

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: November 10, 2015
SUBJECT: BZA Case 19100, 525 Longfellow Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following variances to subdivide an existing conforming lot into three nonconforming lots:

- § 401, Minimum Lot Width (18 feet required, 16.7 feet proposed); and
- § 401, Minimum Lot Area (1,800 feet required, 1,530; 1,592; and 1,653 feet proposed).

OP **supports** the following variance:

- § 2117.8(d), Driveway Access from a Street to a Row Dwelling.

II. LOCATION AND SITE DESCRIPTION

Address	525 Longfellow Street, N.W.
Legal Description	Square 3206, Lot 3
Ward	4, 4D
Lot Characteristics	The rectangular through lot is 4,776 square feet in area, with a lot frontage of 50 feet along Longfellow Street. The rear of the lot has a width of 51.2 feet along Shepherd Road.
Zoning	R-4 – Row dwelling.
Existing Development	Detached dwelling, permitted in this zone.
Historic District	Not applicable
Adjacent Properties	Adjacent properties vary in width and area, having an average lot width of 20 feet and an average lot area of 2,168 square feet. In this square, most of the properties are developed as row dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly residential, having an abundance of row dwellings with some multifamily dwellings. South of the subject property, across Longfellow Street, are several multifamily buildings, while most of the square is developed as row dwellings. The nearest commercial corridor is located on Kennedy Street, which is one block south of the subject property.

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III. APPLICATION IN BRIEF

The subject property is currently developed with a single family detached dwelling. The dwelling is nonconforming, in that it does not comply with side yard requirements along the west property line. The applicant proposes to raze the structure, subdivide the lot into three lots, and construct three flats. Based on the site plan provided, relief for minimum lot width and area would be required for the subdivision; the three proposed flats would otherwise be compliant with the Zoning Regulations.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	18 ft. min.	50 ft.	16.7 ft.	Required
Lot Area § 401	1,800 SF min.	4,776 SF	1,530 SF 1,592 SF 1,653 SF	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 401, Minimum Lot Dimensions

i. Exceptional Situation Resulting in a Practical Difficulty

The applicant has requested relief that would allow for the subdivision of a 4,776 square foot lot into three lots. All three lots would have a reduced lot width and lot area and be developed with a flat, providing a total of six new dwelling units. The lot is the largest in the square, but there are other lots over 4,000 square feet that are currently developed as semi-detached dwellings, located on Madison Street. The applicant has indicated that the fact that the subject lot is larger than typical lots in the square is an exceptional situation resulting in a practical difficulty.

While OP recognizes that this lot is the largest in the square, this does not result in a practical difficulty as the lot could be subdivided to create two conforming lots of 25 feet in width, which is not unusual in the R-4 District. In addition, it is currently developed as a detached dwelling constructed in 1923, which suggests that this property is suitable for a larger dwelling. Larger lots do not require the provision of larger structures; dwellings similar in size to those on the same block could still be constructed on a subdivision of two conforming lots. Furthermore, there does not appear to be a practical difficulty related to the shape of the lot that would prevent it from being subdivided into conforming lots. 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 its development.

While OP sympathizes with the applicant's inability to obtain a building permit under the old regulations to convert the existing structure into apartments, the Zoning Regulations themselves cannot be the exceptional situation resulting in a practical difficulty. The revisions to the R-4 regulations were an intensive, year-long process. The text amendment was setdown at a public meeting held by the Zoning Commission on July 17, 2014, nearly one year prior to the date of adoption. In fact, the Zoning Commission noted during its February 9, 2015 public hearing that

adequate notice regarding the text amendment had been provided, as it had been a topic of discussion during the Zoning Regulations Review process long before the text amendment was setdown. As such, the purchaser of the property should have been informed of the potential for a change in the regulations at the time of purchase, approximately eight months after the text amendment had been setdown for consideration by the Zoning Commission.

In light of the new regulations, OP has suggested an alternative to the applicant that would result in the creation of two lots: one lot of 1,800 square feet, just south of where the existing dwelling is located; and one lot with the remaining area of 2,976 square feet. The existing dwelling could be converted into three units by a Special Exception under the new R-4 regulations, and a flat could be constructed on the smaller lot, resulting in a total of five units, which was the applicant's original intent. There are other design requirements for this conversion, such as the preservation of architectural elements, which would need to be addressed through this process.

Finally, the applicant identifies BZA Case No. 18943 as a similar request for lot width relief that was recently approved by the Board. In that particular case, the applicant filed for a variance from lot width to allow two lots of 43 feet in width where 50 feet was required. After OP filed a report recommending denial of the request, the applicant provided evidence that the two lots existed in a similar configuration prior to November 1, 1957. As such, they became eligible for matter-of-right construction under § 401.4, which permits the development of nonconforming lots provided that they comply with 80% of both the required lot area and lot width for the District in which it is located. In this case, the applicant only requested relief from lot width, which was 86% of the required width.

ii. No Substantial Detriment to the Public Good

The requested relief would result in lots that are less than the average lot width and area of lots in this square. The average lot width is 20 feet, while the average lot area is 2,168 square feet; both are above what is required for the R-4 District. However, the lots on this block of Longfellow Street, between 5th and 7th Streets, have an average lot width of 19 feet, and average lot area of 1,581 square feet. While the proposed lot area would be consistent with the average on the block, the width would continue to be less than the average found on the same lots, and could cause detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The requested relief would pose harm to the Zoning Regulations. The R-4 District has received much attention lately due to the proliferation of apartment conversions, with one of the chief complaints being that increased density in this zone is having a negative impact on neighborhood character. While this particular application does not propose a conversion, it does introduce more units than would otherwise be permitted by right, or even by Special Exception if the subdivision included only two lots, which counters recent efforts to stabilize density in the R-4 District.

b. Variance Relief from § 2117.8(d), Driveway Access from a Street to a Row Dwelling

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is a through lot, with the frontage being along Longfellow Street, and the rear along Shepherd Road. Section 2117.8(d) requires a separation of 28 feet between driveways that provide access to dwellings from the street. While Shepherd Road generally functions as an alley would, it is recorded as a public street, and is upheld to this requirement. The fact that Shepherd Road is treated more like an alley than a street is an existing condition, and makes it practically difficult to provide vehicular access to the property. The regulation was intended to address lots with only one street frontage in order to minimize curb cuts along residential blocks, creating a safer pedestrian experience. In this case, it is intended for access to the property to be gained from Shepherd Road rather than from Longfellow Street.

ii. No Substantial Detriment to the Public Good

Given that Shepherd Road currently functions as an alley, it is not anticipated that driveways closer than 28 feet would pose a substantial detriment to the public good. Allowing vehicular access from Shepherd Road is consistent with current practices, and would allow parking to be provided on-site.

iii. No Substantial Harm to the Zoning Regulations

The provision of driveways closer than 28 feet along Shepherd Road would not cause harm to the Zoning Regulations. The front of the lot is considered to be on Longfellow Street, where all other residences front. Continuing to use Shepherd Road as an alley does not run contrary to the Zoning Regulations, since this particular regulation is intended to ensure that the fronts of lots, where greater pedestrian travel occurs, are unencumbered by curb cuts.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation has submitted a report under separate cover indicating that the “proposal will have no adverse impacts on the travel conditions of the District’s transportation network.”

VII. COMMUNITY COMMENTS

As of the date of this writing, OP has not received any comments from the community or ANC.

Attachment: Location Map

Location Map

