

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: December 10, 2014

SUBJECT: BZA Case 18880: 1368 and 1370 Kenyon Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

Based on a referral from the Zoning Administrator dated July 10, 2014, the Applicant, Sahr Brockai, submitted a request for a use variance and various area variances to erect a new apartment building at 1368 and 1370 Kenyon Street, NW. The property is in the R-4 Zone (R-4 is a rowhouse / flat zone which does not permit new apartment buildings). The applicant subsequently revised the plans to meet the pervious surface requirement. The Applicant has requested, pursuant to § 3103.2 the following variances:

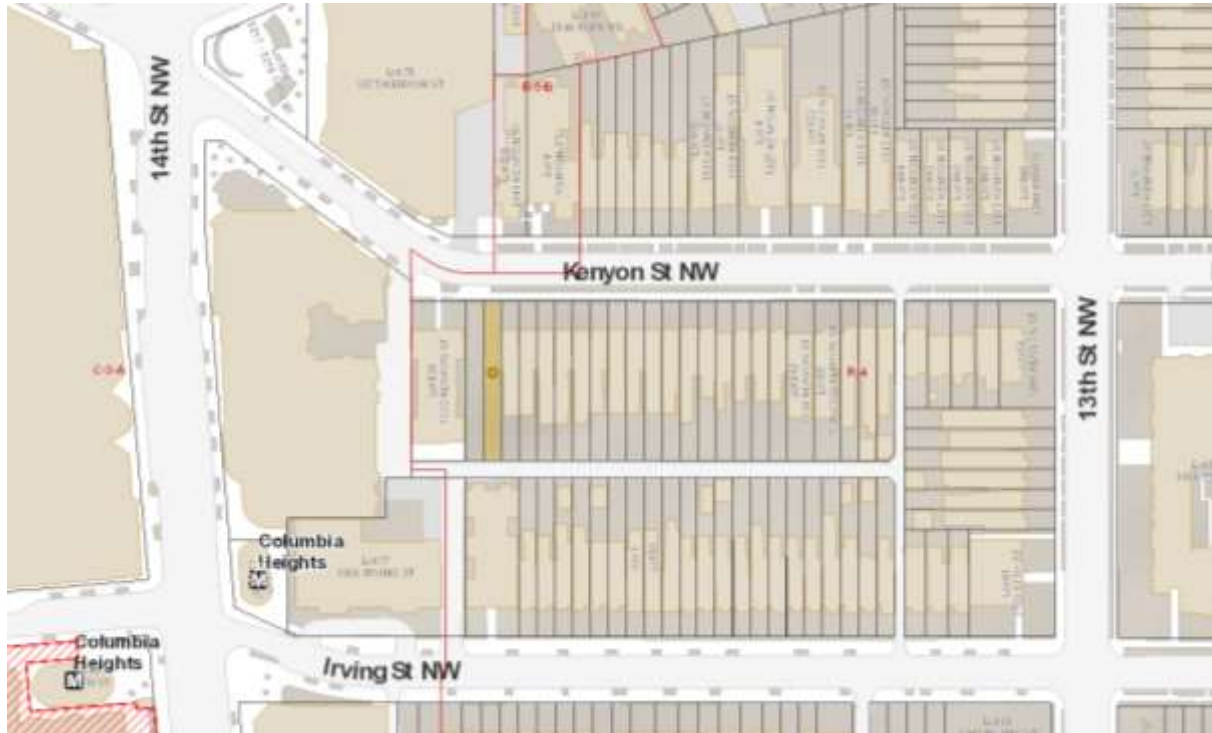
- § 330.5, a use variance to erect a new, eight-unit apartment building the R-4- zone;
- § 400, Height, (40 ft. and 3 stories maximum, 50 ft., 4 stories proposed);
- § 401, Lot width (40 feet minimum, 33.33 feet proposed);
- § 403, Lot Occupancy (40% maximum, 57% proposed).

The Office of Planning (OP) recommends **denial** of the requested use variance and area variances to allow a new apartment building in the R-4 District at 1368 and 1370 Kenyon Street, NE.

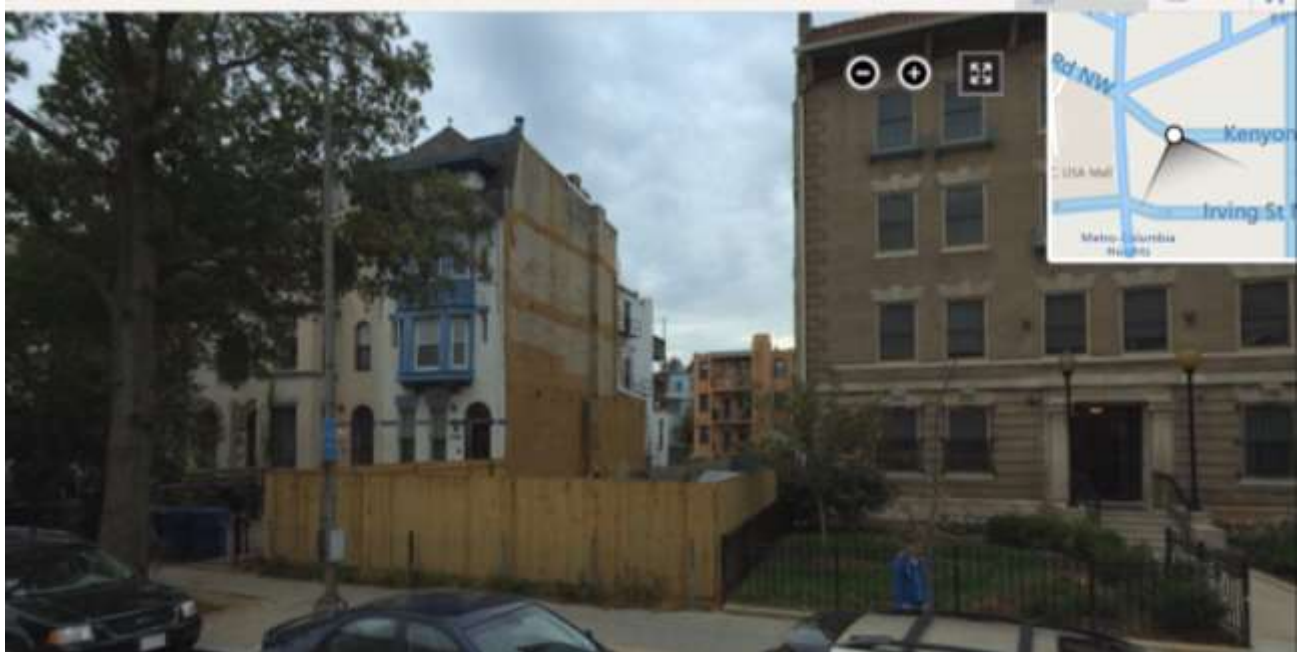
II. LOCATION AND SITE DESCRIPTION

Address	1368and 1370 Kenyon Street, NW
Legal Description	Square 2848, Lots: 39, 40
Ward	6: ANC 6A
Lot Characteristics	Two, rectangular lots which abut a 16-foot rear alley.
Zoning	R4- attached and semi-detached single family dwellings.
Existing Development	2 undeveloped lots
Adjacent Properties	To the east and west of the site are four story apartment buildings.
Surrounding Neighborhood Character	Generally, the area is developed with a mixture of apartments, flats and single family row houses. To the north are 6 and 4 story apartment buildings in the R-5-B zone and two-story row houses in the R-4 zone. To the east in the R-4 zones is a mixture of two, three and four story row houses some of which have been converted to flats. To the south is a mixture of apartment flats and row houses in the R-4 zone. Further west of the site is a seven story building in the C-3-A zone.





Site Location



Photograph of Site

III. APPLICATION IN BRIEF

The Applicant proposes to construct an 8-unit apartment building on a single combined lot, currently consisting of two lots in Square 2848.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft., 3 stories.	vacant	50 ft., 5 stories	Required
Lot Width § 401	40 ft. min.	vacant	33.334 ft.	Required
Lot Area § 401	4,000 sf. min.	4,942 .26 sf.	4,942 .26 sf.	None required
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	vacant	57%	None required
Rear Yard § 404	20 ft. min.	vacant	20 ft.	None required
Parking § 2101	1 per 2 units	vacant	4 spaces	None required
Pervious Surface § 412	30%	100%	31.9%	None required

V. OFFICE OF PLANNING ANALYSIS

1. Variance Relief from § 330.5 (Use Variance)

i. Exceptional Situation Resulting in a Hardship

The Applicant submits that the site is vacant and is in the midst of many taller and denser buildings and that it's development under the R-4 regulations is not economically feasible.

The R-4 zone is designed to include areas developed primarily with row dwellings, but also permits the conversion or expansion apartment houses with specific provision. In this case, the property is vacant and is not expanding an existing apartment building. The applicant has not demonstrated an exceptional situation resulting in a hardship for this particular site. In conversations with various representatives of the Applicant, OP recommended that the Applicant instead pursue a map amendment before the Zoning Commission to zone category that would permit this use, and allow a higher density and height. The Comprehensive Plan Future Land Use Map designates the properties as moderate density residential; while the current R-4 zoning is not inconsistent with this designation, a higher zone category such as the R-5-A or R-5-B zones would also not be inconsistent.

ii. No Substantial Detriment to the Public Good

The proposed new apartment building would fill in a gap between two apartment buildings where none previously existed. The 23.5 feet setback from the north property line would be consistent with the abutting buildings. Parking would be provided on-site, accessible from the alley, as required to reduce impacts to the on-street parking supply. Therefore, in this instance, the design would not likely present a substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The nature of the request for relief for this form of development would pose substantial harm to the Zoning Regulations as the number of units and the height of the building would be contrary to the intent of the zone and has not been justified by the applicant. The relief is effectively tantamount to a rezoning without going through the established, appropriate process, so cannot be supported by OP.

2. Variance Relief for height, Lot Width, and Lot Occupancy

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions which would result in a practical difficulty which is unnecessarily burdensome to the applicant?**

The Applicant states that the narrowness, extreme depth of the lot and the required lot occupancy creates an exceptional situation within which they cannot build and make the building feasible. OP requested information and evidence to substantiate this claim but none was provided.

- 2. Can the relief be granted without substantial detriment to the public good and the Zone Plan?**

The Applicant did not provide any justification to adequately address the requested increase in height/stories and lot occupancy requirements.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation report has submitted comments under separate cover.

VII. COMMUNITY COMMENTS

To date, OP is not aware that ANC 1A has submitted formal comments.

VIII. CONCLUSION

The Applicant has not provided or demonstrated adequate rationale to permit the development of a new 8-unit apartment building in the R-4 district. In addition, adequate justification to support the area variances was not provided. OP has recommended to the Applicant that they pursue a map amendment to rezone the property to a higher moderate density zone which would allow greater height and density on the site in keeping with adjacent buildings.