

**MEMORANDUM**

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TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
Joel Lawson, Associate Director Development Review
DATE: December 31, 2012
SUBJECT: BZA Case 18482, 5008 13th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances:

- § 401 Lot Width (50 feet required, 35 feet existing, 35 feet proposed);
- § 401 (5,000 sf. min. required, 3,500 sf. existing, 3,500 sf. proposed); and
- § 405 (8 feet required, 5 feet proposed).

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18482
EXHIBIT NO. 25

II. LOCATION AND SITE DESCRIPTION

Address	5008 13 th Street NW
Legal Description	Square 2806, Lot 53
Ward	4
Lot Characteristics	The lot is rectangular and is 100 ft. deep and 35 ft. wide along the 13th Street NW frontage. The lot is bordered by a 10 ft. alley to the west. The subject lot existed prior to 1958.
Zoning	R-1-B - single-family residential uses
Existing Development	The property is currently vacant.
Historic District	<i>Not applicable</i>
Adjacent Properties	Adjacent properties include single family homes.
Surrounding Neighborhood Character	The surrounding area is largely comprised of detached and semi-detached single family homes. The Square also includes the West Education Campus located at the intersection of 14 th and Farragut Streets NW.

III. APPLICATION IN BRIEF

The Applicant proposes to build a detached single family house on a vacant lot. The lot is located in the R-1-B district, which permits matter-of-right residential development of single-family detached structures. The project would include a parking space for one car at the back of the house and accessible from the alley. The application includes drawings, elevations and plans showing the proposed single family detached home.

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IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-1-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	NA	36.5 ft.	None required
Lot Width § 401	50 ft. min.	35 ft.	35 ft.	Relief required
Lot Area § 401	5,000 sf. min.	3,500 sf.	3,500 sf.	Relief required
Lot Occupancy § 403	40% max.	NA	38.4%	None required
Rear Yard § 404	25 ft. min.	NA	28 ft.	None required
Side Yard § 405	8 ft. min.	NA	5 ft.	Relief required

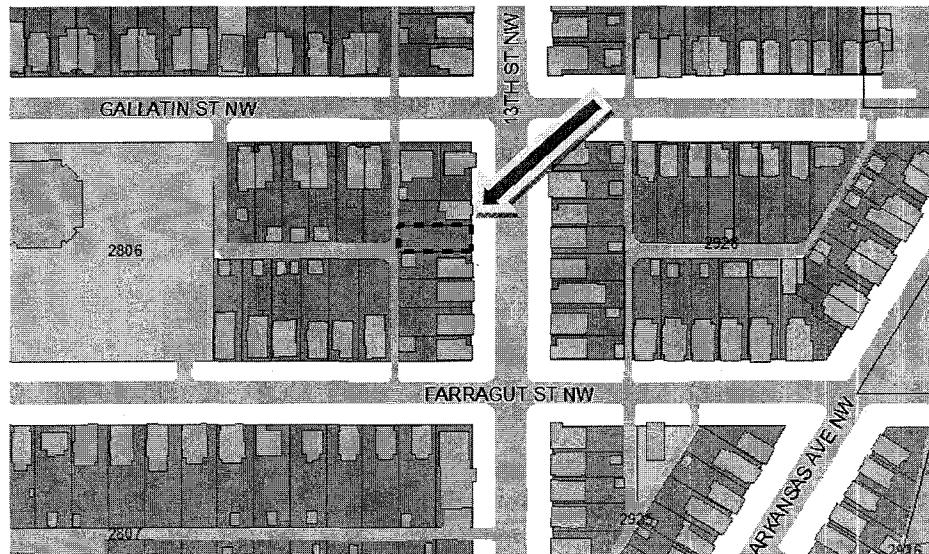


Figure 1: Subject Property

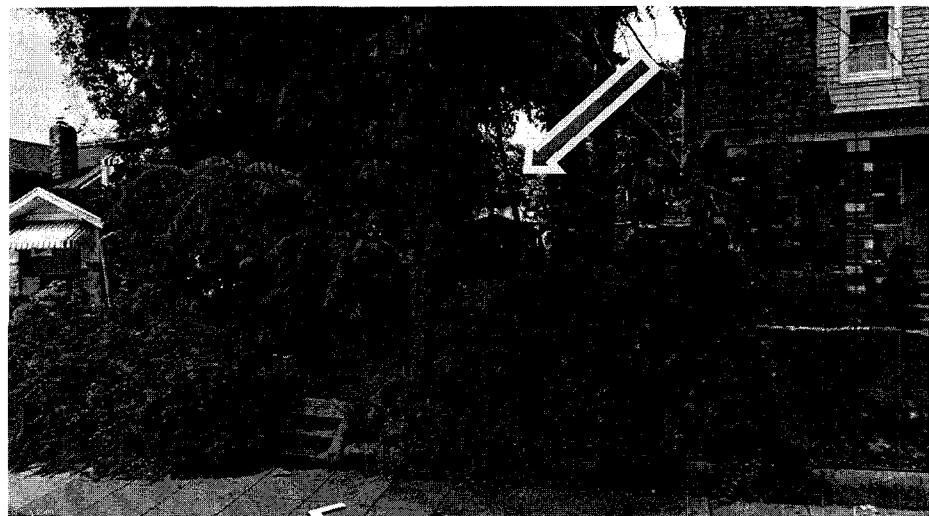


Figure 2: Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401 (Lot Width), § 401 (Lot Area), and § 405 (Side Yard)

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot's dimensions result in a practical difficulty. The subject lot was created prior to the area requirements of the existing regulations and its area and width are in proportion to the other lots in this section of the square. Because the subject property is not adjacent to other vacant lots, there is no opportunity for the Applicant to create a conforming lot.

Providing the required 8-foot wide side yard would result in a 19-foot wide residential structure not typical of the neighborhood's residential character.

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 a single-family detached structure, which is permitted by right in the R-1-B zone. The Proposal would provide infill development consistent with the surrounding neighborhood and would close a long vacant gap in the street pattern while improving the streetscape of 13th Street. OP would strongly support the Applicant revising the front setback so that it would be equivalent to the neighboring properties. In addition, the applicant should clarify if there are existing trees on the site which could be preserved.

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 detached dwelling would not allow an intensity of development at odds with the intent of the zoning regulations.

The side yard provision was intended to protect the privacy, light and air of the owner of the adjacent property. In this case, the abutting properties to the north and south of the proposed residences include side yards adjacent to the subject property possessing the required 8 ft. width, thereby providing an effective separation of up to thirteen feet between the proposed detached dwelling and the adjacent neighbors. The requested side yard relief could be granted without substantial detriment to the public good and integrity to the Regulations and Map.

VI. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 4C.