

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM:  Jennifer Steingasser
Deputy Director

DATE: June 17, 2008

SUBJECT: BZA Application 17783 – Request for a variance under § 401.3 to construct a three-story single family dwelling.

SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the area variance application.

PROJECT DESCRIPTION

The Applicant proposes to build a three-story (plus a cellar) residential dwelling on Lot 37 in Square 2698 (hereinafter, the “Property”). The dwelling, including the cellar, would measure approximately 3,500 square feet and would rise to its highest point approximately 33’ above grade. The front door would face Varnum Street. A front porch, which would likely require separate public space approval, would extend toward Varnum Street. The Applicant has indicated that a patio originally planned for alongside the porch (that appeared in the submission) would be removed.

A vehicle garage would open to the dwelling’s rear and be accessed from an existing driveway (not an alley) off of Varnum Street. The driveway already serves the dwellings to the north and east. It appears, based on OP mapping and discussions with the Applicant, that the three lots divide the driveway near its centerline. The Applicant indicated that there may be an easement guiding the shared use of the driveway. OP notes that there could be an issue regarding § 2117.4 which provides that “each required parking space shall be accessible at all times directly from improved streets or alleys ...” It is possible that the Applicant may need some form of parking relief, such as a reduction in the required number of spaces (§ 2101) or from the access requirement (§ 2117.4), if the access issue is not resolved. The Applicant is working to determine the respective rights regarding the driveway and has not yet identified or requested any relief. Finally, due to the Property’s elevation changes, retaining walls would flank the northern and southern borders of the driveway for the portion that extends into the Property.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18622

EXHIBIT NO. 9

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SITE DESCRIPTION

The subject lot is located at 4301 16th Street NW.¹ The Property, which is a vacant corner lot, measures approximately 31' by 93'. An improved driveway is located at the Property's rear. The Property also slopes downward to the south and east.

Square:	2698	Lot:	37	Zone:	R-1-B
Location:	4301 16 th Street	Quadrant:	Northwest	Current use:	Vacant
Area:	2,922 sq. ft.	ANC:	4C	Historic District:	None

AREA DESCRIPTION

The Property faces 16th Street to the west and Varnum Street to the south. Two detached dwellings are located to the north of the Property along 16th Street. The more proximate of the two is also owned by the Applicant.² Two semi-detached dwellings are located to the Property's east. The surrounding neighborhood is characterized by detached, semi-detached, and row dwellings, as well as several churches along 16th Street. Below is a map that places the Property in context (see also Attachment A):



ZONING REQUIREMENTS

The site is zoned R-1-B, a district that permits single family detached dwellings as a matter of right. The Department of Consumer and Regulatory Affairs zoning review indicated that the

¹ The tax records do not identify a street address of the vacant lot. For the purpose of this report, OP will accept Applicant's identification of the property as 4301 16th Street, NW which appears consistent with neighboring addresses.

² OP believes that § 401.2 is inapplicable due to one of the abutting properties already being improved.

Applicant's proposal required a variance from the minimum lot area under § 401.3. The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested:

Item-Section : R-1-B Zoning	Restriction	Existing	Proposed	Relief: deviation
Lot Area (square feet) § 401	5,000 sq. ft.	-	2,922 sq. ft.	Needs relief: 2,078 sq. ft. deviation
Lot Occupancy (building area/lot) § 403	40% max.	-	38%	Conforms
Lot width (ft.) § 401	50' min.	-	93'	Conforms
Stories § 400	3 max.	-	3	Conforms
Side yard (ft.) § 405	8' min. each	-	8.84' and .5'	Conforms: OP has interpreted the .5' of space between the dwelling and 16 th Street as a side yard. Section 405.5 provides that "side yards shall not be required along a side street abutting a corner lot in a Residence District." DCRA did not identify any required side yard relief as part of its review.
Rear Yard (ft.) § 404	25'	-	41.7'	Conforms
Parking Spaces § 2101	1 min.	-	1	Conforms

RELIEF REQUESTED:

The Applicant requests relief from the lot area requirement found in the R-1-B zoning requirements.

LOT AREA VARIANCE

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The Property's substandard lot area, totaling 2,922 square feet, presents a unique feature for which zoning relief is appropriate. The minimum requirement for single family detached dwellings in the R-1-B zone is 5,000 square feet. The Property's non-conforming size is a relic of a July 1925 lot creation. As such, the lot substantially pre-dates the 1958 Zoning Regulations. The uniqueness derives from the Property's originally created size and the inability of the owner to make the property conform to more modern zoning restrictions.

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

The R-1-B zoning requirement imposes a practical difficulty that is unnecessarily burdensome to the Applicant. The Property is located in an R-1-B zone which permits the matter-of-right development of single family detached dwellings. The Property's size imposes an inherited practical difficulty that would result in the property remaining undeveloped if relief from the strict application of the Zoning Regulations is not permitted.

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?

The R-1-B zone permits single family detached residential development by-right. The Comprehensive Plan (the "Comp Plan") Future Land Use Map designates the Property as being located in a low density residential zone. Such a designation calls for single family detached housing, as is here proposed. District policy also generally encourages the development of infill lots.

OP believes that providing relief in this instance would not harm the public or compromise the integrity of the zoning regulations. Some neighboring properties that are zoned R-1-B share similar non-conforming sizes and are developed with detached and semi-detached dwellings. The dwellings occupying the neighboring lots to the east and north were built prior to the 1958 Zoning Regulations. The Property also appears to be the final vacant lot in the square. The proposed dwelling would be of a scale that would not be incompatible with the neighborhood, and ANC 4C supports the requested relief.

COMMUNITY COMMENTS

OP has received a letter in support of the requested relief from ANC 4C. To date, OP has not received any letters from neighbors. The Applicant has indicated, however, that the neighbor to the east does not object to the proposal.

CONCLUSION

OP has reviewed the application in terms of the property's zoning and the standards for variance relief. OP hereby **recommends approval** of the proposal as submitted by the Applicant.

JS/pg

Attachment A

Subject Property



View from the east looking west toward 16th Street (and the rear of the Property)