GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE October 15, 2002

SUBJECT: BZA Application 16929
3120 Pennsylvania Ave, S.E. (Single Family Home)

APPLICATION
Relief Sought: Pursuant to 11 DCMR 3103.2, the applicant is requesting variance relief from the following:

- Variance of 20% from the lot width provisions (§401.3 of the R-1-B District) (50 feet required; 40 feet existing)
- Variance of 2.17 feet from the side yard requirements (§405.9) and (8 feet required; 5.83 inches proposed)
- Variance of 1000 square feet from the lot area requirements (§401.3) (5000 square feet required; 4000 square feet existing)

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the variance requests to allow the construction of the three-story, barrier-free, single-family residence at 3120 Pennsylvania Avenue, S.E.

SITE AND AREA DESCRIPTION
The vacant lot at 3120 Pennsylvania Avenue is located in Square 5545 in the southeast quadrant of the District. The square is bounded by Q Street to the north, Pennsylvania Avenue to the south, Branch Avenue on the east and 31st Street on the west. The lot is surrounded by single-family homes in the Randle Highlands neighborhood and is zoned

BZA
Case No. 16929
Exhibit No. 30

Board of Zoning Adjustment
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R-1-B. The square is west of the Penn Branch Shopping Center, which is located at the corner of Branch and Pennsylvania Avenues, S.E.

PROJECT DESCRIPTION

The application proposes the construction of a "barrier-free" residence to accommodate the special needs of the home's resident. The residence includes a driveway, which allows access and entry to the home when parked at the rear of the property. The residence will be designed to meet the minimum ADA requirements for doorways, hallways, windows and maneuvering clearances.

ZONING REQUIREMENTS

The R-1-B zone District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet, a minimum lot area of 5,000 square feet and maximum lot occupancy of 40%.

Section	Item	Allowed	Provided	Deviation
401.3	Lot Area	5,000 square feet (minimum)	4,000 square feet	-1,000 sq. feet
401.3	Lot Width	50 feet	40 feet	-10 feet
403.2	Lot Occupancy	1,600 square feet (40%)	1,253.9 (31.3%)	+346.1 feet
405.9	Side Yard	8x8 feet	9x 5.83 feet	-2.17 feet

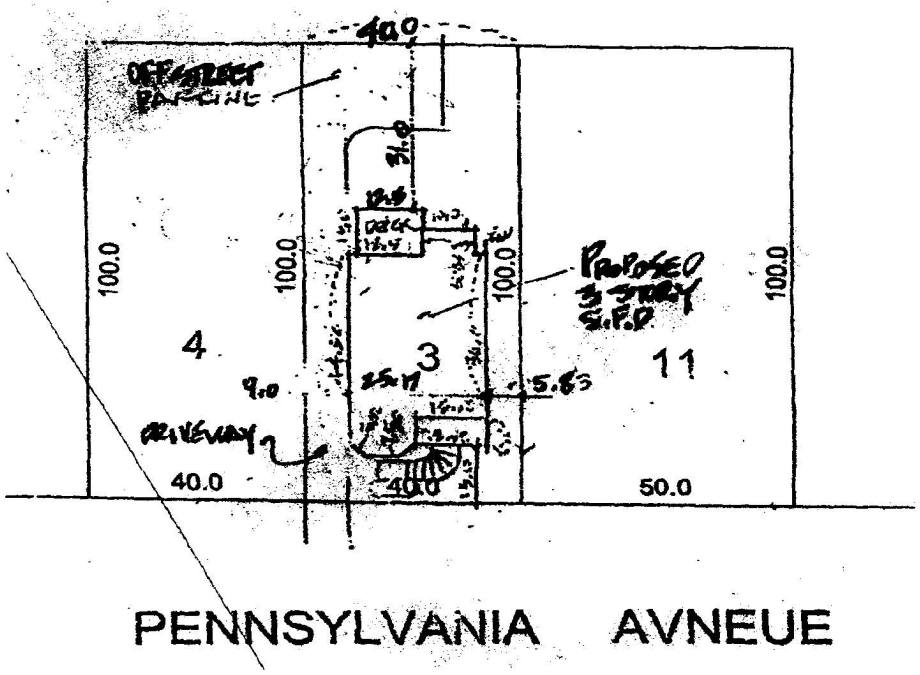


Figure 1

The existing non-conformity of the lot due to lot area and lot width resulted in the Zoning Administrator concluding that a variance was needed to §401.3. The proposed construction plans to accommodate full ADA accessibility have resulted in the need for a side yard 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?

The subject lot is a pre-existing legal lot of record with a lot width of 40 feet in an R-1-B district, which requires a minimum lot width of 50 feet. The lot area is also non-conforming, since the width is narrower than required, yielding a lot area of 4,000 square feet, instead of the minimum 5,000 square feet. Four lots to the west of the subject property are also below the minimum lot width and area requirements and others to the east of the subject property are greater than the 50 feet lot width minimum. The lot predates the Zoning Act of 1958.

Parking is proposed at the rear of the property. The minimum side yard requirements are 8 feet (either side) in the R-1-B district. 16 feet of side yard would accommodate a 24-foot wide residence, if no driveway were proposed. There is no parking provision on Pennsylvania Avenue, and no alley to allow access to the property from the rear. The property must be accessed from Pennsylvania Avenue. According to §2117.8(b), the minimum width of a driveway serving a one-family dwelling is 7 feet. However, the proposed design provides a 9-foot wide driveway and the proposed width of the house at 25.2 feet wide yields a side yard of approximately 5.8 feet to the west. OP believes that the width of the driveway is necessary to allow adequate room for vans and other contemporary sized vehicles, which are wider than 7 feet. Driveways of this nature are typical of residences in this square.

The lot is exceptional due to its legal non-conforming status. OP believes that the ADA requirements of the interior features of the home contributes to the width of the residence, and creates an exceptional situation or condition which hinders the applicant from designing a narrower home to meet the side yard requirements.

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?

The applicant and her family currently reside with her parents. The applicant wishes to design a home to accommodate her present and future health needs, which would require meeting the minimum ADA requirements for maneuverability within the living area of the home. A single story dwelling unit based on the applicant's needs would exceed lot

occupancy requirements. The proposed design includes a first and second floor and an attic accessible by an elevator, which provides the space and accommodates a design according to the applicants needs. The existing non-conforming width of the lot in conjunction with the minimum required side yard would result in a design that does not provide the space required to accommodate wider entrances throughout the home, (per ADA design requirements) and would result in a practical difficulty and create undue hardship for the applicant.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

OP does not believe that granting the variances will cause detriment to the public good or impair the intent of the Zoning Regulations and Map. The lot width and lot area are already non-conforming to the zone and are beyond reasonable control of the applicant. Allowing the applicant to use two feet of side yard space to accommodate a 9 feet wide driveway in one side yard to the west of the property and to add 1.17 feet in width to the residence would not impair the intent and purpose of the regulations. By comparison, a barrier free home on a single story meeting side yard requirements would consume more of the pervious surface area of the than the current design. The intent of the R-1 zone is to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for that purpose. The purposes of the side yard setback are to avoid overcrowding of detached structures and ensure light, air and privacy of adjoining properties. OP contends that the proposed improvement of the lot with the proposed design maintains the integrity of the zone plan as embodied in the Zoning Regulations and Map.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject property as being in the *Low Density Residential Land Use Category,* which includes single-family detached and semi-detached housing as the predominant uses. The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. **§1104.1(h)** outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the ... new construction of detached ... housing...". A housing objective for Ward 7's is outlined in §1808.1(b) as follows: "Stimulate the production of new...housing to meet all types of housing at desired locations."

OP believes that the home's design is in keeping with the high-quality housing characteristic of the Randle Highlands neighborhood. The vacant land will be developed to accommodate a long-time resident of this neighborhood, who now has special needs. OP believes that the improvement of the vacant lot will enhance the goal of stabilizing and improving the quality of the residential neighborhood.

COMMUNITY COMMENTS

The Advisory Neighborhood Commission, 7B, voted unanimously to approve the application at its regularly scheduled meeting on September 21st, 2002.

CONCLUSION

The Office of Planning recommends approval of the variance from the lot area, lot width and side yard requirements for the construction of a barrier free residence to accommodate the applicant's special needs. OP believes that granting the variance requests from the lot width, lot area and side yard requirements will not impair the intent, purpose and integrity of the Zoning Regulations and Map, or be a substantial detriment to the public good.