

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: June 17, 2014

SUBJECT: BZA Case 18786 304 M Street, N.W; Variances to construct a new one-family dwelling in the R-5-B zone.

I. OFFICE OF PLANNING RECOMMENDATION

Although the Office of Planning (OP) is very supportive of efforts to provide new appropriately designed and sited infill development on vacant lots, in this case, OP recommends **denial** of the following:

- § 403 Lot Occupancy (60% maximum permitted, 70% proposed);
- § 402 Floor Area Ratio (1.8 maximum permitted, 2.1 proposed)

Based on the information provided, the applicant has not satisfied the test for its requested variances. The application did not sufficiently establish what unique property characteristic(s) create a practical difficulty with respect to lot occupancy or floor area ratio in this case.

The Applicant has also requested relief from § 404 Rear Yard (15 feet minimum required, 12.5 feet proposed) and § 2101.1 Parking (1 parking spaces required, 0 spaces proposed). If the BZA finds that the applicant has met the variance test for the other forms of requested relief, OP has no major concerns with the parking or rear yard relief requests.

II. LOCATION AND SITE DESCRIPTION

Address	304 M Street, NW
Legal Description	Square 524, Lot 19 (the "Subject Property")
Ward	6/ANC 6E
Lot Characteristics	The generally rectangular shaped lot is 16.78 feet wide along the M Street NW frontage and 42.95 feet deep.

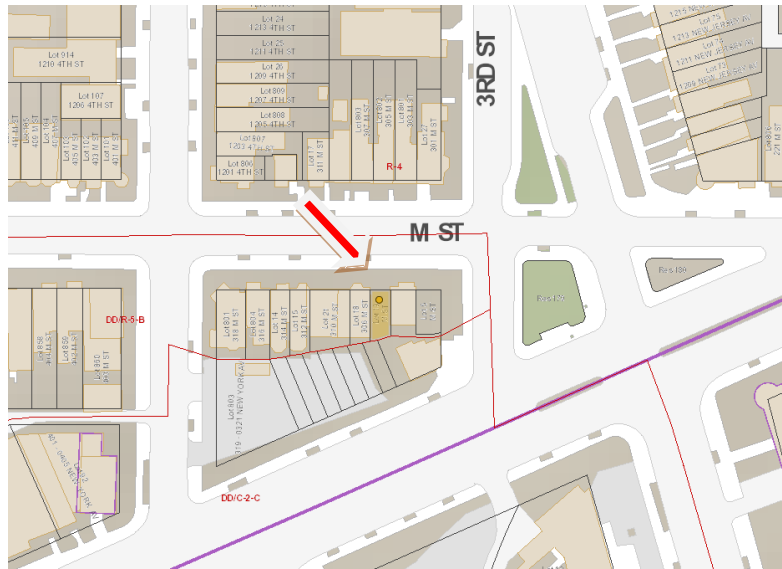
Zoning	DD/R-5-B Downtown Development Overlay District (DD): The general purposes are to create a balanced mix of uses; to guide office development, which is favored by market forces, so as to further the land use objectives for retail, hotel, residential, entertainment, arts and cultural uses; to protect historic buildings and places while permitting sensitive and compatible new developments. R-5-B: Permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings. The Overlay has limited bearing upon this case.
Existing Development	Vacant Lot
Historic District	Mt. Vernon Square Historic District
Adjacent Properties	The Subject Property is between two two-story rowhouses. The property to the east, 302 M Street NW is the subject of a separate BZA case 18782, for an addition to the existing rowhouse dwelling. (same applicant). A vacant lot is located to the rear.
Surrounding Neighborhood Character	The neighborhood is characterized by two and three-story rowhouses. Apartment buildings are also located in the square. A commercial building is located to the rear in the DD/C-2-C zone on New York Avenue NW.

III. APPLICATION IN BRIEF

Applicant	Fenton 302/304 M St LLC
Proposal:	The applicant proposes to construct a three-story single-family rowhouse on a vacant lot. The ground level would contain a living/dining room and kitchen. The second level would contain a small bedroom and bathroom. The third level would contain a bedroom and bathroom. The structure would also include a finished cellar. The applicant's proposal does not include a parking space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

DD/R-5-B Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	50 ft. max.	n/a	34'-9" ft.	None required
Lot Width § 401	NA	16.8 ft.	16.8 ft.	None required
Lot Area § 401	NA	698 sf.	698 sf.	None required
Floor Area Ratio § 402	1.8	n/a	2.1	Relief required
Lot Occupancy § 403	60% max.	n/a	70%	Relief required
Rear Yard § 404	4 in/1 ft height; >15 ft.	NA	12.5 ft.	Relief required
Side Yard § 405	NA	NA	NA	None required
Court § 406	NA	NA	NA	None required
Parking § 2101.1	1	0	0	Relief required



Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from §§ 402 (Floor Area Ratio), 403 (Lot Occupancy), 404 (Rear Yard), and 2101.1 (Parking)

i. Exceptional Situation Resulting in a Practical Difficulty

FAR and Lot Occupancy:

The applicant states that the Subject Property is exceptionally small, vacant, and was previously improved with a nonconforming single-family rowhouse; however, it is unclear how the confluence of these factors leads to a practical difficulty for the applicant. The Subject Property is somewhat exceptional in that it is the smallest lot (698 square feet) on the south side of M Street between 3rd and 4th Streets NW.¹ However, other residential lots in the area are smaller than the Subject Property (lot 805, located across M Street in Square 523, is 560 square feet; lots 123 and 124, located to the northeast in Square 555, are 601 and 529 square feet, respectively).

While the Subject Property is exceptionally small for the south side of this block of M Street, it is unclear how its dimensions create a practical difficulty for the applicant. Conformance to the Zoning Regulations would permit a structure that would be 1,257 square feet (not including 419 sf. of finished cellar space). It is unclear how the ability to build a single-family home with a total square footage of nearly 1,700 sf. comprises a practical difficulty for the applicant.

The application further states that if the proposed single-family home conformed to the FAR and lot occupancy requirements, stairs and hallways would take up an unreasonable amount of the structure; however, vertical circulation space is a normal requirement for any multi-story structure, and the applicant has not addressed how the situation on this property is unique or results in a practical difficulty.

Rear Yard:

The Subject Property is exceptionally shallow, with a depth of approximately 43 feet. A rear yard conforming to the 15 ft. rear yard requirement for the R-5-B zone would result in a house with a depth of 28 feet. The proposed rear yard setback would align with the property to the east on Lot 4. If the Board determines that the Applicant has met the test for relief for the other variances, the applicant could meet the test for rear yard relief.

¹ District Office of Tax and Revenue (OTR) data indicates that the Subject Lot is 703 sf. in total area.

Parking:

With regard to parking, the lack of an existing curb cut and alley access, as well as the size of the lot, preclude the possibility of parking on the Subject Property. The Subject Property is served by a variety of transportation modes, including MetroBus, Capital Bikeshare, and is in walking distance to the Mt. Vernon Metro Station. If the Board determines that the Applicant has met the test for relief for the other variances, OP believes that the applicant could meet the test for parking relief.

ii. No Substantial Detriment to the Public Good

Granting the requested relief would not appear to result in a substantial detriment to the public good. The proposed rowhouse could enhance the M Street area by utilizing a vacant lot for residential use in a location where a rowhouse previously existed. The proposed structure appears to include a projection into public space which would require approval by the District Department of Transportation (DDOT) Public Space Committee.

iii. No Substantial Harm to the Zoning Regulations

The proposal would result in density in excess of what is permitted or anticipated in the R-5-B zone. While the proposed project would bring additional residents to the area and would redevelop an underutilized property, its proposed lot occupancy and density would contravene the District's zone plan. The application states that if a structure existed on the lot, the 70% lot occupancy proposed would be permitted under a § 223 special exception for additions to existing single-family homes; however, the Subject Property does not include an existing structure and presents an opportunity to build a single-family home which conforms to the Zoning Regulations.

VI. CONCLUSION:

The application has not adequately established a practical difficulty associated with an existing property condition or characteristic, the first standard for variance approval. There is no nexus between any uniqueness of the property and a practical difficulty for the applicant. Therefore, the requested variances cannot be justified "without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map" (§ 3103.2). In addition, the

Applicant's proposal would be detrimental to the intent and integrity of the zoning regulations. As a result, OP cannot support this request.

VII. COMMUNITY COMMENTS

As of this writing, OP has not received comments from ANC 6E. Several neighbors have filed letters in support of the proposed project.