

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: June 3, 2014

SUBJECT: BZA Case 18767, 305-307 55th Street NE

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 401.3 Lot Width for each lot (30 feet required, 20 feet existing and proposed);
- § 403.1 Lot Area (3,000 SF required, 2,000 SF existing and proposed);
- § 405.9 Side yard for each lot (8 feet required; 4 feet proposed); and
- § 2101 Parking for each lot (1 space per dwelling unit required; none proposed).

The requested variances would allow these two existing record lots to be developed with semi-detached dwellings, a use permitted as a matter-of-right within the R-2, while permitting a building footprint consistent and compatible with existing development patterns.

II. LOCATION AND SITE DESCRIPTION

Address	305-307 55 th Street NE
Legal Description	Square 5250, Lots 68 and 70
Ward	7 / ANC 7C
Lot Characteristics	Two existing lots, steeply graded with no alley access.
Zoning	R2 – detached and semi detached single family dwellings.
Existing Development	Two vacant lots.
Adjacent Properties	There are vacant lots on either side of the combined lots. Beyond that, within the square there are semi-detached homes on lots averaging 2,300 sf in lot area.
Surrounding Neighborhood Character	The general neighborhood character is that of semi-detached single family homes, with some small garden apartments.

III. APPLICATION IN BRIEF

Proposal	The applicant proposes to build two semi-detached homes, one on each undeveloped lot of record. On-site parking would not be provided due to the lack of an alley at the rear.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed per lot	Relief
Height § 400	40 ft. max.	0 ft.	34 ft.	None required
Lot Width § 401	30 ft. min.	20 ft.	20 ft.	Relief required
Lot Area § 401	3,000 sf min.	2,000 sf	2,000 sf	Relief required
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	vacant	40 %	None required
Rear Yard § 404	20 ft. min.	vacant	45 ft.	None required
Side Yard § 405	8 ft. min.	vacant	4ft., 0 ft	Relief required
Parking § 2101	1/dwelling unit	vacant	0	Relief required

The Zoning Administrator certified by letter dated 2/19/2014, that the applicant required variance relief from the minimum lot area, lot width, side yard, and parking requirements to permit construction of the semidetached homes in the R-2 District as proposed.

Special exception relief was also required from the pervious surface requirement under § 412. OP discussed this provision with the applicant, who indicated a misunderstanding about this regulation. He explained that the lot would not be paved over and that more than 50% of the lots would remain as pervious surface, so would be conforming. The applicant intends to provide additional information prior to the hearing to show that the proposed development would satisfy the pervious surface requirement for the residential district.

V. OFFICE OF PLANNING ANALYSIS

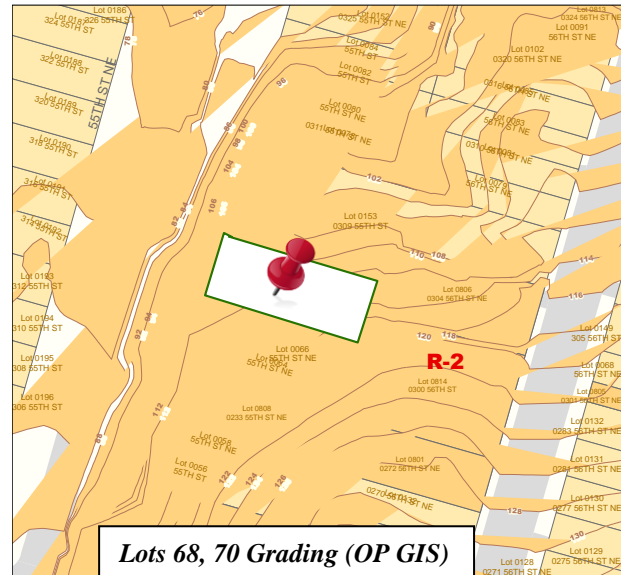
Variance Analysis

The design would require variances from lot width, lot area, side yard and the on-site parking requirements. 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 properties exhibit the following exceptional conditions:

- the natural topography, which has a steep grade which begins at the public space and continues to slope upward with the highest point at the rear line of the lots;
- there is no alley access to the rear of the lots; and
- the combined lots abut lots to the north and south, which could not be purchased due to existing encumbrances on those lots, as researched by the applicant.



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

Lot Area, Lot Width

Since the lots on either side could not be purchased, the owner faces a practical difficulty in combining abutting lots to create two conforming lots to satisfy the 3,000 sf minimum lot area and 30-foot wide lot width required for single-family detached homes in the R-2 District.

Although the subject lots could be combined into one large lot in conformance with the lot width and area requirements of the zoning regulations, doing so would create a lot which would be larger than the residentially developed properties in the square, so would be out of character with the surrounding development.

It was also stated that due to the lot's topography, the costs of placing construction equipment on the lot, providing infrastructure and retaining wall elements on the site to construct one single-family home would be financially prohibitive. The applicant intends to provide supplemental information on this aspect, at or prior to the hearing.

Side Yard

At 20 feet wide, the lots would be developed with 16-foot wide homes. Satisfaction of the 8-foot side yard standard would yield a 12-foot wide home which, while not uncommon in some parts of DC, would be unusual in this lower density residential zone.

On-site Parking

The lot has no alley access at its rear for preferred parking access. Due to the topography and width of the lots, parking access would be impractical and would not likely be supported by the District Department of Transportation's Public Space Committee due to the potential need for curb cuts.

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?

Lot Area, Lot Width

Relief to lot area and lot width would not negatively impact the public good and the intent of the regulations, since the two lots are existing, and the majority of lots along this block face average 2,000 sf in area and are developed with single-family semi-detached homes. The infill development of existing vacant lots is supported. 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 two semi-detached dwellings would not allow an intensity of development contrary to the intent of the Zoning Regulations.

Side Yard

Similarly, the provided side yards would not be detrimental to the public good, as the lots currently abut long-standing vacant lots. Should those lots be eventually developed, the reduced side yards would be adequate to allow for routine maintenance of the properties without adversely affecting the use of either adjoining property.

On-site Parking

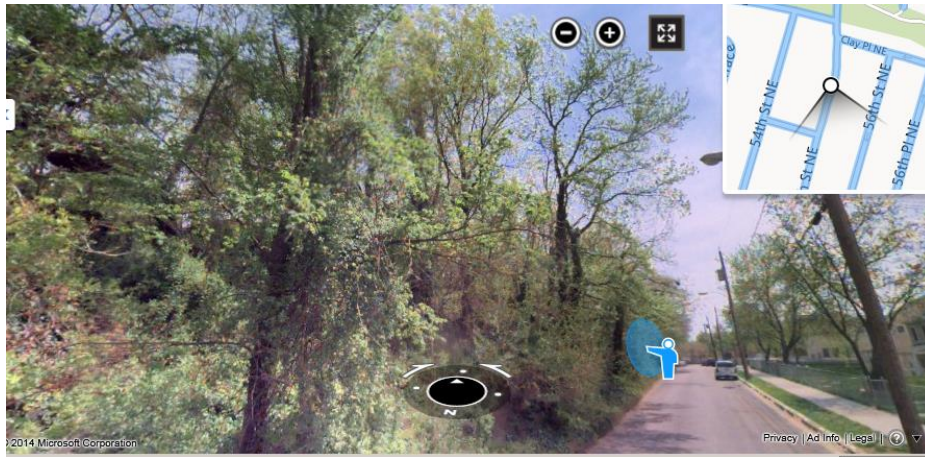
Due to the lot's width and its steep grade at the front of the lot, on-site parking accessed from the front of the lot would be prohibitive, would result in the loss of street parking, and would not likely be permitted through public space review. Therefore, relief from on-site parking would not be a detriment to the public good or the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

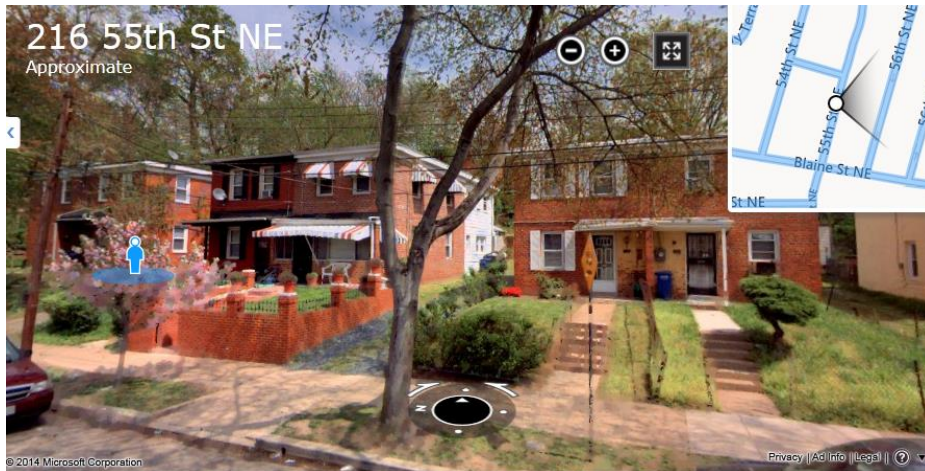
Comments were not received from other agencies to date.

VII. COMMUNITY COMMENTS

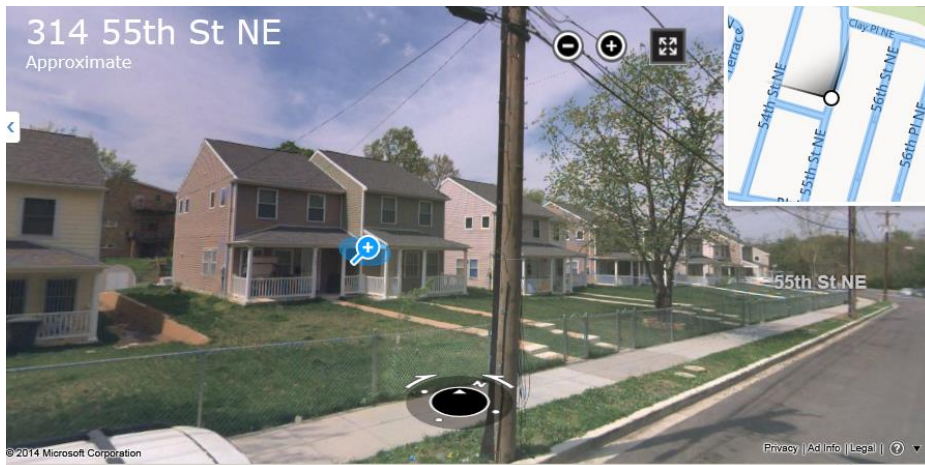
The applicant has stated that neighbors were informed through meetings and letters. The applicant met with the ANC 7 C at their regularly scheduled meeting on May 13, 2014. The ANC's report would be submitted to the Board.



Square 5250
West side 55th St NE
Subject Lots
Lot area = 2,000 sf/lot



Square 5250
West side 55th Street NE
Existing homes
Av. Lot area = 2,300 sf



Square 5252 (opposite)
East side 55th Street

Recently developed semi-
detached homes
Lot area = 3,346 sf

Housing and Lot Characteristics on 300 Block 55th Street NE