

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
Joel Lawson, Associate Director Development Review
DATE: March 12, 2014

SUBJECT: Supplemental Report for BZA Case 18943, 2610 Myrtle Avenue, N.E.

Since the Office of Planning (OP) report was filed on March 10, 2015, the applicant has provided additional information from the Office of the Surveyor demonstrating that the subject property is currently two lots of record, with both having existing lot frontages of 46.34 feet. Subsequently, OP recommends approval of the following relief:

- § 401, Minimum Lot Dimensions (50 feet required, 46.34 feet provided).

OP is able to reverse its recommendation because the relief would allow the applicant to develop an existing nonconforming lot, not the creation of a new non-conforming lot, and would not create an additional nonconformity.

Given that the lot is existing, there is an exceptional situation resulting in a practical difficulty. The subject lot was created prior to the adoption of the Zoning Regulations, and has an area and width that is comparable to other properties in the square. The plat provided by the applicant indicates that the lot was existing in 1911. It does not appear that opportunities exist for a re-subdivision of this lot and an adjacent one to make this lot conforming.

The relief can be granted without impairing the intent, purpose and integrity of the Zoning Regulations because the lot was created prior to the adoption of the Zoning Regulations, and the proposed detached dwelling would not allow an intensity at odds with the intent of the Regulations.

Further, § 401.2 of the Zoning Regulations notes that an unimproved lot under single ownership that has a lot width of 80% of the required lot width may be developed with a structure that complies with all other provisions for development in the specified District. The existing lot, having a frontage of 46.34 feet, is 92.6% of the required lot width in the R-1-B District, and the applicant has demonstrated that the proposed dwelling will comply with all other development requirements. As a result, relief from § 401, Minimum Lot Dimensions, may not be required.