

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: January 5, 2016

SUBJECT: BZA #19151 – 402 Burbank Street, SE

I. RECOMMENDATION

OP recommends approval of the following requested variance relief:

- § 2101.1 Parking (1 parking space required; 0 parking spaces proposed).

II. LOCATION AND SITE DESCRIPTION

Address	402 Burbank Street, SE
Legal Description	Square 5398E, Lot 30
Zoning	R-2, single-family semi-detached and detached residences
Ward and ANC	7, 7F
Historic District	None
Lot Characteristics and Existing Development	The 3,672 SF property is a triangular corner lot, approximately 60 feet wide along Burbank Street SE, 122 feet deep at the southeastern lot line and 137 feet long adjacent to D Street SE, parallel to which right of way there is a 15-foot deep building restriction line. There is an 8 to 9 foot grade change between the level of the adjacent streets and the main level of the lot. The property does not have alley access. The lot contains a newly constructed three-story semi-detached house that has not yet been occupied.
Adjacent Properties and Neighborhood Character	The southeast adjacent property contains the end unit of a row of two-story semi-detached houses. With the exception of a four-story apartment building across the alley near the rear of the property, most of the nearby buildings are two-story semi-detached houses. There is extensive public parkland across Burbank Street.
Project Description	The applicant seeks parking relief to enable occupancy of the house.

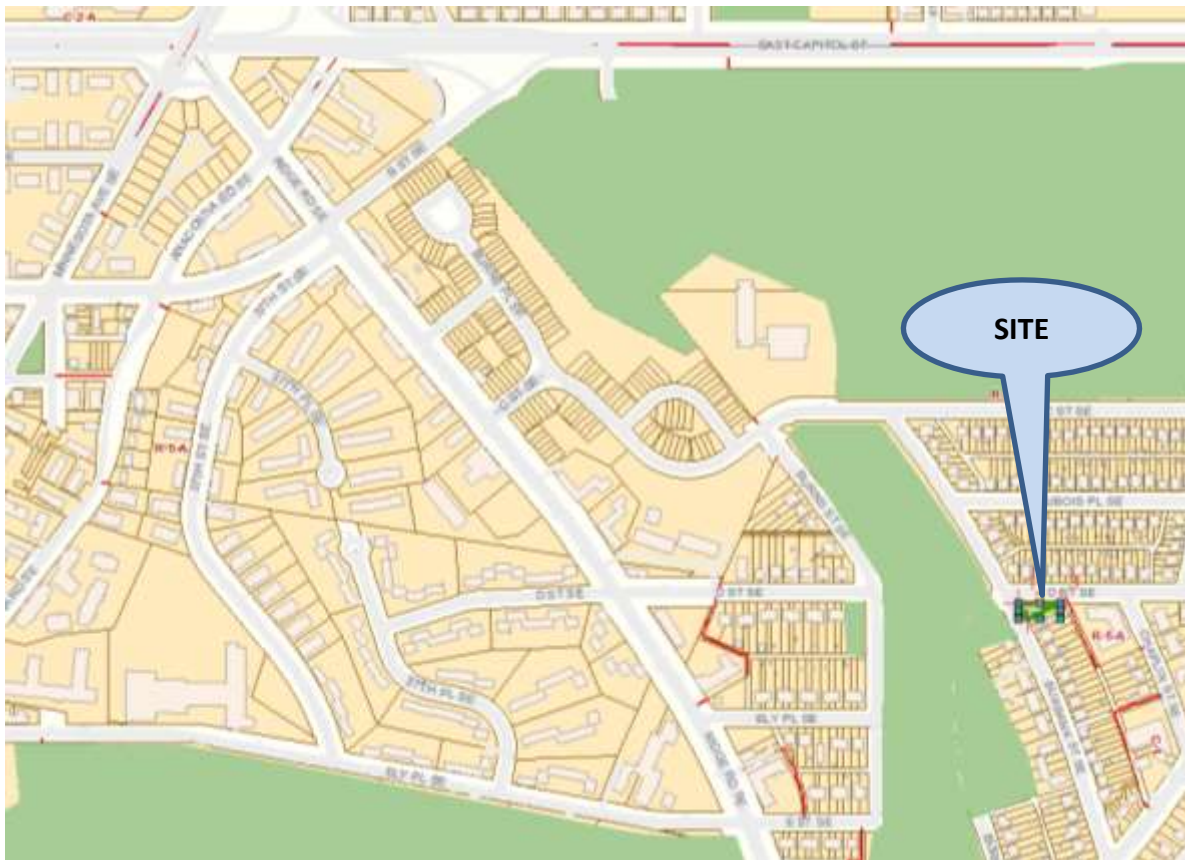


Figure 1. Site Location

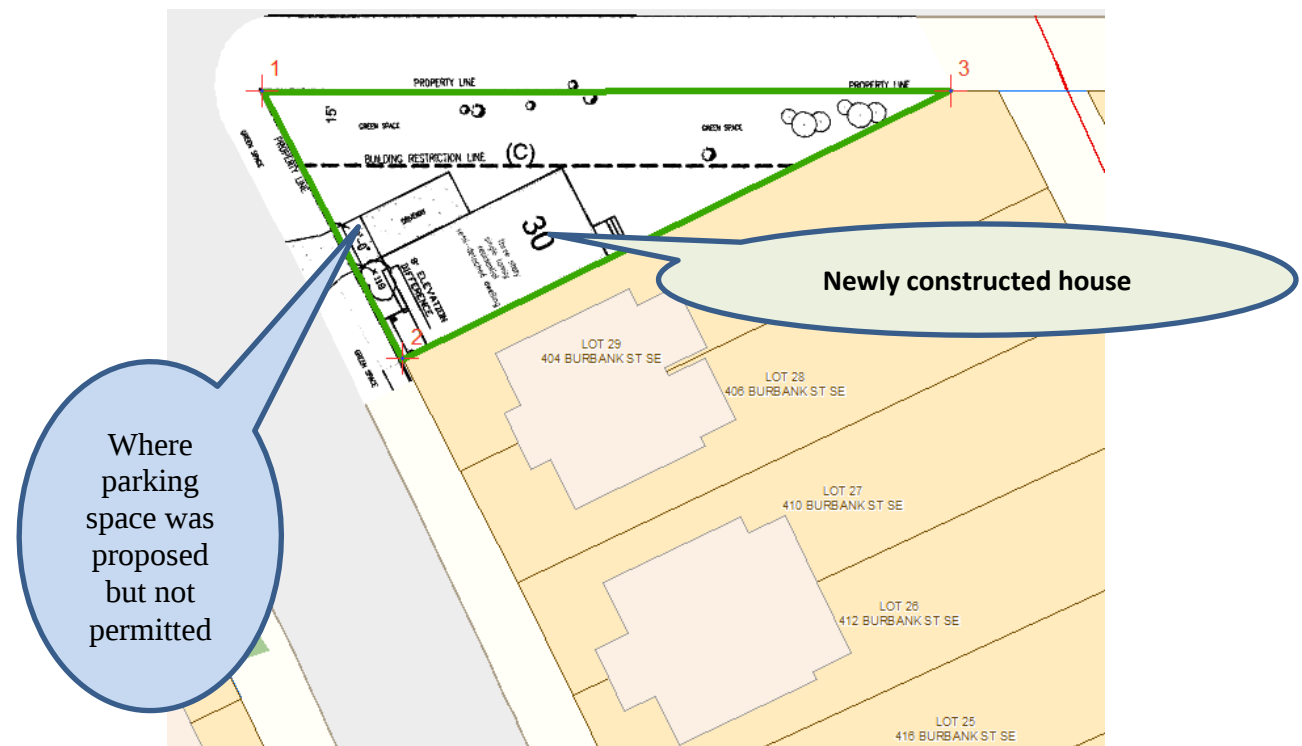


Figure 2. Site Plan

III. ZONING REQUIREMENTS AND REQUESTED RELIEF

The R-2 zoned site permits the semi-detached structure that has been constructed. The new house appears to conform to all zoning requirements but for the provision of an off-street parking space.

Item	Reg.	Required / Permitted	Existing	Proposed	Relief
Lot Area	401	3000 sf semi-detached 4000 sf detached	3673 sf	same	Not required
Dimensions	401	30 ft. min. width semi-detached 40 ft. min. width detached	60 ft. @ front 0 ft. @ rear*	same	Not required
Lot Occ.	403	40%	21.8 %	same	Not required
FAR	402	n/a	n/a	n/a	Not required
Height	400	40 ft. max.	29.5	same	Not required
Parking	2101.1	1	n/a	0	Requested
Rear Yard	404	20 ft. min.	75.25 ft.	same	Not required
Side Yard	405	8 ft. min. on 1 side for a semi-detached structure	15' on northwest 0' on southeast	same	Not required
Pervious Surface	412.13	30% minimum	Applicant states 67.74%, with driveway	Possibly > 67.74%, if no driveway	Not required

IV. VARIANCE BACKGROUND AND ANALYSIS

Background: The application indicates that the relief is being requested for a proposed development and the supporting photographs show a vacant lot. Actually, under a valid building permit, the applicant has already constructed a three story semi-detached residential building on the lot. However, because the District Department of Transportation (DDOT) will not permit the curb cut that was shown on the original plans submitted to the Department of Consumer and Regulatory Affairs (DCRA), DCRA has put a hold permitting occupancy of the building, pending a BZA decision on the requested parking relief.

Analysis: The applicant must demonstrate the following tests have been satisfied in order to be granted the requested area variance:

1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions that;
2. Imposes a practical difficulty which is unnecessarily burdensome to the applicant?

The applicant has demonstrated that the property's combination of the following exceptional conditions poses practical difficulties in providing the required parking:

- the triangular shape of the property;
- the lack of access to a rear alley;
- the limitations the building restriction line adjacent to D Street imposes on a curb cut from that street;
- the inability of a 60 foot wide property to locate a curb cut on Burbank Street outside of the minimum 60 foot distance from an intersection that DDOT requires for a curb cut, and DDOT's denial of flexibility from this standard¹.

OP also notes that 11 DCMR § 2116.4(b)'s prohibits locating a parking space between a street-abutting lot line and a building façade.

The applicant states that the inability to provide an off-site parking space poses a practical difficulty because DCRA will not permit occupancy of the essentially completed building unless the applicant either provides the required parking space or receives Board relief from the requirement.

3. Can the relief be granted without substantial detriment to the public good and to the intent, purpose and integrity of the Zoning Regulations and Map?

It appears unlikely that the granting of the parking relief would cause substantial detriment to either the public good or the Zoning Regulations due to:

- the relatively low-density of the nearby residences;
- the access that most of nearby residents have to parking off of rear alleys; and
- the absence of parking demand from the extensive parkland across Burbank Street, SE.

V. COMMUNITY COMMENTS

There were no public comments at the time OP completed this report.

VI. OTHER DISTRICT AGENCY COMMENTS

There were no comments on the application from other District agencies at the time OP completed its report.

¹ It appears to OP that the applicant may not have requested a curb cut until after DCRA issued a building permit for the house. The applicant states, but has not documented, that DDOT initially approved the curb cut and later reversed its decision.