

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: October 9, 2015
SUBJECT: BZA Case 19084, 1028 D Street NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of variance relief from:

- § 2101.1 Parking (1 parking space required, none proposed)
- § 401 Lot Area (1,800 sf required. 1,039 sf existing) and
- § 401 Lot Width (18 feet required, 16 feet existing);

to allow the in-fill construction of the single-family row dwelling at 1028 D Street, NE on an existing non-conforming lot.

II. LOCATION AND SITE DESCRIPTION

Address	1028 D Street NE
Legal Description	Square 0962, Lot 0801
Ward	6, ANC 6A
Lot Characteristics	The subject lot is a small, rectangular unimproved lot, without vehicular alley access. A 4 foot-wide private alley is shown on the applicant's site plan. The lot predates the current zoning code, but does not conform to the lot width and lot area requirements.
Zoning	R-4 – single family flats and row dwellings are permitted.
Existing Development	The subject site is currently unimproved.
Historic District	Capitol Hill HD
Adjacent Properties	The site fronts on the north side of D Street and abuts row dwellings to the east and west. The rear property line abuts another residential home which fronts on the east side of 11 th Street NE.
Surrounding Neighborhood Character	Row dwellings with some small apartment buildings, typical of the Capitol Hill Historic District.

III. APPLICATION-IN-BRIEF

The applicant proposes to construct a three-story (with cellar) single-family row dwelling on the unimproved, nonconforming lot. The applicant did not initially request relief from Section 401 - lot

area and lot width, but was informed by OP to amend the application to reflect this requirement, as this relief is required under current zoning regulations for the construction of a new dwelling on an existing non-conforming lot.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max.	unimproved	33 ft. 8 inches	None required
Lot Width § 401	18 ft. min.	16 ft.	16 ft.	Existing non-conformity Relief required
Lot Area § 401	1,800 SF min.	1,039 SF	1,039 SF.	Existing non-conformity Relief required
Floor Area Ratio § 402	None prescribed	-	-	None required
Lot Occupancy § 403	60 % max.	unimproved	60 %	None required
Rear Yard § 404	20 ft. min.	unimproved	22 ft.	None required
Side Yard § 405	None required for row dwellings	unimproved	Not proposed.	None required
Parking § 2101	1 per du	unimproved	none	Relief required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2101 - Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The lot has no alley access for vehicle ingress or egress to the lot. In addition, a curb cut would not be supported along D Street NE to provide access. These factors in combination create a practical difficulty for the applicant to conform to the minimum parking requirement of the Regulations.

ii. No Substantial Detriment to the Public Good

No detriment to the public good is anticipated. Street parking would be maintained (a new curb cut would likely result in the loss of one or more street parking spaces) and the residential use would be permitted a residential parking permit (RPP) through the Department of Motor Vehicle (DMV) if requested. An adverse impact due to traffic should not be accrued to the use of one, on-street parking space by future residents.

iii. No Substantial Harm to the Zoning Regulations

Detrimental harm to the Regulations is not anticipated, as not all lots in the District have rear alley access.

b. Variance Relief from § 401 Lot Area and Lot Width

i. Exceptional Situation Resulting in a Practical Difficulty

The lot is a long-standing vacant lot, created prior to the 1958 zoning regulations. It is not in common ownership with either abutting lot, and both adjacent lots are developed with a building (and are both of a similar size to the subject lot, so are also non-conforming for lot area and lot width). Therefore, there is a practical difficulty for the applicant in expanding the lot to satisfy the Regulations' minimum area requirements for the lot.

ii. No Substantial Detriment to the Public Good

No detriment to the public good is anticipated, since the lot width and area are within the range of the 39 lots developed with row dwellings within the square (12 feet minimum, 18 feet maximum – See attachment). The proposed development would be consistent in use and character to other development on the block.

iii. No Substantial Harm to the Zoning Regulations

Many District lots, both vacant and now developed, were created prior to the establishment of the 1958 Regulations and do not conform to the Regulations' minimum area and width requirements. This lot predates the 1958 Regulations.

With the exception of the existing lot area and width, the proposed development would satisfy all other requirements that are intended to protect the privacy, light and air to neighboring structures. It would be developed with a new row dwelling, consistent with the intent of the zoning.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

District agency comments were not received to the record, as at the date of this review.

VII. COMMUNITY COMMENTS

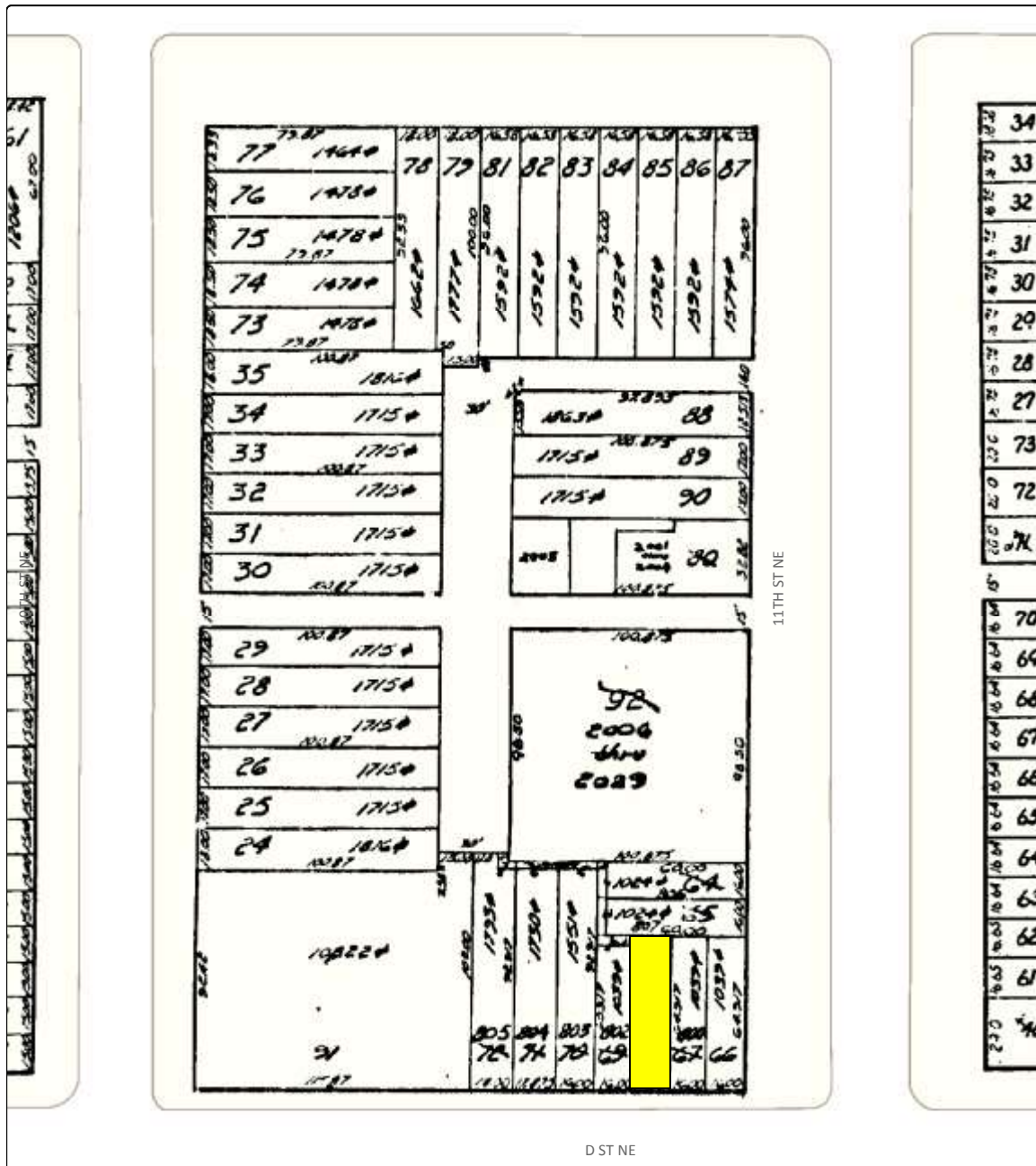
The ANC 6A voted to support the applicant's variance request at their regularly scheduled meeting on September 10, 2015 (Exhibit 28).

Attachment: Location Map

Row Dwelling Lot Dimensions – Square 0962



Location and Zoning Map



Row Dwelling Lot Dimensions – Square 0962 (GIS)