

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 10, 2015
SUBJECT: BZA Case 18943, 2610 Myrtle Avenue, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) is unable to support the following request for relief:

- § 401, Minimum Lot Dimensions (50 feet required, 42.25 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	2610 Myrtle Avenue, N.E.
Legal Description	Square 4315, Lot 834
Ward	5, 5C
Lot Characteristics	The lot is currently 10,326 square feet in area with 92.64 feet of frontage along Myrtle Avenue. Once the lot has been formally subdivided, the west lot, which is currently developed, would have an area of 5,207 square feet and a frontage of 50.39 feet along Myrtle Avenue. The east lot, which is the subject of this application, would have an area of 5,119 square feet and a frontage of 42.25 feet along Myrtle Avenue.
Zoning	R-1-B – Detached single family dwellings.
Existing Development	The portion of the lot that is the subject of this application is currently vacant, but a detached dwelling is proposed, which is permitted in this zone.
Adjacent Properties	The adjacent properties are zoned residential and developed with detached dwellings.
Surrounding Neighborhood Character	The subject property is located in the Woodridge neighborhood, which is primarily a low density residential area. The nearest commercial corridor is on Rhode Island Avenue, which is about one block from the site, and the nearest Metro Station is Brookland-CUA, located about one and a half miles from the property.

III. APPLICATION IN BRIEF

Proposal:	The applicant proposes subdivide the lot into two lots, one with an existing house and a nonconforming one on which the plan is to construct a new detached dwelling. The dwelling itself will comply with height, area, and density regulations as provided in Chapter 4 of the Zoning Regulations.
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

C-3-A Zone	Regulation	Proposed	Relief
Height § 400	40 ft. max.	36.4 ft.	None required
Lot Width § 401	50 ft. min.	42.25 ft.	Required
Lot Area § 401	5,000 SF min.	5,119 SF	None required
Floor Area Ratio § 402	None prescribed	--	None required
Lot Occupancy § 403	40% max.	28%	None required
Rear Yard § 404	20 ft. min.	33.5 ft.	None required
Side Yard § 405	8 ft. min.	8 ft.	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401, Minimum Lot Dimensions

i. Exceptional Situation Resulting in a Practical Difficulty

The proposed relief would allow for the subdivision of the existing lot and the new construction of a dwelling on a lot that does not conform to width requirements. While the lot is not the largest in the square, there are only four lots that are larger in area, and only one lot that has greater lot width. The applicant has identified the following exceptional situations resulting in a practical difficulty:

- The existing residence located on the west portion of the property is undergoing an expensive renovation due to unexpected expenditures have included the entire replacement of the foundation system, severe water damage and lack of property below grade drainage. These expensive repairs have exhausted profitability of the project.
- The lot has a significant land area of 10,326 square feet, where lots are required to have an area of only 5,000 square feet. The applicant indicates that having a 5,000 square foot area of yard space is not practical given the size and scale of adjacent yards and dwellings.

Because the lot is currently larger, it easily accommodates a single family detached dwelling, which is permitted in this District. If the lot in question had been created prior to the adoption of the Zoning Regulations, then OP could be supportive of relief that would allow for the development of a vacant property, as it would not be developable otherwise. In this case, the lot is developable without relief, and there does not appear to be an exceptional situation resulting in a practical difficulty that impedes development of the lot.

While OP sympathizes with the applicant's loss of revenue from the project due to unexpected repairs and expenses, it does not generally consider these issues to be exceptional situations. The applicant provided a pro forma for each development scenario: one that documents the construction cost and revenue of one dwelling on one lot; and one that documents the construction cost and revenue of two dwellings on two lots. Should the Board determine that the financial impact to the applicant is an exceptional situation resulting in a practical difficulty, the applicant may need to provide additional information documenting the expenses.

ii. No Substantial Detriment to the Public Good

The requested relief would not appear to cause substantial detriment to the public good. There are 45 lots in square 4315, where the lot is located. Of those properties, only one has a wider lot width of 94 feet, where the width of the current lot is 92 feet. Further analysis indicates that the average lot width of properties in this square is 47.6 feet, which is less than the 50 feet required, but greater than the requested width of 42.25 feet. In fact, only ten of the existing 45 lots in the square conform to lot width requirements; 25 lots have a width less than the lot that is the subject of this application. The requested relief would allow for the construction of a dwelling that conforms to all the bulk and setback requirements on lot that has a width consistent with other properties in the square.

iii. No Substantial Harm to the Zoning Regulations

The requested relief would pose harm, but in this case potentially not substantial, to the Zoning Regulations. The purpose of the lot width regulation is to ensure that the character of low density residential neighborhoods is preserved, and that single family detached dwellings are the predominant building type. Particularly in the low density areas, house lots tend to have a variety of lot characteristics. In this case, the applicant has demonstrated that the dwelling that would occupy the proposed lot would comply with all other development regulations, including building height, lot area, lot occupancy, rear yard and side yard. Therefore, the lot would exhibit characteristics typical of the surrounding neighborhood, which is consistent with the intent of the zoning regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing, comments from other District Agencies had not been received. It is anticipated that the District Department of Transportation (DDOT) will file a report under separate cover.

VII. COMMUNITY COMMENTS

ANC 5C will discuss this request at its March 11, 2015 meeting. OP has not received any comments from neighbors regarding this application.

Attachment: Location Map

Location Map

