GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 1, 2000

SUBJECT: BZA Application #16550 (Stacy Hamblin)
Rear of 1406 through 1424 Webster Street, N.W.

BZA
Case No. 16550
Exhibit No. 71

APPLICATION

The application by Stacy Hamblin requests, pursuant to 11 DCMR 3103.2, a variance from Subsection 2507.2 to allow subdivision and the construction of ten single-family row dwellings in the R-4 zone on an alley lot that does not abut an alley 30 feet or more in width and has from the alley access to a street through an alley or alleys not less than 30 feet in width.

SITE AND AREA DESCRIPTION

The subject property is located at the rear of 1406 through 1424 Webster Street, N.W. (Square 2699, Lot 64), between 14th and 15th Streets, and northwest of the intersection of Arkansas Avenue and 14th Street. The lot is currently vacant and contains 18,392 square feet of land area. The lot has access via four alleys:

- Two alleys from 15th Street: one 16-feet wide, the other ten-feet wide
- One alley from Webster Street, ten-feet wide
- One alley from Arkansas Avenue, five-feet wide

The property is immediately surrounded by an established residential neighborhood developed with single-family row dwellings (along Upshur, Varnum, Allison and Buchanan Streets). Roosevelt Senior High School and Recreation Center are located east of 14th Street and Arkansas Avenue. The Washington Metropolitan Area Transit Authority (WMATA) Bus Barn is located two blocks north on 14th Street. Small-scale neighborhood commercial uses are also along 14th Street (across from the Bus Barn).

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#71

PROPOSAL

The applicant proposes to construct ten single-family row dwellings. The proposed dwellings will be 1,520 square feet, two-story construction with basement, consisting of three bedrooms and two and one half baths. One on-site parking space will be provided for each dwelling. The applicant has requested a variance to construct dwellings on an alley lot that does not abut an alley that is at least 30 feet wide and does not provide access to a street through an alley or alleys not less than 30 feet wide.

ZONING REQUIREMENTS

The subject site is zoned R-4 for residential dwellings and requires a lot area of 1,800 square feet, a lot width of 18 feet, and rear yard of 20 feet.

ANALYSIS

The subject site has existed in an unimproved state for some time. Over the years, particularly since the applicant purchased the property in 1992, neighboring residents have used portions of the site for gardening, individual parking, and other individual back yard uses. The site, from time to time, has been a nuisance issue, due to abandoned vehicles and trash and debris on the site. While the applicant on various occasions has cleared the site and posted it as private property, the abandoned vehicles and trash/debris randomly reoccur.

The Zoning Regulations establish a three-part test for zoning relief in §3103.2. Applicants must show that a property has an "extraordinary or exceptional situation or condition" which would make the strict application of the zoning regulations result in "peculiar and exceptional practical difficulties". The applicant must also show that the zoning relief can be granted without "substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The applicant has failed to make a case that there is an extraordinary or exceptional condition that applies in this situation. Applicant bought the lot in a tax sale. A prudent review of zoning regulations in advance would have informed that applicant that the permitted uses on the site included those listed in §333, parking lots, parking garages and storage, as well as artists' studios (§2507.5)

Furthermore, the applicant fails to make a case that the strict application of the zoning regulations in this instance results in "peculiar and exceptional practical difficulties". As mentioned above, there are uses that may be legally pursued on this lot, and the applicant has not indicated why they would not be practical in this case.

Finally, the Office of Planning concludes that such relief could not be granted without "substantial detriment to the public good and without substantially impairing the intent, purpose

and integrity of the zone plan." Development of the subject site for row dwellings is less than desirable due to site constraints and neighborhood impact. Since the site is an alley lot, the front yards of each proposed row dwelling would face the rear yards of the existing dwellings. This configuration is undesirable from both an urban design standpoint, as well as from a marketability standpoint. In addition, because of the narrowness of the existing alleys OP has serious concerns about the ability of emergency equipment to access the site, should it be required. Also, the residents rely on the alley system for access to the rear of their property, and for parking. The introduction of 10 new housing units, each of which requires alley access as their primary access, will impair the access the existing residents currently enjoy. In terms of the integrity of the zone plan, the prohibitions against the construction of alley dwellings constructed on alleys less than 30 feet in width were part of the original Lewis Plan zoning regulations adopted in 1958. Alley dwellings in Washington had become a major concern because of the lack of light and air, and many had become slums. The Office of Planning sees no reason to encourage alley dwellings, in light of these concerns. OP staff did meet with the applicant's architect, and encouraged him to look at alternative uses, or, at the least, to substantially reduce the number of dwellings planned, in order to minimize adverse impacts, but that has not been done.

Section 1507 and 1508 of the Comprehensive Plan, *Ward 4 Housing* and *Ward 4 Objectives for Housing*, respectively, recognizes housing as the primary land use in the Ward and encourages the protection and preservation of existing neighborhoods. Two Housing Opportunity Areas are identified in the Plan—the Upshur Street Clinic site (southeast of the subject site) and Fort Totten Metrorail Station area—for a comprehensive, moderate scale development of housing. The Office of Planning finds that development of ten row dwellings on the alley lot would not contribute to the protection and preservation of the existing, established neighborhood.

COMMUNITY CONCERNS

At its February 16, 2000 public hearing, the Board of Zoning Adjustment discussed this application as a preliminary matter and dismissed the application because neither the applicant nor his designee was present at the hearing. Many residents of the neighborhood attended the public hearing and overwhelmingly expressed opposition to the application.

On February 8, 2000, ANC 4C voted to recommend denial of the requested variance. The 16th Street Neighborhood Association passed a resolution recommending denial of the requested variance. The community is generally opposed to the development due to negative impacts on housing density and parking needs. With the assistance of Councilmember Jarvis, the community has initiated the feasibility of the use of the site for public open (green) space, and specifically they are researching the concept and development of community gardens in other neighborhoods throughout the District.

RECOMMENDATION

The Office of Planning finds that the applicant has failed to indicate how the proposed project meets the test for a variance, demonstrating neither special conditions unique to the lot, nor

exceptional practical difficulties. In addition there would be clear negative impacts on the public good, relating to urban design, circulation patterns and public safety, and harm to the integrity of the zone plan. Therefore, the Office of Planning recommends that the Board of Zoning Adjustment deny the variance requested.