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District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
Joel Lawson, Associate Director Development Review

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18708
EXHIBIT NO. 53

DATE: October 21, 2014

SUBJECT: BZA Case 18708 – 4509 Foxhall Crescents Drive – OP Supplemental Report

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This memorandum provides an update to the Office of Planning's original report dated September 23, 2014. The update is based on supplemental information received from the applicant

I. RECOMMENDATION

With regard to this proposal to construct one single family house, the Office of Planning (OP)

- **Cannot recommend approval** of the requested special exception pursuant to § 2516, Exceptions to Building Lot Control at this time, pending the receipt of additional information from the applicant;
- However, OP has no concerns regarding the variance to front yard, §2516 5(b) (25' front yard required, zero proposed), or
- the following flexibility requested pursuant to § 2516.6(d).
  - § 2516 6(b), Width of Ingress/Egress (25 feet required, 16 feet existing and proposed),
  - § 2516 6(c), Turning Area (60 foot diameter required, no turning area proposed)

OP generally supports the construction of a house on the subject property, but requests additional information in order to fully evaluate the special exception, and requests the examination of alternative designs to better protect trees on site and reduce impervious surface.

II. ZONING REQUIREMENTS AND REQUESTED RELIEF

R-1-A	Regulation	Proposed	Relief / Flexibility
Height (ft) § 400	40', 3 stories	35', 3 stories	Conforming
Lot Area (sf) § 401	7,500 sf	12,509 net sf*	Conforming
Lot Width (ft.) § 401	75' min	119' **	Conforming

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R-1-A	Regulation	Proposed	Relief / Flexibility
Lot Occupancy § 403	40% max	15%*	Conforming
Rear Yard § 404	25' min	30'	Conforming
Front Yard § 2516 5(b)	Only required if lot does not front on a public street, Then equal to required rear yard = **25'**	**0'**	**Requested**
Side Yard (ft) § 405	**8'**	8' West, 59' East	Conforming
Ingress / Egress Width (ft) § 2516 6(b)	**25'**	**16'**	**Requested**
Turn Around Dimension § 2516 6(c)	**60' diameter**	**No turn around**	**Requested**

* With area of easement removed, per Section 2516.6(a)
** Measured at the proposed building line, pursuant to the definition of "Lot, width of"

III. ANALYSIS

OP supplements it original analysis with an examination of the applicant's variance request to allow no front yard where 25 feet is required

1. Exceptional Situation Resulting in a Practical Difficulty

The property is subject to an exceptional condition because it is an undeveloped lot in a subdivision that was approved and developed over 30 years ago, and not under the present regulations. Foxhall Crescents is developed with a particular aesthetic that places each house relatively close to the street. If the subject property were required to meet the 25' front yard setback, the new house would be significantly out of character with the rest of the neighborhood.

2. No Substantial Detriment to the Public Good

If relief is granted, the placement of the house near the street would not appear to harm the public good The house location would be in keeping with the rest of Foxhall Crescents There should be no impact to light, air or privacy because of the relief.

3. No Substantial Harm to the Zoning Regulations

Granting the requested relief would not impair the integrity of the regulations. Section 2516 seeks to achieve a certain built form, but the Regulations cannot account for every development scenario, especially in a community with such unique design characteristics as Foxhall Crescents The variance process is intended to account for these scenarios where a single lot is impacted by exceptional circumstances.

IV. SUMMARY OF COMMENTS FROM THE REPORT

OP generally supports the construction of a house on the subject property, but requested additional information as noted in the original OP report The following table summarizes the outstanding items from that report and provides an update based on the latest applicant submissions

	OP Comment	Planning and / or Zoning Rationale	Update
1	Provide an updated net Lot Area figure and an updated Lot Occupancy calculation, in consideration of the easement	Section 2516 6(a) prohibits the land within an easement from counting in the area of a theoretical lot	**Item addressed** – information provided
2	Provide a single, complete and updated package of all plans to the record	Board and staff analysis of the application can be completed after all plans have been updated and collated into one complete set	The application documents have been mostly collated in the most recent submission, A discrepancy remains between the latest grading plan (Exhibit B of the October 14 submission) and the other site plans
3	Provide a legible electronic copy of the site plan and erosion control plan	The notes section of the plans are important to the complete understanding by the Board, staff and the public of the erosion control methods	The notes on Sheet 1 of Exhibit E of the October 14 submission ("Erosion and Settlement Control Plan") should be submitted to the record in a more legible format
4	The applicant should address the three-part variance test for the requested front yard variance.	Relief cannot be granted unless the applicant demonstrates that the property qualifies for the granting of a variance	**Item addressed** – OP recommends approval of the requested variance
5	The applicant and HOA should work together to establish maintenance procedures for the portion of the easement on the subject property.	The Zoning Regulations seek to establish adequate vehicular access to each property	**Item addressed** – According to the applicant, maintenance is provided by the HOA
6	OP recommends adoption of the conditions proposed by the applicant	The conditions address topics raised by § 2516, including construction traffic and sediment and erosion control, among other items	**Item addressed** – OP continues to recommend inclusion of the conditions
7	The applicant should examine ways to save the 47-inch diameter tulip poplar on the site	Preservation of as many trees as possible, especially such a large tree, would benefit the subject property and neighbors' properties by absorbing rainfall, absorbing overland runoff, creating shade and minimizing heat gain, and stabilizing soil	The applicant and the HOA should examine ways that the house footprint could be relocated on the site As described in the original OP report, the house could be placed where the unnecessary roadway easement is now located

	OP Comment	Planning and / or Zoning Rationale	Update
8	In any scenario where the tulip poplar remains, the UFA recommends a tree preservation plan	A preservation plan that would detail pre-construction, during-construction and post-construction measures to protect the tree will help it survive	The applicant has stated that they are open to preparing tree preservation plan for whatever trees remain on site The plan should be submitted prior to Board action
9	As part of the complete, single set of revised plans, a new plan should show roof runoff being directed to the infiltration trench, as well as a design for the infiltration trench	Complete and up to date plans would help the Board, staff and the public completely understand the proposal	OP understands that these designs are underway and will be submitted in the near future
10	OP recommends a condition of approval that, prior to issuance of the building permit, the applicant obtain written DDOE approval of the infiltration trench design	DDOE review of the trench design would help ensure that it is adequate to serve the anticipated runoff volumes	**Item addressed** – the applicant has agreed to this condition
11	The applicant should complete a new soil boring and provide those results to the record	A new soil boring could help determine the impacts, if any, of construction on the groundwater levels	**Item addressed** – the applicant's engineers have completed a new study and analyzed the results of the study, concluding that there would be no groundwater impact from the new construction
12	The applicant should provide to the record a description of how trash would be removed from the site	Solid waste management is an item to be reviewed under § 2516 10(a)(2)	**Item addressed** – trash collection would be in conformance with the existing practice of wheeling bins to the garbage truck
13	**NEW ITEM** – The applicant's engineer, in Exhibit D, in the letter dated September 29, 2014, stated that the infiltration trench would store the runoff from the house and patio But previously the applicant had stated the trench would also handle upland runoff. The applicant should clarify whether or not the trench would accommodate upland runoff and whether the design is adequate to do so.	Full information about the stormwater management techniques would help the Board, staff and public evaluate the request.	n/a