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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review
DATE: January 29, 2013
SUBJECT: BZA Case 18498 – 1311 Pennsylvania Avenue, SE

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18498
EXHIBIT NO. 26

I. RECOMMENDATION

With regards to this proposal to construct a new multiple dwelling, the Office of Planning (OP) recommends **approval** of the following variance relief:

- § 772, Lot Occupancy (60% permitted, 79.3% proposed);
- § 2101, Vehicular Parking (2 required, 0 proposed).

II. LOCATION AND SITE DESCRIPTION

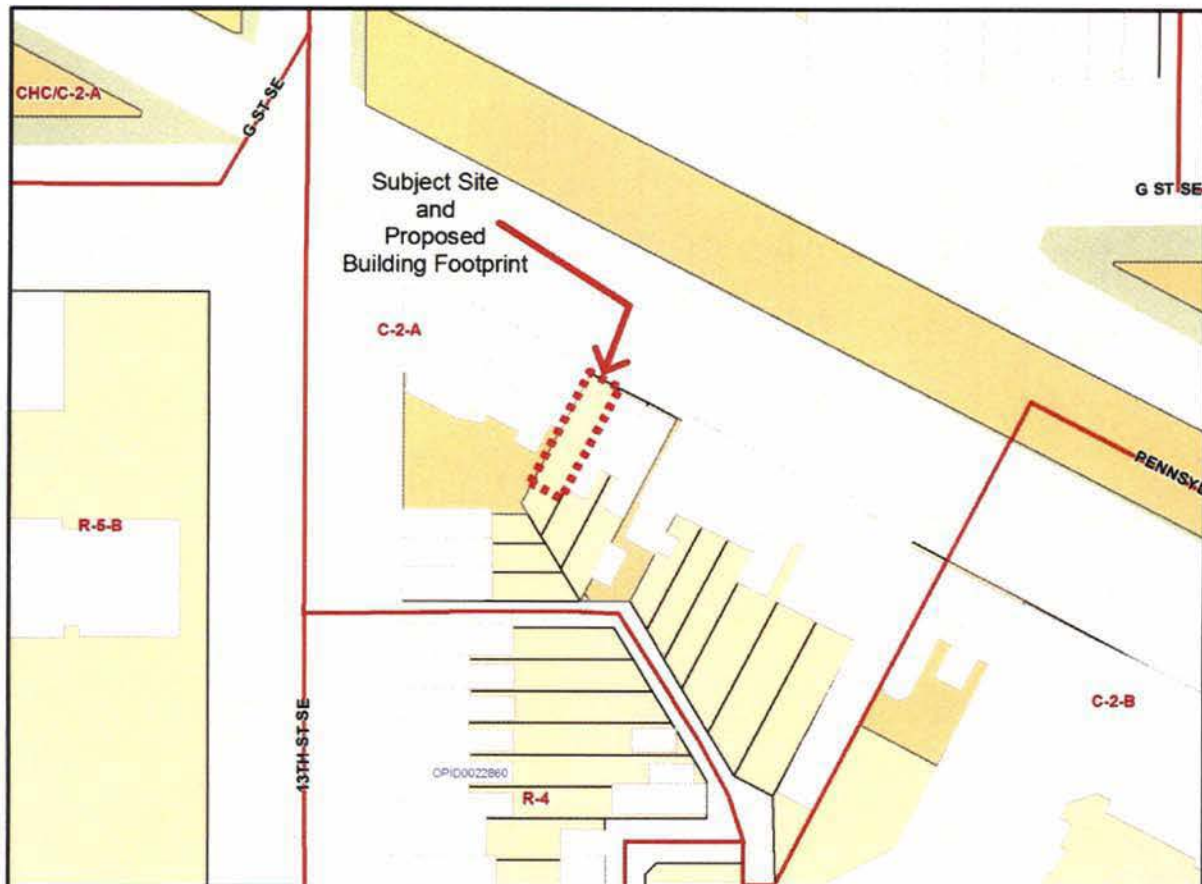
Address	1311 Pennsylvania Avenue, SE
Legal Description	Square 1045, Lot 107
Ward and ANC	6, 6B
Lot Characteristics	Irregular interior lot – 15' x 72.5' (avg. depth of lot); 13'10" buildable width; No alley access
Zoning	C-2-A – mixed use
Existing Development	Vacant lot with existing historic party walls extending onto the property
Historic District	None
Adjacent Properties	Commercial buildings on Pennsylvania Avenue; Residential rowhouses to the south facing 13 th Street
Surrounding Neighborhood Character	Moderate density commercial and residential buildings on nearby properties; Larger apartment and mixed use buildings to the east and west

III. APPLICATION IN BRIEF

The subject site is a vacant, interior, irregular lot. The rear lot line is angled relative to Pennsylvania Avenue. Please refer to the vicinity map on the next page. At 1,086 square feet the lot is one of the smallest in the square. Existing party walls that extend onto and occupy a portion of the subject site cannot, for structural reasons, be re-used, but nevertheless contribute to lot occupancy. The applicant proposes to construct an apartment building on the lot. The written application materials state that the building would have three units, but the plans show one unit

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on the first, second and third floors, and a vacant cellar level. A fourth unit in the cellar would not impact OP's analysis, but it seems likely that a unit would be located there. The applicant should clarify in the plans the use of the cellar.



IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

C-2-A	Regulation	Existing	Proposed	Relief
Height (ft.) § 770	50 ft.	n/a	46 ft.	Conforming
Lot Area (sf)	n/a	1,086 sf	No change	n/a
Lot Width (ft.)	n/a	15 ft.	No change	n/a
Floor Area Ratio § 771	2.5	~0.19 (existing party walls)	2.4	Conforming
Lot Occupancy § 772	60% max. (651.6 sf)	6.2% (67.1 sf – existing party walls)	79.3% (861.2 sf)	Requested
Rear Yard (ft.) § 773	15 ft.	n/a	15 ft.	Conforming
Side Yard (ft.) § 405	None required	n/a	None	Conforming
Parking § 2101	1 per 2 du's	n/a	Zero	Requested

V. ANALYSIS

In order to be granted a variance, the applicant must show that they meet the 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 subject lot is exceptionally small and narrow. It is one of the smallest lots on the square. It is also impacted by the unique condition of existing party walls that cannot be re-used for the new building. Design of a new building must also take into account the need for emergency egress, which would require a stairwell occupying much of the width of the narrow lot.

The property also has no alley access, no curb cut, and no possibility for a curb cut.

- 2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The exceptional conditions combine to form practical difficulties for the applicant. The applicant wishes to provide units of a marketable size, but because of the small size and narrowness of the lot, the design of reasonably-sized units would result in a lot occupancy higher than what the regulations permit as a matter of right. The lot occupancy is increased by the existing party walls that occupy a portion of the subject lot, but which cannot be used by the new building. Entirely new walls must be built, which further narrows the livable area of the unit. The area of the dwelling units is additionally constrained by the need to provide an egress stair, which would occupy between approximately 90 and 140 square feet of space on each floor. The resulting 79.3% lot occupancy would only be about 200 square feet more than what is permitted by right, but would increase the livable area from about 390 square feet to about 590 square feet, on average.

Because of the lack of vehicular access to the site, the applicant is seeking relief from the two required parking spaces. No alley or curb cut access exists, nor would a curb cut likely be granted. Pennsylvania Avenue is a major corridor and in and out movements would have the potential to disrupt vehicular and pedestrian traffic flow. A garage along Pennsylvania Avenue would also detract from the character of the street wall.

- 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?**

Granting the requested relief would not impair the public good or the intent of the Zoning Regulations. While relief from lot occupancy would slightly increase the new building's footprint, it would not be out of character with other structures in the vicinity that have a similar size. The slightly deeper building would not impair the light or air available to neighboring

properties. The Regulations intend to govern building form in each zone, but they do not intend to entirely prohibit the construction of reasonably-sized dwelling units on a vacant lot

The public would not be harmed if parking relief is granted. The Potomac Avenue metro station is about a block away, and Pennsylvania Avenue is also well served by bus routes. These transit options give residents modes of travel other than the automobile. And if, theoretically, a curb cut were to be granted for this project, that would result in the loss of an on-street parking space, harming the ability of nearby neighbors to park in that location.

VI. HISTORIC PRESERVATION

The subject site is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

OP is not aware of comments from any other District agency.

VIII. COMMUNITY COMMENTS

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