**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**FOR THE DISTRICT OF COLUMBIA**

**Application for a Variances from the Minimum Lot Dimensions**
**And Side Yard Requirements**
**To Allow Construction of a Semi-Detached Dwelling**
**435 Rhode Island Avenue, N.W.**

**Columbia Bay Corporation, Applicant**

**October 3, 2002**

## I. Nature of Relief Sought

This is an application by the Columbia Bay Corporation for variance relief pursuant to Section 3103 of the Zoning Regulations to allow construction of a single-family, semi-detached dwelling at 435 Rhode Island Avenue, N.W. (Lot 11, Square 508N, the "Property"). The specific request is for variances from the minimum lot area and lot width requirements and the side yard requirements as set forth in the Zoning Regulations at 11 DCMR §§ 401.3 and 405.2. The Property is zoned R-4 and is located where the Shaw and Le Droit Park neighborhoods adjoin each other, and within the boundaries of Advisory Neighborhood Commission ("ANC") 2C. Lot 11 in Square 508N has 1,182 square feet of land area.

## II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment has jurisdiction to grant the relief requested pursuant to Section 3103 of the Zoning Regulations.

## III. The Property and the Surrounding Area

The Property consists of a vacant lot that runs through the subject square from Rhode Island Avenue to S Street, N.W. The lot is not straight, but has a bend or "dogleg" approximately two-thirds of the distance from Rhode Island Avenue to S Street. The bend

BZA Case No. 16954 Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO.16954
EXHIBIT NO.4

is located approximately 38-40 feet deep from Rhode Island Avenue and approximately 25-31 feet deep from S Street. The previous building on the lot was a row dwelling that was demolished many years ago. (See the Survey Plat in *Exhibit A*, the "Zoning and Site Location Map" in *Exhibit B,* two maps from the *Sanborn Building and Property Atlas* in *Exhibit C* and the photographs in *Exhibit D.*)

The Applicant proposes to construct a single-family, semi-detached dwelling on the lot, with the dwelling fronting on and facing Rhode Island Avenue, N.W. The house will thus provide its required rear yard setback of 20 feet from the S Street right-of-way. Pursuant to 11 DCMR § 2101.1, one parking space is required for a one-family dwelling. This parking space will be provided in the rear yard with access from S Street. (See the Site Plan, Floor Plans and Elevations in *Exhibit E.*)

The Property is located just a few blocks south of Howard University, generally where the Shaw and LeDroit Park neighborhoods border each other. It is zoned R-4, which is zoned extensively in the residential areas extending in all directions. Existing development in this area is predominantly row houses, together with scattered low-rise apartments and conversions of row houses to flats or apartments.

C-2-A (Neighborhood Business) commercial zoning is also mapped extensively in this vicinity, including both frontages of Florida Avenue for several blocks as well as the south frontage of Rhode Island Avenue opposite the Property. Existing development in these strip commercial zones is mixed, with some operating businesses, some vacant land and stores and some townhouses. In the south frontage of the 400 block of Rhode Island Avenue, opposite the Property, existing development includes a gasoline service station and a row of vacant townhouses.

Square 508N, in which the subject lot is located, is developed with row dwellings plus two vacant lots. Some of the houses exhibit signs of deferred maintenance on the exterior, other are well-maintained or have been renovated fairly recently. One infill row dwelling is under construction on a lot fronting on 5th Street, and within the past few years a semi-detached dwelling fronting on S Street was completed. Surrounding residential blocks show a mixed pattern, with some deteriorated housing interspersed with fairly numerous renovations underway or recently completed. From exterior appearances, the neighborhood is generally on the economic "upswing."

## IV. Project Description

The Applicant proposes to construct a new semi-detached dwelling on the Property. The house will be relatively small, given the small lot size, but will comply with the required rear yard setback of 20 feet on the S Street side of this through lot. The front of the townhouse, facing Rhode Island Avenue, will be semi-hexagonal, with a gable roof and finished in brick. The house will be three stories high and will have two bedrooms and two baths. A parking pad for one automobile as required by the Zoning Regulations is provided in the rear yard area.

Because of the irregular shape of the lot, that is, the "dogleg" two-thirds of the way back from Rhode Island Avenue, the site plan provides a four-foot-wide side yard on the west side. This space accommodates a walkway to the front entrance, which is along the side wall near the front of the house. The straight line construction of the house is also more practical as to construction and interior floor plan than a design that would follow the lot lines and the dogleg in the lot.

## V. The Requested Variances

The R-4 District permits matter-of-right development of residential uses, including detached, semi-detached and row dwellings and flats. For semi-detached dwellings the minimum lot area is 3,000 square feet, minimum lot width is 30 feet, maximum lot occupancy is 60 percent, and the maximum permitted height is 40 feet and three stories. If a side yard is provided, it must be at least eight feet wide. As stated previously, the lot size is 1,182 square feet, substantially less than the required 3,000 square feet, the lot width is less than the required 30 feet, and the side yard is four feet wide rather than the eight feet required.

The requested variances from the minimum lot dimensions and the side yard requirements as set forth in the Zoning Regulations at §§ 401.3 and 405.2 are area variances, the granting of which requires a demonstration to the Board of Zoning Adjustment (the "Board" or "BZA") that some exceptional condition of the property creates a practical difficulty for the owner in using or developing it as regulated by zoning. The Board must also find that the requested variance can be granted without substantial detriment to the public good and without substantially impairing the purpose and integrity of the zone plan.

**A.** **Exceptional Condition/Practical Difficulty.** In this case the exceptional condition of the Property is that it is a very small, irregularly-shaped infill lot. The lot area of 1,182 square feet is substantially less than the minimum area of 3,000 square feet required in the R-4 district. The width of the lot, as shown in the Location Survey in *Exhibit A*, is 17.92 feet along Rhode Island Avenue, N.W. and 17.16 feet along S Street, N.W. Thus, the requested variance from the lot width requirement of 18 feet is extremely

minor. The old (pre-1958) row dwelling that existed for many years on the lot was demolished many years ago, resulting in a vacant, nonconforming lot.

The practical difficulty upon the Property and the owner is that the lot does not meet the minimum dimensions required for development in the R-4 zone, and residential development is the primary and preferred use in this zone.

The requested side yard variance is also necessitated by the irregular shape and small size of the lot. Constructing to both property lines and around the turn in the lot would create problems in the interior layout of rooms and would add extra construction costs. The proposed four-foot-wide side yard accommodates the entrance walkway and enables this small townhouse to have a width of approximately 13 feet. If the required side yard of eight feet were to be provided, the house would be so narrow (nine feet) as to be functional and incapable of being sold or rented. Note that a very small side yard of approximately one foot is proposed along the east boundary of the lot. The purpose of this small setback is simply to accommodate the roof overhand at the front of the building.

**B. <u>The requested relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan</u>.** The proposed variance can be granted without any identified detriment to the public good. The proposed townhouse will fill in a gap in the built fabric of this block, replacing a vacant lot with an attractive new dwelling. Filling this gap will also help offset the extensive vacancy of properties across Rhode Island Avenue to the south of the site. This infill dwelling will be part of and will help reinforce a trend towards renovating the existing housing stock in this neighborhood. The proposed townhouse will have brick facades

facing Rhode Island Avenue and S Street and will be compatible in scale, materials and residential use with its surroundings. The required one parking space will be provided, and no adverse traffic or parking overspill conditions will result from construction of this single-family home. The brick, semi-hexagonal façade facing Rhode Island Avenue is attractive and will be an aesthetic improvement to this block frontage.

As to the intent of the zone plan, the Preamble to the R-4 District states, in part:

> *330.1 The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.*
>
> *330.2 Very little vacant land shall be included within the R-4 district, since its primary purpose shall be the stabilization of remaining one-family dwellings.*

The proposed semi-detached dwelling is fully in accord with these purposes, including the goal stated in § 330.2 of increasing the proportion of single-family dwellings in R-4 districts.

## VI. Conclusion

Based on the analysis and rationale presented in this statement and other evidence submitted to the record of this case, the Applicant believes that the requested variance meets the standards for approval. The Applicant respectfully requests approval by the Board.

Sincerely,
ARNOLD & PORTER

CAG mss
Cynthia A. Giordano

Nathan W. Gross, AICP