

**MEMORANDUM****TO:** District of Columbia Board of Zoning Adjustment**FROM:** Karen Thomas, Project Manager**DATE:** March 19, 2013**SUBJECT:** BZA Case No. 18519 – 429 Newton Street NW (Square 3035, Lots 82, 83)**I. SUMMARY RECOMMENDATION**

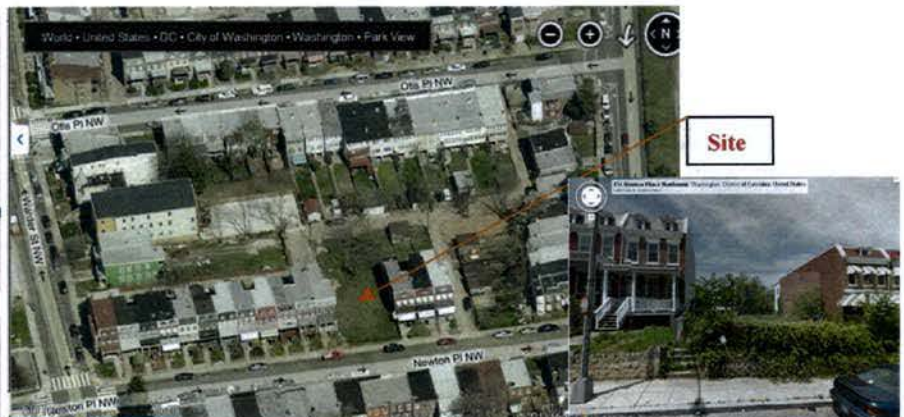
The Office of Planning (OP) **recommends approval** of the variance request for relief from **§ 401.3 – lot width** (18 ft. required; 16.8 ft. proposed) in order to resubdivide the combined lots to facilitate the construction of three flats within the R-4 district.

II. AREA AND SITE DESCRIPTION

Address	429 Newton Street
Legal Description	Square 3035, Lot 82, and 83
Ward/ANC	1A/ANC A08
Lot Characteristics and existing development	The vacant lots are flat and rectangular in shape and abut an alley system at the rear. The combined lots abut row dwelling to the east and west.
Zoning	R-4 – Row dwellings and flats permitted.
Surrounding Neighborhood Character	The square is developed primarily with single-family row dwellings and flats.



Zoning Map



Aerial View of Newton Place

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18519
EXHIBIT NO. 24

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III. APPLICATION-IN-BRIEF

The applicant, Gregory Igbozuruike, is seeking variance relief from the lot width requirement in order to subdivide an existing 7,088 sf lot into three 16.8 ft. wide lots for the purpose of developing three flats in the R-4 district, which has a lot width minimum requirement of 18 feet. Each lot would satisfy the lot area requirement for the zone district and no additional relief is necessary for the lots' proposed development.

Background

This large lot existed well before the current regulations and was developed with a single residential structure in 1907, which was subsequently demolished. The current row house residential development of the square, including the creation of existing 16-foot wide lots took place between 1911 and 1922. The subject lot remained in its original area. The applicant previously subdivided the lots into two for the purposes of developing them but now requests that the lots be recombined and subdivided into three lots instead for the purposes of developing three flats.

IV. REQUESTED RELIEF

The proposed lots would measure 16.8 feet wide for the purpose of developing a flat on each lot, as shown on the applicant's plat and submitted plans.

Table 1 –Zoning Requirements

Standard	R-4 Requirement	Existing Property	Proposed	Relief Required
Lot Area § 401.3	1,800 sf.	7,088 sf	2,316 sf; 2,385 sf; 2,387 sf	None required
Lot Width § 401.3	18 ft	50.4 ft	16.8 ft. each lot	Relief required
Parking § 2101	1 space per 3 d.u.	None	One space per lot /(per flat)	None required

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 401.3

i. Exceptional Situation Resulting in a Practical Difficulty

The 7,088 square-foot currently undeveloped lot is rectangular in shape and represents a wide gap in the street frontage along the Newton Place portion of the square. At 50 feet in width, a single-family row dwelling or flat would not be in character with existing development in the square or the immediate surroundings. Similarly, the creation of two, 18-foot wide lots would leave a 14-foot wide lot, which would require relief for its development, and which could not be legally created. In addition, in an effort to develop within the regulation's requirements the applicant has stated that previous attempts at dividing the lot at 25 feet in width, have presented financial difficulties. (OP has requested the applicant provide additional evidence at the hearing). Therefore, the existing lot size is a unique characteristic in the R-4 District which has created a practical difficulty in attempts to re-develop the long standing vacant lot in conformance with the lot width requirements of the zone and the area's character.

ii. No Substantial Detriment to the Public Good

The requested relief could be granted without substantial detriment to the public good. The applicant has proposed an even distribution of width of 16.8 feet wide (over 2,300 sq. ft. in area) each, which is equivalent or larger than other area lots that currently exist on the block and within the square. The difference between the required and proposed lot width is minimal at 1.2 feet.

The proposed lots would exceed the area requirement, would be large enough to permit code compliant dwellings and allow for infill development consistent with the surrounding neighborhood. The application includes plans, drawings and elevations of the proposed flats that would be built upon the site if the requested relief is granted by the Board.

iii. No Substantial Harm to the Zoning Regulations

The requested variances would permit the applicant to create lots in the R-4 district of sufficient size to permit the development of row houses or flats with adequate off-street parking accessible from a public alley. Relief would facilitate the development of family-sized flats units in the R-4 district, which complements the intent of the regulations.

VI. AGENCY COMMENTS

The District Department of Transportation (DDOT) stated no objection to the proposal.

VII. COMMUNITY COMMENTS

The applicant intends to meet with ANC 1A at the ANC's regularly held meeting on March 13, 2013. Their report would be issued under separate cover.

VIII. RECOMMENDATION

OP recommends **approval** of the requested variance to allow the establishment of three flats on the long vacant parcel, as the relief could be granted without detriment to the public good and substantial harm to the Zoning Regulations.

JL/kt
Case Manager Karen Thomas