GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: April 16, 2001

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SUBJECT: BZA Case # 16693 – Use Variance Request (Application of Carroll O. Little)
900 Ridge Road, S.E.
Square 5382, Lot 60

APPLICATION-IN-BRIEF

Applicant: Carroll O. Little, 900 Ridge Road, S.E
Washington, D.C. 20019.

Relief Sought: Use Variance to allow more than one principal building on a single lot of record in a R-1-B residential district

From Section: 11 DCMR §3202.3

Relief Sought Under: §3103.2

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the subject application be denied.

Applicant's Justification:

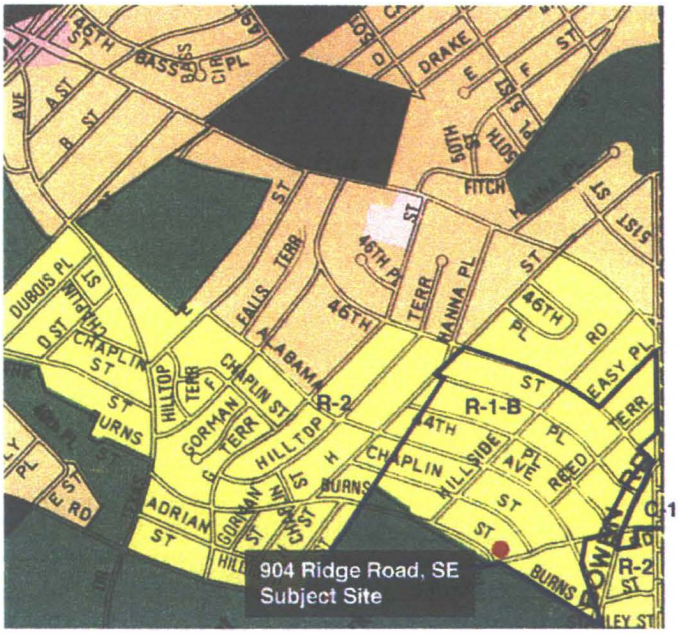
The property is currently vacant. It was constructed in the 1920's as a dwelling unit. The applicant is proposing to make repairs to the structure by building new foundation walls between the existing brick piers and building a new second floor and roof on the new structure.

BZA
Case No. 16693
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16693
EXHIBIT NO.22

SITE AND AREA DESCRIPTION

The subject premise is in the Benning Heights Neighborhood of Ward Seven. The neighborhood is generally bounded by Benning Road to the north, the northern property line of Fort Dupont Park to the south, Southern Avenue to the east and Texas Avenue to the west. The Benning Heights Neighborhood predominantly consist of single family detached and semi- detached residential dwellings, with garden apartments and row dwellings concentrated in the northeastern portion of the neighborhood, beginning on the southwest side of Benning Road, southeast to H Street and east of Alabama Avenue. The subject property is at 904 Ridge Road, S.E., on Square 5382, Lot 60. The property is located on the north side of Ridge Road, one house removed from the intersection of Burns Street, to the west.



Subject Site

There is another principal residential structure on lot 60, located on the west side of the subject structure, at 900 Ridge Road. That structure is owned and occupied by the applicant.

AREA ZONING

The subject building was constructed as a residential dwelling in the 1920's, and thus predates the Zoning Act of 1958. The site is located in the R-1-B Zoned District. The R-1 district is designed to protect the quiet residential areas developed with one-family-detached dwellings and vacant areas likely to be developed for those purposes.



Existing condition of walls and roof (northwest view).

APPLICANT'S PROPOSAL

The subject property is a small residential structure located at 904 Ridge Road, S.E. It is on the same lot as another single-family dwelling, occupied by the

applicant/owner. The subject structure is in poor condition and is unsafe for human habilitation. The roof has virtually collapsed and the walls depict signs of advance deterioration. The applicant proposes to make repairs to the structure by building a new foundation between existing brick piers, replacing the floors and walls and adding a new second story and roof.

RELATIONSHIP OF THE APPLICATION TO COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the area surrounding the subject property as being in the **Low Density Residential Land Use Category.** Single family detached and semi-detached dwellings are generally the predominant use in low-density residential areas.

REQUESTED ZONING RELIEF

Pursuant to §3202.3 of the Zoning Regulations, the applicant is requesting a variance to allow more than one principal building on a single lot of record, in a R-1-B Zone District.

AUTHORITY TO GRANT VARIANCES

11 DCMR, §3103.2 cites the D.C. code provision that authorizes the BZA to grant requested variance "where, by reason of exceptional narrowness, shallowness or shape of a piece of property, or by reason of:

- **Exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property;**

The strict application of any regulation ... would result in:

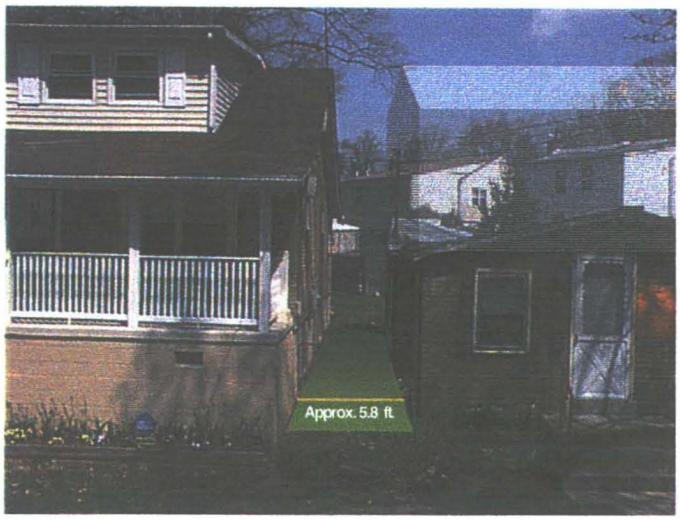
- **Peculiar and exceptional practical difficulties to or;**
- **Exceptional and undue hardship upon the owner of the property;**

Provided, that the relief can be granted:

- **Without substantial detriment to the pubic good; and**
- **Without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

DOES THE APPLICATION MEET THE VARIANCE TESTS?

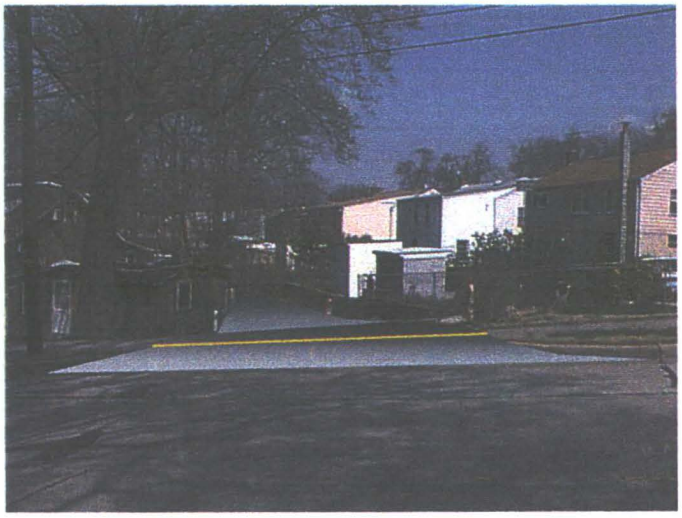
With respect to exceptional narrowness, shallowness or shape of a piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property:



Example of proposed new second story and roof (north view).



Unimproved alley "paper".



Paper alley 10 feet width imposed.

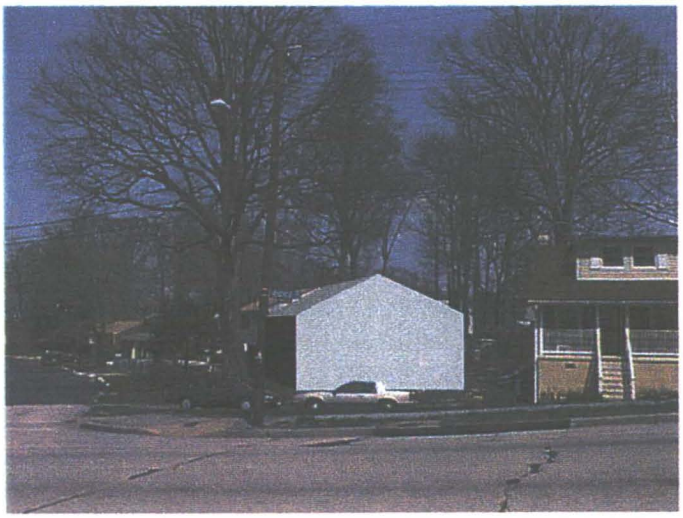
1. **The subject property does not meet the test.** The section of Lot 60, which contains the subject structure, is a triangle shaped section of the lot, at the southeast corner of the property. The entire property consists of 7,836 square feet of land, with more than the minimum amount of frontage required in the R-1-B district on a public street. There is 117.49 feet of frontage on Ridge Road to the south of the subject property. The minimum lot width in an R-1-B zoned district is 50 feet. The subject lot is 117.49 feet in width, thus not qualified as exceptionally narrow, shallow or as a uniquely shaped property.

The sides of the subject structure are within **six feet** of the other principal structure, on the west side and it is situated between **2 - 6 feet** from the eastern property line. The minimum side yard requirement in an R-1 zoned district is **eight feet.** Thus, neither the existing subject structure nor the proposed new structure (which would be on the same footprint, with the addition of a new second floor) meets the side yard requirements of the R-1-B zoned district The close proximity of the two residential structures, (less than six feet) would block light from the structure as well as restrict air circulation between the two structures. The eastern property line happens to end at an unimproved north/south (paper) public alley. The District has no immediate plans to open the alley, but this could change over time.

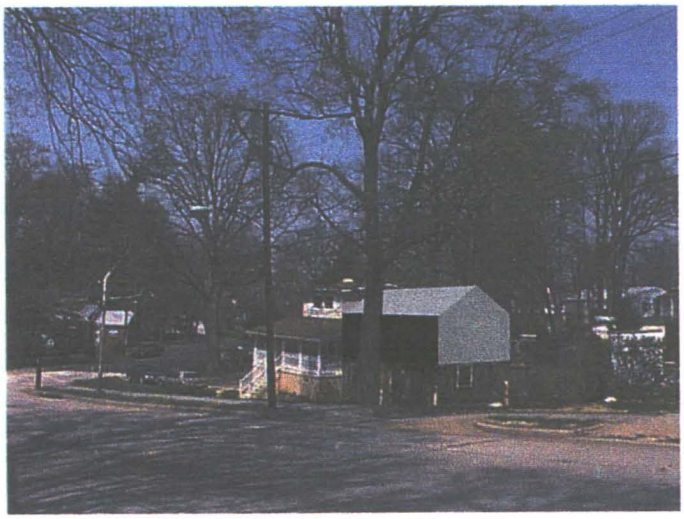
The subject property does not meet the minimum depth requirement for a rear yard in an R-1-B zoned district. The existing structure has depths to the rear of the property, ranging from **5.85 feet to 8.35 feet** of the rear property line. The proposed modifications would be constructed on the same footprint. The minimum allowable depth for rear yard, in a R-1-B zoned district is **25 feet**. Thus, the existing structure, and the proposed new structure would be extremely short of the rear yard requirements in an R-1-B zoned district.

2. **With respect to the strict application of the regulations resulting in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property:**

No. It would not cause practical difficulties to or exceptional and undue hardship upon the owner of the property if the strict application of the regulations were to be enforced.



Example of proposed new second story and roof (northwest view).



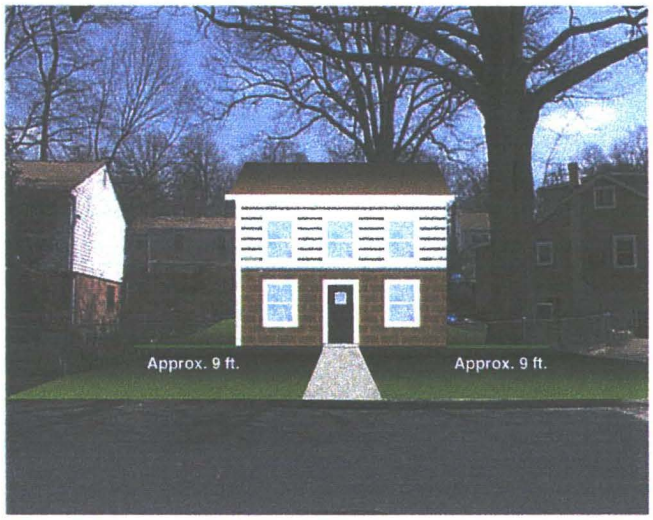
According to the applicant, the subject property was constructed as a dwelling unit in the 1920's. The age of the structure and visible lack of maintenance suggest that the structure is unsafe for human habilitation. Additionally, the structure cannot meet required rear and side yard requirements because of where the structure is location Lot 60 and its configuration on the tight southeast corner of the lot. While the applicant is requesting BZA approval to make repairs to the existing structure, as well as add a second floor and roof, it would essentially amount to new construction. Given that the structure would not meet rear or side yard requirements, it would create a substandard condition for either the new or the existing structure.

3. **Can the requested relief be granted without substantial detriment to the pubic good; and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.**

No. The structure was constructed as a residential dwelling in the 1920s,' thus, it is not consistent with current setback requirements for low-density residential districts. However, the inability of the structure to meet current regulations is not reason enough to endorse or perpetuate the continuation of non-conformance. The requested repairs and the addition of a new second floor and roof, will not correct the problem of non-conformance, but increase the size and scope of the problem.

Alternative Solution (S)

1- Since the applicant is the owner of the abutting vacant Lot 61, (a 25 x 100 foot lot, north of the property line for Lot 60) he could conceivably; 1) raze the subject structure; 2) seek a theoretical sub division of the combined Lots 60 and 61 and 3) build a new structure on the combined lots, probably as a matter-of-right, near the intersection of Ridge Road and Burns Street.



Alternative residential structure on lot 61 (east view from Burns Street).

2- The applicant is the owner of Lot 61, which fronts on Burns Street adjacent to lot 60, the subject property. There is potential for seeking BZA approval to raise the subject structure from its current location on lot 60 and build a new structure on lot 61. Because lot 61 has only 25 feet of frontage on Burns Street, the applicant could apply for a variance, citing the narrowness of the lot as an undue hardship, restricting him from developing vacant land located in a low-density zone.

COMMUNITY COMMENTS

According to Ms. Johnnie Scott Rice, Advisory Neighborhood Commissioner (ANC) for Single Member District 7E08, the subject proposal was presented to the Executive Committee of ANC 7E, on March 3, 2001 and was recommended for approval by ANC 7E. On March 13, 2001,at the regular monthly meeting. ANC7E voted unanimously to support the project. Additionally, on March 14, 2001, the Burns Street Block Club, (which include the site of the subject property) voted to approve the project.

Based on conversations with members of the community, it appears that this support was based primarily in a desire to see the existing structure, which is an eyesore, improved. There does not appear to have been consideration of the fact that the applicant could meet the goal of more intensive development of his property though a subdivision and matter-of-right construction, without further exacerbating the existing non-conformance.

OP SUMMARY RECOMMENDATION

The Office of Planning, after having reviewed the application submitted by Mr. Carroll O. Little, to allow two principal residential structures on a single lot of record, in the R-1-B zoned district, recommends that the Board of Zoning Adjustment vote to deny the application.