

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

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

DATE: November 25, 2014

SUBJECT: BZA #18867 – 1802 D Street, NE - Request for variance to permit zero parking

I. RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the required variance relief:

- (§2101) Permit a childcare center to provide zero parking spaces where one is required.

II. LOCATION AND SITE DESCRIPTION

Address	1802 D Street, NE
Legal Description	Square 4547, Lot 814
Ward and ANC	6A
Lot Characteristics	Corner lot at D and 18 th , NE; Existing one-story commercial building with side yard to the west; No curb cuts or alley access.
Zoning	C-1 (Commercial)
Adjacent Properties	Market and other commercial to the east and north. Rowhouse building to the west across 18 th Street. Parking lot to the south.
Surrounding Neighborhood Character	Mix of rowhouses and small apartment buildings

III. APPLICATION IN BRIEF

In order to establish a childcare center in an existing building, the application requests a variance to provide zero parking spaces where one is required.

IV. ZONING REQUIREMENTS

The Zoning Administrator has determined that the proposed childcare center use would require one parking space. The applicant, therefore, is seeking a variance to reduce the parking requirement from one to zero. The existing building will remain on the site and no new construction is proposed. No other relief from the C-1 zone was requested.

V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how the property meets the three-part test described in §3103.

1. Exceptional Situation Resulting in an Undue Hardship or a Practical Difficulty

The subject property exhibits exceptional conditions. The property has no alley access and no existing curb cuts. Also, it would be unlikely that new curb cuts would be approved on the site because of its proximity to the intersection of D and 18th Streets. Furthermore, even if a curb cut were to be granted, the only location for a parking spot would be a side yard that otherwise could be used for recreation space for the childcare center. As a result of these factors, therefore, strict application of the Zoning Regulations would result in a practical difficulty for the applicant; It would be impossible to establish a use on the site if that use requires any parking spaces.

2. No Substantial Detriment to the Public Good

The addition of one parked car to the public street would not result in an impact to the public good. In fact, if a curb cut were to be created for the property, the cut would remove at least one on-street parking space. In addition, the applicant has leased a space in the parking lot directly across the street to, in effect, fulfill the zoning requirement for a single parking space for the use.

3. No Substantial Harm to the Zoning Regulations

Relief can be granted without impairing the intent of the Regulations. The Zoning Regulations seek to ensure that all uses have enough off-street parking. In this case the use would only require a single parking space, and it is likely that most patrons of the childcare center would arrive from the nearby neighborhood. In addition, the applicant is actually providing a parking spot in a parking spot across the street. Furthermore, forcing the creation of a curb cut would actually take away street parking that is available to neighborhood residents, which is not an intent of the Regulations.

VI. HISTORIC PRESERVATION

The subject property is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The Office of Planning has received no comments on this application from District agencies.

VIII. COMMUNITY COMMENTS

As of this writing, the Office of Planning has received no comments regarding the proposal from the ANC or from the community.

IX. ATTACHMENT – Aerial Photo

Attachment 1 Aerial Photo

