Rec'd.
11.20.01

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: November 20, 2001

SUBJECT: BZA Case # 16790 Variance Request

APPLICATION-IN-BRIEF

Applicant: Manna Inc.
311 Channing Street, N.E.
Square 3555, Lot 12

Relief Sought: Pursuant to 11 DCMR 3103.2, the applicant is requesting a variance from the minimum lot area and width, and the side yard requirements to permit the construction of a detached single family residence, in the R-4 Zone District.

Relief Sought Under: Subsection (s) 401.3 and 405.9

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved

Applicant's Justification:

The applicant, Manna Inc, proposes to construct a single-family semi-detached house on what is presently a vacant lot. When completed, the resulting house will provide a new residential unit for a low-to-moderate income family. The unit will also be handicapped accessible. The size, shape and configuration of the exiting vacant lot, and the limitation of an alley abutting the subject property to the west and another housing unit to the immediate east are such that full compliance to the regulations would not be practical.

BZA
Case No. 16790
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16790
EXHIBIT NO.21

SITE AND AREA DESCRIPTION

The subject property is in the Brentwood Neighborhood of Ward Five. It is on the south side of Channing Street, N.E., near the intersection of Channing & 3rd Streets. There is a north-south public alley abutting the site on the west. The alley defines the western property boundary. The eastern boundary of the property is an adjacent row dwelling. Most of the neighborhood surrounding the subject site is predominately narrow row dwellings. The Edgewood Terrace Public Housing Complex is to the northeast of the site, at 4th & Edgewood Streets, and the Rhode Island Shopping Center is one block to the east, at 4th & Rhode Island Avenue. The Lincoln Road Memorial Cemetery is two blocks to the west, along the west side of Lincoln Road between Rhode Island Avenue and Franklin Street and Shaed Elementary School is one block to the north, at the northwest corner of 3rd & Douglas Streets.

The subject site is a 3,750 square foot vacant parcel at 311 Channing Street, N.E. The lot has two unique features: it is extremely narrow and elongated. Most of the dwelling units on Square 3555 can be characterized as very narrow row dwellings attached to other dwellings on both sides, with the exception of corner units and units situated next to alleys. However, the subject lot is only 25 feet wide and150 feet in depth.

AREA ZONING

The subject premises is in the R-4 Zone District. The R-4 district is designated to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwelling for two or more families.

Very little vacant land shall be included within the R-4 district, since the primary purpose shall be the stabilization of remaining one-family dwellings.

A one-family semi-detached dwelling in the R-4 zone district should have a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet. Additionally, the minimum area of a rear yard in the R-4 district is 20 feet.

A new unit on the subject lot would certainly be detached from the unit on the east side, because that unit has windows at the first and second levels on the west side. Attaching the new unit would be permitted in an R-4 district, but it would reduce the passage of light and air into the unit next door. The applicant is sensitive to this prospect, as well as how narrow the proposed subject unit would be, if the 8 foot required side yard were to be imposed. The applicant thus proposes a compromise of building the proposed unit to within 5 feet of the unit on the east side.

APPLICANT'S PROPOSAL

The applicant, Manna Inc, proposes to construct a single-family semi-detached house on what is presently a vacant lot. When completed, the resulting house will provide a new residential unit for a low-to-moderate income family. The unit will be handicapped accessible.

The applicant proposes to construct a two story, four bedrooms, detached single-family dwelling, and on what is presently a narrow vacant lot. There is evidence (remaining concrete slab) that there was a structure on the lot at some point in the past. However, the construction of a suitable dwelling unit on the subject lot will be challenging because of existing lot constraints. The applicant proposes to construct a unit that would be contoured to the constraints of the site, (alley to the west and another house to the east). The applicant also believes that although the amount of side yard would be reduced, there will be adequate space between the two units for the provision of sufficient light and air to both units. It is further the applicant's intention to provide adequate interior space in the proposed unit for the prospective home purchaser.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject property as being in the ***Moderate Density Residential Land Use Category***. Row houses and garden apartments are the predominant uses in this category, although this category may also include low and moderate density housing.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR 3103.2, the applicant is requesting an area variance from the minimum lot area, width and side yard requirements, to permit the construction of a single-family dwelling unit. The requested relief is provided for by § 401.3 and 405.9 of the Zoning Regulations.

AUTHORITY TO GRANT VARIANCE

11 DCMR § 3103.2 is the D.C.Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested variance.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or

other extraordinary or exceptional situation or condition?

Yes. The subject property is unique by reason of its exceptional narrowness, its extremely long length and its existing small size. Small row houses characterize most of the lots in Square 3555. Most of the row dwellings on the square are attached. The unit proposed for the subject lot will be detached from the existing unit to the east because the unit to the east has windows on both the first and second floors facing the subject lot and constrained from extending further to the west because the abutting alley is the property boundary.

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

Yes. 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 characteristics of the subject property. The property is exceptionally long (150 feet) but extremely narrow, only 25 feet wide. The lot width for a one family semi-detached

dwelling in the R-4 district is 30 feet. According to § 401.3 of the Regulations, the minimum lot area permitted for a one-family semi-detected dwelling is 3,000 square feet. The subject lot is unique by virtue of its lot area of 3,750 square feet, which is larger than the minimum lot area required.

The applicant proposes to construct a two story; four bedroom, semi-detached, single-family dwelling on what is presently a vacant lot. The resulting new unit will be constructed to within 5 feet of the house on the east side. **Section 405.2** of the Regulations requires a minimum side yard of 8 feet in the R-4 zone. There is also an existing housing unit on the east side of the proposed new unit. That unit has windows on both the first and second levels, on the west side, the side that is adjacent to the subject lot. If the applicant were to build a new house too close to the existing house to the east, it would block both light and air from entering the adjacent house. Additionally, if the new structure were built to the property line on the east side, it would be within one foot of the exiting adjacent structure and there would be the possibility of trash and debris accumulation between the two structures which would be difficult to clear because of the narrow width of the space between the two structures.

No. If the Board were to grant the requested area variance, it would not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. There is evidence that there was a residential structure previously on the property. The applicant is proposing to continue the residential use of the property. Although the property is rather narrow in width, extremely long in length and is challenging to build on, it could feasibility accommodate an adequate dwelling unit, which would provide a home for a low to moderate income family or a handicapped person and help to stabilize the neighborhood. The alternative is that the property continues to stay vacant and contribute towards neighborhood decline.

COMMENT COMMENTS

The applicant met with the Committee of The Whole of Advisory Neighborhood Commission 5C, on November 6, 2001. Committee members raised no objections to the project, but requested clarification regarding where the set backs on the property would occur. The Single Member District representative were 5C08, was present at the Committee meeting. Committee members were concerned that the proposed unit would be set back from the alley on the west side of the property next to the alley, not the east side where there is an existing house. Additionally, committee members were concerned that the proposed new

house would be set back further from Channing Street than the other homes on the block. The applicant provided committee members with satisfactory responses to both questions.

The next regularly scheduled ANC Commission meeting will not be held until November 20, 2001, the same date that the case will be before the Board. No official action can take place until the Commission officially meets. Committee members will attempt to convene a special Commission meeting before the twentieth.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Manna Inc, requesting a variance from the minimum lot area and width, and the side yard requirements to permit the construction of a semi-detached single family residence, in the R-4 Zone District, the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactorily met the tests specified in Section 3103.2, and 401.3 and 405.9, and concluded the application will not cause substantial detriment to the public good and if granted, it will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The office of Planning recommends that if the Board grants the variance request, the new unit should not have windows facing the existing unit next door.