detached homes.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

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

R-2 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft max	0 ft	20 75 ft	None required
Lot Width § 401 – lot 930 lot 937	30 ft min	25 ft 25 ft	25 ft 25 ft.	Relief Required
Lot Area § 401 – lot 930 lot 937	3,000 sf min	2,408 sf 2,628 sf	2,408 sf 2,628 sf	Relief Required
Lot Occupancy § 403 – lot 930 lot 937	40% max	0%	26.5% 26 5%	None required
Rear Yard § 404	20 ft. min.	0 ft	33 5 ft	None required
Side Yard § 405	8 ft min	0 ft	8 ft	None required

However, OP notes that § 401.3 allows for the development of a lot in existence prior to 1958 if it is within 80% of the lot area and width of that required by the underlying zone.

401.2 Except as provided in § 401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has a lot area or width of lot less than that specified in § 401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3, provided, that the structure shall comply with all other provisions of this title.

This provision may allow this proposal to proceed by-right, since both lots currently are greater than 80% of the required lot area (in this zone, 2,400 sq ft) and lot width (24 feet). However, OP was not, as of the time of drafting this report, able to verify this with the Zoning Administrator, so in an abundance of caution, has proceeded with reviewing the request as if relief is needed.

V. MAPS AND PHOTOS

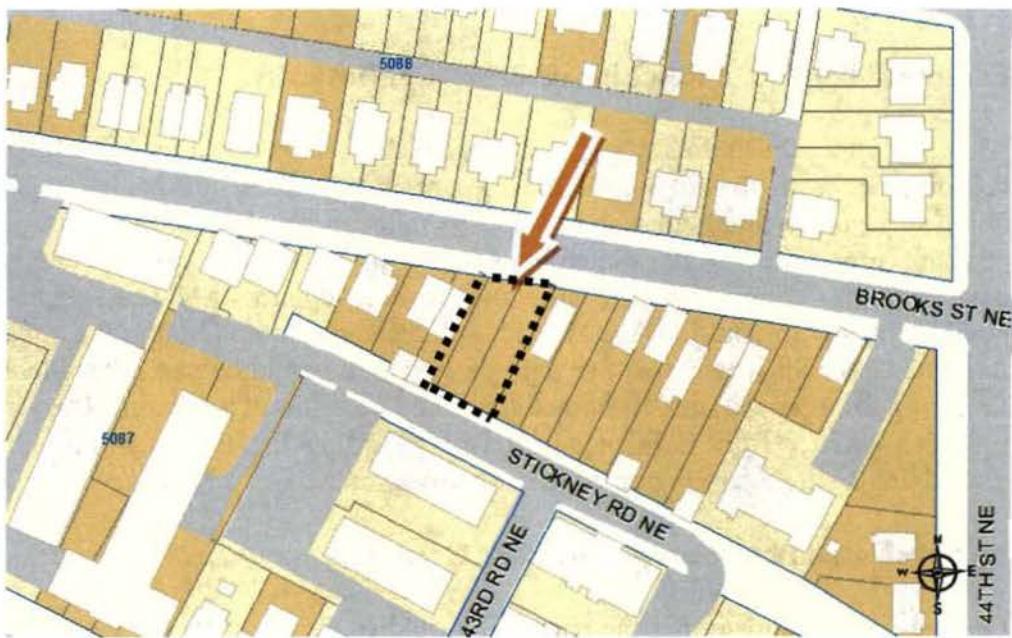


Figure 1: Subject Properties



Figure 2: Subject Properties

VI. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401.3 (Lot Width and Lot Area)

i. Exceptional Situation Resulting in a Practical Difficulty

Although the subject lots could be combined, thereby creating one large lot in conformance with the lot width and area requirements of the zoning regulations, doing so would create a lot which would be much larger than all of the immediately adjacent properties in the Square, and out of character with the surrounding development. Semi-detached structures are a common housing type in the neighborhood. In addition, the Applicant indicated that combining the subject lots into one larger lot would result in a property which would be unmarketable and that financing for a project on a combined lot would be difficult to obtain. The Applicant provided a letter from a financial advisor regarding the financial infeasibility of developing a single family home on a combined lot.

ii. No Substantial Detriment to the Public Good

OP does not anticipate that the proposal would cause a substantial detriment to the public good. The relief would permit the development of two single-family detached houses. Although the lots would be smaller than that required by the R-2 zone, they would be more similar in area and width to the existing surrounding neighborhood than one large lot. The Proposal would provide infill development of semi-detached structures consistent with the surrounding neighborhood.

However, OP would strongly encourage the Applicant to refine and improve the design of the proposed semi-detached structures. As shown in the drawings provided by the Applicant, the architectural details included in the proposed design are minimal. Ideally, the designs should feature varied external wall materials and finishes, and articulated building facades and window and door openings. OP would strongly support designs which would contribute to and enhance the architectural character of the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

OP is typically highly supportive of proposals to develop vacant infill lots. The relief could be granted without impairing the intent, purpose, and integrity of the Zoning Regulations. While the regulations require that the lots meet a minimum size threshold, permitting construction of the two semi-detached dwellings would not allow an intensity of development at odds with the intent of the zoning regulations and, in this case, would appear to be consistent with the intent of Section 401.2.

VII. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 7D. The Applicant indicated that neighbors are generally supportive of the Proposal but has not provided OP with written confirmation