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Outline of Testimony before the Board of Zoning Adjustment

BZA Application No. 18876

23 46th Street, S.E.

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- I. Site location and description
 - A. Located on the west side of 46th Street between East Capitol and B Streets, S.E.
 - B. Comprised of Lot 4 in Square 5346
 - C. Interior lot with frontage on 46th Street of approximately 105 feet
 - D. Land area of approximately 8,936 square feet
 - E. Currently vacant
- II. Description of surrounding area
 - A. Benning Road area
 - B. Remainder of Square 5346 (bounded by East Capitol, 46th and B Streets and Benning Road, SE)
 1. To the north:
 - a. Along 46th Street – 3 and 4 story apartment buildings
 - b. Along Benning Road – 1 story strip commercial shopping center
 2. To the west:
 - a. Parking lot
 - b. 4 story apartment house

- 3. To the south:
 - a. Along 46th Street – 3 story apartment building
 - b. Along Benning Road – 4 story apartment building
 - C. To the north:
 - 1. Commercial uses at the intersection of Benning Road and East Capitol Street
 - 2. Benning Road Metrorail Station entrance at the northeast corner of the intersection of Benning Road and Central Avenue
 - 3. Mixed low/moderate density residential uses
 - D. To the west: mixed moderate density residential uses
 - E. To the south: predominantly garden apartments in the R-5-A District
 - F. To the east: semi-detached dwellings
- III. Existing zoning: R-5-A
- A. Uses (§§350 - 361)
 - 1. Single-family detached, semi-detached and row dwellings, flats and multiple dwellings permitted as a matter-of-right
 - 2. New residential development, other than detached and semi-detached dwellings, permitted as a special exception
 - B. Height - maximum of 3 stories, 40 feet (§400.1)
 - C. Minimum lot width and area (§401.3): as prescribed by the Board
 - D. Maximum floor area ratio (§402.4): 0.9
 - E. Maximum percentage of lot occupancy (§403.2):
 - 1. Churches and public schools: 60%
 - 2. All other structures: 40%
 - F. Rear yard - minimum depth of 20 feet (§404.1)
 - G. Side yard (§405):

1. Not required
2. If provided, minimum of 3 inches per foot of height, not less than 8 feet

H. Parking (§2101.1): minimum of 1 space for each dwelling unit

IV. Proposed development

A. Use: 5 single family row and semi-detached dwellings

B. Height: 2 stories and approximate height of 25 feet, 4 inches

C. Density:

1. 0.73 FAR for all five buildings (square feet of gross floor area)
2. Overall lot occupancy of 36.2%
3. Density on individual lots as follows:

Lot	Lot Area	FAR	Lot Occupancy
Lot 1	2,243 sf	0.58	28.9%
Lot 2	1,378 sf	0.94	47%
Lot 3	1,415 sf	0.92	46%
Lot 4	1,460 sf	0.89	44.4%
Lot 5	2,440 sf	0.53	26.6%

D. Rear yard: minimum of 20 feet provided

E. Side yards:

1. 3 houses are row dwellings with no side yards
2. End units are semidetached dwellings: minimum of 8 feet and 12.13 feet provided

F. Parking: none provided

V. Relief requested:

A. Special exception for new residential development in R-5-A (§353)

B. Variances:

1. From the parking requirements for the number of spaces (§2101.1):
 - a. Minimum required: 1 space per unit (5 spaces)
 - b. Proposed: none
 - c. Variance: 1 space per unit (5 spaces)
2. Variance from the floor area ratio requirements (§402.4)
 - a. Maximum permitted: 0.9
 - b. Proposed:
 - (1) Lot 2: 0.94
 - (2) Lot 3: 0.92
 - c. Variance:
 - (1) Lot 2: 0.04
 - (2) Lot 3: 0.02
3. Variance from the lot occupancy requirements (§403.2)
 - a. Maximum permitted: 40%
 - b. Proposed:
 - (1) Lot 2: 47%
 - (2) Lot 3: 46%
 - (3) Lot 4: 44.4%
 - (4) Overall: 36.2%
 - c. Variance:
 - (1) Lot 2: 7%
 - (2) Lot 3: 6%
 - (3) Lot 4: 4.4%

VI. Standards for the R-5-A special exception

- A. Adequacy of existing and planned area schools to accommodate the number of students that can be expected to reside in the project
- B. Adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects
- C. Site plan, arrangement of buildings and structures, and provision of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood
- D. Developer shall submit four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements

VII. Compliance with the standards for the R-5-A special exception

- A. Number of students:
 - 1. Students would be assigned to Nalle Elementary School at 219 50th Street, SE, Kelly Miller Middle School at 310 49th Street, NE, and HD Woodson High School at 540 55th Street NE or Eastern High School at 1700 East Capitol Street, NE
 - 2. District generally has adequate capacity in public school system
- B. Adequacy of streets, recreation and other services
 - 1. Access to paved public streets
 - 2. Traffic review by Symmetra Design and report of the Department of Transportation concludes that development would not adversely impact transportation or parking conditions
 - 3. Are outdoor recreation opportunities in the neighborhood, including Fletcher-Johnson Park and Recreation Center to the south, Fort Chaplin Park and the Benning Stoddert Recreation Center to the west, Fort Dupont Park to the southwest, and the Kelly Miller Recreation Center to the northeast

C. Relationship to public plans and projects

1. Comprehensive Plan:

- a. Future Land Use Map includes property in moderate density residential land use category
 - (1) Includes rowhouse neighborhoods as well as garden apartment complexes
 - (2) R-5-A is one of the zones listed as generally consistent with this category
- b. Comprehensive Plan Policy Map designates as Neighborhood Conservation Area
 - (1) Primarily residential in character
 - (2) Change will be modest in scale and consist primarily of scattered site infill housing
 - (3) Diversity of land uses and building types should be maintained

2. Far Northeast and Southeast Area element

Policy FNS 1.1.2 Development of New Housing:

“Encourage new housing for area residents on vacant lots and around Metro stations within the community ...”

D. Site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading

- 1. 5 identical single family dwellings 18 feet wide by 36 feet deep
- 2. Location of dwellings constrained by 15 foot building restriction line at front and requirement for a 20 foot rear yard
- 3. Site is interior lot with frontage only on 46th Street
- 4. Area not devoted to building is landscaped with both green space and walkways
- 5. Buildings occupy approximately 36.2% of the lot

6. Building design provides substantial setbacks from adjoining buildings, providing adequate light and air for residents

VIII. Standards for a variance (§3103.2)

- A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,
- B. the strict application of any regulation adopted under D.C. Code §§5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;
- C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

IX. Compliance with the variance standards

- A. Exceptional situation:
 1. Unusually shaped lot, approximately 20% shallower at the south compared to the north
 2. North lot line is not parallel to the south lot line
 3. Substantial differences in grade across the site (high point of approximately elevation 108 at the southwest corner and low point of approximately elevation 91 at the northwest corner)
 4. Alley access only at the northeast corner of the site for a length of only 10 feet
- B. Practical difficulty:
 1. With only 5 units, it is unduly burdensome to have to design and construct different house for each lot
 2. With a standard house module 18 feet wide, because of the varying depth of the property, each house lot is a different size
 3. Standardizing the house at 36 feet deep results in some lots being over the maximum FAR and lot occupancy and some lots being under

4. Changes in grade make it impossible to get to vehicular access to the rear of the houses to put parking in the rear yard
 5. Parking is not permitted in front of dwellings
- C. No substantial detriment:
1. Overall FAR and lot occupancy is below the maximum permitted
 2. Absence of on-site parking is offset by availability of on-street parking, per reports from Symmetra Design and DDOT, and convenient access to the Benning Road Metrorail Station, approximately 1,040 away
 3. General welfare of the neighborhood will be improved by putting vacant lot to productive use
- X. Conclusions
- A. Application meets the specific standards for approval of the special exception to allow 5 single family dwellings
 - B. Property is affected by a number of exceptional and extraordinary conditions (size, shape, topography, lack of alley access)
 - C. Practical difficulty results from putting a standard 3 bedroom house on 5 different sized lots
 - D. No practical location to put parking anywhere on the lot
 - E. Application meets the test for variances
 - F. The application should be granted