

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Megan Rappolt, Case Manager
JLS for
Joel Lawson, Associate Director Development Review

DATE: February 3, 2015

SUBJECT: BZA Case #18912 – Variance request pursuant to DCMR 11 § 3103 in order to construct a new three-story row home dwelling located at 2007 First Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (“OP”) recommends **approval** of the requested relief with regard to lot occupancy, rear yard and parking pursuant to § 3103 Variances based on the revised plan submitted on January 16, 2015, which includes a reduction in the originally-requested lot occupancy from 96% to 89%, and rear yard from 2’ to 7’.

- § 403.2, Percentage of Lot Occupancy (60% required, 97% existing, 89 % proposed); and
- §2101.1, Required Parking (1 space required, 0 spaces existing, 0 spaces proposed)

OP notes it appears relief from § 404.1 Rear Yard is required because approximately 7’ is proposed and 20’ is required.

Additionally, the Applicant requested relief from the minimum lot area requirement (§ 401.3); however the lot size is an existing nonconformity and does not require relief.

II. LOCATION AND PROPERTY DESCRIPTION

Address:	2007 First Street N.W.
Legal Description:	Square 3117 , Lot 73
Ward/ANC:	5/5E
Lot Characteristics:	The rectangular-shaped lot is 1,188 sf in area and has a frontage of 18 feet on First Street NW. The rear of the lot is also 18 feet in width and the side lot line/rear yard of vacant Lot 69. There is no alley access for the Applicant’s property.
Zoning:	R-4 – row, one-family detached and one family semi-detached dwellings.
Existing Development:	One-story commercial use (store), not permitted in this zone.
Historic District:	None

Adjacent Properties:	Predominantly row dwellings. Vacant lots 69 and 68 are located to the rear of the Property. Crispus Attucks Park is located in the center of Square 3117 and is surrounded by alleys that serve the majority of residences.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Owner Michael Pietsch by William Jelen, Architect
Proposal:	The Applicant proposes a new three-story row dwelling with decks and circular stair, potentially utilizing structural portions of the existing one-story store.
Relief Sought:	§3103 - Variances

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	21'-4" ft.	39'-6" ft.	None required
Lot Width (ft.) § 401	18 ft. min.	18 ft.	18 ft.	None required
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	1,188 sq.ft.	1,188 sq.ft.	Existing Nonconformity; None required
Floor Area Ratio § 402	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	60% max.	97%	89%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	1.5 ft.	7 ft.	Relief Required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	0 ft.	None required
Courts (ft.) § 406	6 ft minimum	None	None provided	None required

V. OP ANALYSIS: Area Variance Relief

The Applicant requests variance relief from required lot occupancy and parking requirements. Additionally, rear yard relief is also required. Pursuant to DCMR 11§3103, variances from the zoning regulations can be authorized by the Board of Zoning Adjustment, so long as the following exceptions exist and detriment to the public good or zoning regulations do not result. Area variances allow for relief of requirements that affect the size, location, and placement of buildings and other structures such as height, floor area ratio, lot occupancy, yard width and depth, and minimum court size.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or***

¹ Information provided by the Applicant.

conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?

The Applicant states the conversion of the existing one-story store into a 3-1/2-story residential row home causes a practical difficulty in meeting the 60% lot occupancy requirements and 20' rear yard requirement. OP requested more information in this regard, as it does not appear from the drawings that a significant portion of the existing one-story store will be incorporated in the proposed row home. The Applicant provided information in this regard and confirmed a portion of the foundation and existing party walls of the existing structure may be utilized in the new design. The Applicant requests that a ground floor of a similar size as the existing store, which exceeds permitted lot occupancy, be permitted because of neighbor and engineering concerns regarding thermal exposure of portions of adjoining row homes left exposed where it was once insulated by adjoining party walls; water infiltration that may occur as a topographical low point occurs near the Property; and lateral structural support a replacement structure would offer the adjoining row homes.

Additionally, the Applicant states that their property is a small lot with no alley and thus requires lot occupancy relief to construct a residence of a desirable size. The Applicant's Property is about 476 sf smaller than the average lot size of 1,665 sf on Square 3117. The proposed lot occupancy of 89% approaches a proportionally-appropriate size considering the 476 sf deficit in the size of the Applicant's lot as compared to the average lot size of 1,665 sf on Square 3117. The proposed deck is approximately 68 sf which adds approximately 5% to the lot occupancy figure. The deck arguably creates less impact than a structure and without it, the proposed residence results in ~84% lot occupancy which is proportionally-appropriate for the Applicant's below-average lot size. With regard to parking relief, the Applicant's property is one of 18 lots that does not have alley access on the Square. The lack of alley access creates a difficulty in the Applicant's ability to provide the requisite one parking space.

OP concurs the combination of factors cited by the Applicant which include thermal exposure, water infiltration, lateral support and a small lot with no alley access create a practical difficulty in the Applicant's ability to meet the lot occupancy, rear yard and parking requirements.

2. Can the relief be granted without substantial detriment to the public good?

Relief for the row house residence could likely be granted without substantial detriment to the public good as the style and materials of the row home are consistent with the established character of row homes along First Street NW. Additionally, the Applicant has supplied a letter of support from the adjacent neighbor to the north, residing at 2009 First St. NW as well as many signatures of support from nearby neighbors. OP was concerned about the potential for detriment that could exist in the future, when vacant, adjacent Lots 69 and 68 develop, as the Applicant's proposed decks were in very close proximity to rear yard uses of both Lots 69 and 68. The Applicant has revised their plans to allow for an additional 5' of rear yard to provide more separation from rear yard uses of Lots 69 and 68. As such, the privacy and enjoyment of rear yard uses of those future home(s) will be less impacted, as there will be 7' of horizontal separation between the Applicant's deck and Lot 69's rear yard uses. With regard to parking, OP believes the Property is well-served with alternative transit modes, as it is within one block of bus lines on North Capitol Street NW and Rhode Island Avenue, as well as its location .7 miles and 1 miles from the Shaw- Howard and Rhode Island Avenue Metro Stations.

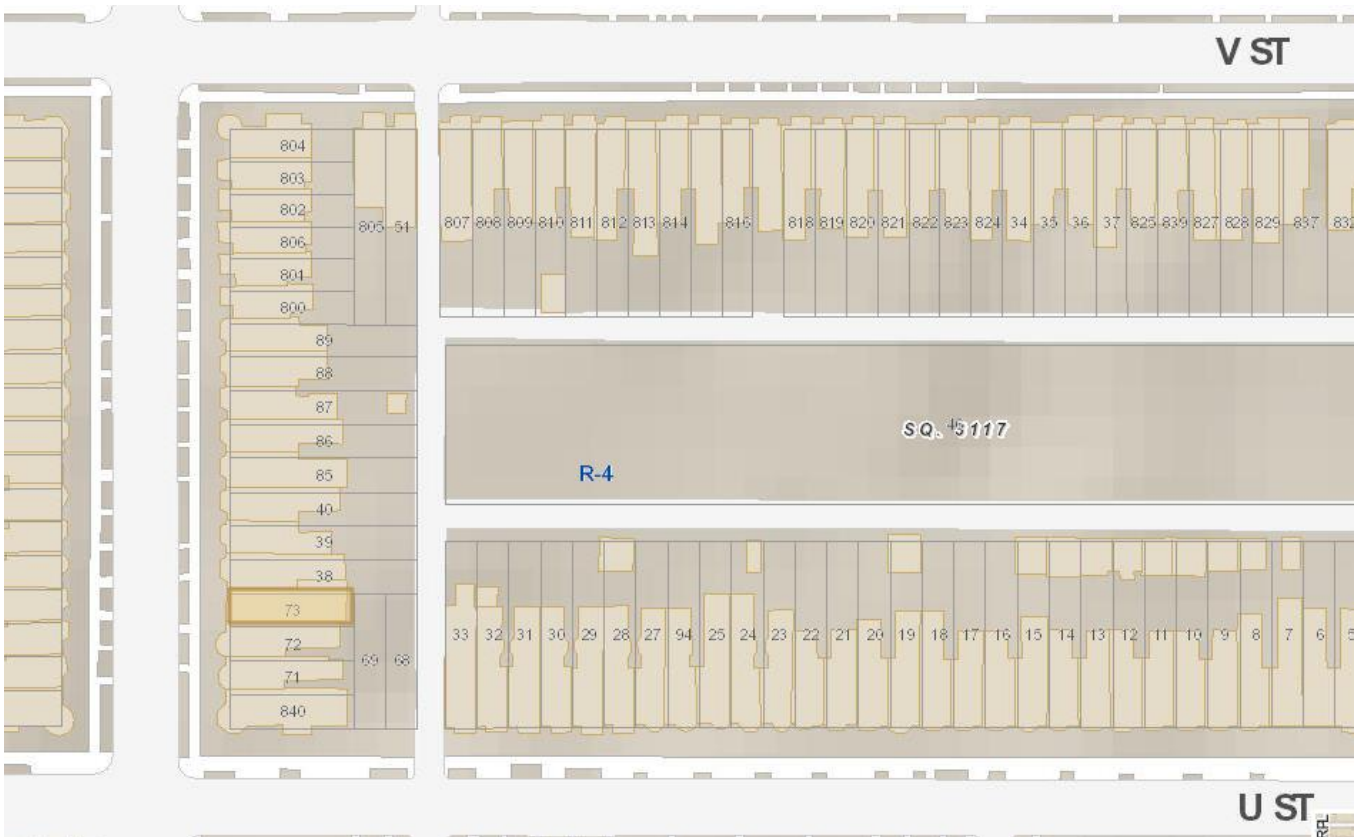
3. Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The granting of the requested relief will likely not impair the intent, purpose and integrity of the Zoning Regulations and Map even though the requested lot occupancy is greater than what is permitted, rear yard is smaller than what is permitted and no parking is permitted. The proposed rowhome is comparatively a reasonable size and the lot is smaller than the average-sized lot on Square 3117, with no alley access. As such, an increase in lot occupancy to 89%, rear yard of 7' and no parking at this location likely will not substantially impair the intent, purpose and integrity of the Zoning Regulations and Map.

VI. COMMUNITY COMMENTS

Adjacent neighbors: The Applicant provided a letter of support from the adjacent owners located at 2009 First Street NW and has provided a number of signatures of support from nearby residents.

ANC Ward 5E: The property is within ANC-5E. At their January 20, 2015 meeting, ANC-5E will hear the Applicant's request.



Location Map