GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

BZA
Case No. 16715
Exhibit No. 22

DATE: June 5, 2001

SUBJECT: BZA Application #16715 (John Kern Single Family Detached Dwelling)
2318 Nebraska Avenue, N.W. (Square 1412, Lot 64)

APPLICATION

The application by John Kern requests, pursuant to 11 DCMR 3103.2, an area variance to allow the construction of a single-family detached dwelling that does not meet the side yard requirement under §405 in an R-1-B District.

PROPOSAL

The applicant proposes to construct an approximately 4,544 square feet, 2-story, single-family, detached residence.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the variance request be **APPROVED**, as the applicant has demonstrated that due to the unique shape of the property the side yard requirement can be reduced without any negative impact on the neighborhood.

SITE AND AREA DESCRIPTION

The subject property is located in the Palisades community at 2318 Nebraska Avenue, N.W., Square 1412, Lots 64 (Figure 1). The wooded lot is at the end of Nebraska Avenue where it meets Sherier Place.

The surrounding neighborhood, north, east, and south of the property, consists of 2-story, single-family, detached residences while immediately to the west is a small parcel of land owned by the

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Figure 1 - Site Location

National Park Service, separated from a larger area of Park Service property by Nebraska Avenue/Sherier Place. A 15-foot alley right-of-way is located to the rear of the property, parallel to Nebraska Avenue. This alley is not paved and is overgrown with trees and shrubs and therefore cannot be accessed by vehicular traffic.

ZONING REQUIREMENTS

The subject site is zoned R-1-B and a single family detached residence is a permitted use in this zone. The building requires a side yard setback of 8 feet.

ANALYSIS

The subject site is the only undeveloped site along this portion of Nebraska Avenue where it meets Sherier Place and is wooded with many large trees. Due to the size of the property most of the trees will be removed in order to build the house. However, a large maple tree at the front of the property should be able to be preserved. The property slopes gently downward from a high of 135 feet in front to a low of 125 feet to the rear. The application proposes to build the house with minimal grading and therefore utilizing the existing topography of the site. The proposal to build a single family detached house would complete the development within the area. The site has become a nuisance in the community as it is at the end of the block and bordered by a narrow parcel of land that is owned by the National Park Service and severed from other Park Service land to the west by the public street.

The subject property is of an irregular shape unlike most of the lots along Nebraska Avenue that are rectangular in shape and are able to meet the required setback. In order to build a house whose design is compatible and sensitive to the design and scale of the existing homes in the neighborhood and meet all setback requirements, the house would have to be smaller than proposed and would not meet the needs of the family. In the alternative, the property could accommodate a house with a more contemporary design and would have different roof shape, pitch, and materials that are not visually compatible with the neighborhood.

The variance request to reduce the side yard requirement on one side of the property will satisfy the aim of fulfilling the applicant's need and at the same time preserve the strong architectural character of the stable residential community. The more traditional architecture of the house will achieve the integration of a new development with the existing neighborhood and neighborhood character.

§3103.2

The standard by which the BZA should approve an area variance is set forth in §3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

> **"The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;"**

The property is unique due its irregular shape, a width of approximately 69 feet in the front and 22 feet to the rear, and a lot area of 4,543 square feet. This is unlike most of the other lots along Nebraska Avenue that are generally rectangular in shape, 50 feet wide and 100 feet in length for a lot area of 5,000 square feet.

> **"By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property."**

Due to the irregular shape and a 15-foot building restriction line along the front of the property, the applicant is unable to build a house that meets all the requirements of the Zoning Regulations and be consistent with the predominant architecture of the neighborhood. A major objective of the Urban Design Element of the Comprehensive Plan (Chapter 7, §710.1) is that:

> ***"Areas of strong architectural characters objectives are to protect areas of strong architectural character and to provide that the architecture of any new development in these areas be complementary to the existing architectural character."***

To support this policy an objective is to: (§710.2)

> ***"(d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;"***

The applicant has drafted another design that meets all the yard requirements but would be of a more contemporary architectural design that would not be consistent or complementary to the more traditional design of homes in the neighborhood as recommended by the Comprehensive Plan.

Secondly, if the house were to meet all the setback requirements, and be complementary to the neighborhood, the resulting house would be much smaller. The applicant would suffer undue hardship if he were to build a traditional and smaller house would not meet the needs of the family or a contemporary architectural design that could be more costly.

> **"The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."**

The proposed variance request will allow development of a single-family residence that is compatible with other residences in the neighborhood. The reduction in the required side yard is adjacent to open public space that will not be developed. Therefore, the reduction in side yard will not have an impact on any adjacent residence. Development of this lot will enhance the neighborhood, as it will help to curtail illegal dumping and other illegal activities that the undeveloped site now attracts. The variance requested will therefore not cause "substantial detriment to the public good".

The proposed variance to allow a reduction in side yard setback will not diminish the intent, purpose, or integrity of the Zoning Regulations and Map, as the intent of the setback requirement is to provide adequate light and air between houses. In this case, the reduction is to the side yard that is adjacent to public-park and a right-of-way, and therefore, will not infringe on the light and air of adjacent residences.

COMMUNITY COMMENTS

The subject property is within ANC-3D which reviewed the application at its meeting on April 4, 2001 and voted unanimously to approve the requested variance. The applicant also has the support of the residents along Nebraska Avenue.

The National Park Service that owns a sliver of land adjacent to the site, between the site and Sherier Place, will submit comments under separate cover.

SUMMARY AND RECOMMENDATION

The proposed 4-feet variance from the side yard requirement meets the provisions of §3103.2 of the Zoning Ordinance for granting a variance. The "uniqueness" of the site is demonstrated through the shape of the property that further presents a practical difficulty to the applicant to meet all setback requirements and build a house that meets his family needs and complement the architecture of the neighborhood. Approval of this variance request will not cause any "substantial detriment to the public good" as it will finalize development in this neighborhood and help to minimize unlawful acts in the neighborhood. The intent, purpose, and integrity of the zone plan will be upheld because the proposal complies with the recommendation for single-family detached residences in the area and will not inhibit light and air to adjacent residences. The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance from the side yard requirement with the condition that the maple tree in front of the property be preserved.

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