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

DATE: February 4, 2003

SUBJECT: BZA Application 16976 - Request filed by Chrys Bandon-Bilbum, P.E. for three **area variances** for the proposed construction of a flat by Vivienne A. Awasum for property at 757 Park Road, N.W.

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APPLICATION
Application of Vivienne A. Awasum for:

1) **An area variance to §§2101.1 and 3103.2 of Title 11 DCMR,** minimum number of parking spaces;
2) **An area variance to §§404.1 and 3103.2 of Title 11 DCMR,** minimum rear yard depth; and
3) **An area variance to §§405.9 and 3103.2 of Title 11 DCMR,** minimum side yard depth

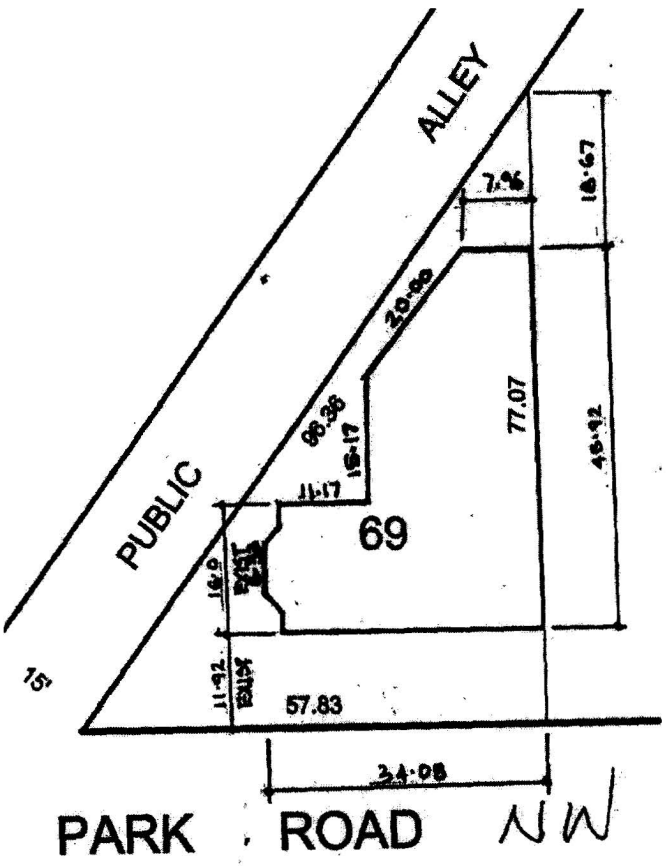
for the property on the north side of Park Road, 757 Park Road, N.W., Square 2895, Lot 69. The property is zoned R-4, row dwellings, conversions and apartments.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the requests for variance relief as submitted by the applicant.

PROJECT DESCRIPTION
The application is for the construction of a three-story flat, plus a full basement, on the subject property. Each of the two units will consist of two levels, and each will include four bedrooms and three full baths.

BZA
Case No. 16976
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 16976
EXHIBIT NO. 25



Dimensions of Existing Foundation

In 1911 a two- and three-story semi-detached dwelling was constructed on the site. As the building was constructed prior to the adoption of the Zoning Regulations, it did not conform to the now required building setbacks or off-street parking requirements. In 1962 a permit (B 33227) was issued for the use of the second and third floors of the dwelling as a rooming house. Tax records indicate that the second floor was fire damaged in 1977 and by 1988 the building was boarded up. On March 20, 2002, a raze permit was issued (Permit No. B443623) for the row house, and the permit stated that the building was "imminently dangerous." The application indicates that the foundation to the building has not removed.

This application is for the construction of the proposed flat on the foundation of the building that previously occupied the site. The building setbacks proposed are the same as the row house that was demolished. It is to be 11.92 feet from the front, with a porch extending out 6 feet from the building, a side yard setback of 4 feet and an average rear yard setback of 9.335 feet.

No off-street parking is proposed. Pedestrian access to the property is to be from Park Road.

AREA DESCRIPTION

The property encompasses Lot 69 in Square 2895, in the North West quadrant of the District. The subject property is located on the north side of Park Road, between New Hampshire Avenue and Georgia Avenue, and is 2,228 square feet in area. It is triangular in shape and bounded by Park Road on the south, a 15-foot wide public alley on the northwest and a row house on the east.



View of Subject Property from Alley

A chain link fence secures two sides of the site, and the side of the adjacent row house encloses the third side. Topography of the site is relatively level.

The surrounding area is characterized by residential, institutional and commercial uses. To the north and west, across the 15-foot wide public alley, are row houses, many of which are improved with detached garages. To the east, adjacent to the subject property, are row houses. To the south, across Park Road, is a school, a welding business, a boarded up flat, a partially boarded up three family dwelling, and the Metropolitan Police Department's Fourth District Substation. All surrounding properties are located within the R-4 district. The neighborhood also includes two and three-story apartment buildings within the R-4 district, many of which are boarded up, and commercial and residential buildings along Georgia Avenue within the C-2-A and C-3-A districts, some of which are vacant and boarded up.

EXISTING ZONING

The property is located within the R-4 district.

R-4 Residence District
The R-4 Residence 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 for two (2) or more families."* (§330.1)

RELIEF REQUESTED:
Variance to §2101.1 – Schedule of Requirements for Parking Spaces
§2101.1 requires one parking space for every two dwelling units for flats. Therefore, one parking space is required for this proposal. The application proposes to reduce the number of parking spaces provided to zero, or a 100 percent reduction.

§2115.1 establishes the minimum size of a required automobile parking space as 9 feet in width and 19 feet in length, and §2116.4 prohibits the location of parking spaces *"in the area between a building line and lot line abutting a street."* With the exception of the portion of the lot located between the front building line and the lot line abutting the street, there is not a single area large enough within the subject property to accommodate a parking space if the existing foundation is used. The proposed building could be shifted toward the street, as the previous building and the adjoining row houses to the east are set back almost 12 feet from the front lot line and no front setback is required by the Zoning Regulations. However, the result would be the addition of a building out of line with the rest of the development along that side of the block. The extraordinary or exceptional situation in this case is that all the dwellings on the street are set back in excess of the minimum requirement, resulting in a potentially awkward streetscape situation should the proposed building then be constructed to the edge of the front lot line. The practical difficulty in this situation is that this uniquely shaped triangular lot, for which the ability to provide parking and a building decreases from the front to the rear due to the narrowing of the lot toward the rear, impairs the ability to provide parking on-site.

Variance to §404.1 – Minimum Depth of Rear Yard
§404.1 requires a minimum rear yard depth of 20 feet for each structure located within a Residence district. The subject property is located within the R-4 Residence district. The average rear yard depth proposed is 9.335 feet, requiring a variance of 10.665 feet, or a reduction of the rear yard by 53.33 percent. At its deepest, the rear yard setback is 18.67 feet. The subject property is unusually shaped. It is triangular, wedged between an alley and a street, with no opportunity for a rear yard. As a result of the shape of the property, almost one-third of the depth of the property as measured along the east side lot line is narrower than the minimum required 18-foot lot width. It is the lack of opportunity for a rear yard that is the practical difficulty in this case.

Variance to §405.9 – Minimum Depth of Each Side Yard
§405.9 requires a minimum side yard depth of 8 feet on the side of the flat *"that does not share a common division wall with an existing building"* (§405.3). The application proposes a minimum side yard setback on that side of 4 feet, requiring a variance of 4 feet, or a 50 percent reduction. However, the proposed side yard setback varies between 4 feet and 16 feet due to variations in the shape of the building along the alley, as the building steps back from the side lot line due to the triangular shape of the property. In addition, the property is also unique because its triangular shape is bounded on two sides by either a public street or a public alley, resulting in a practical

difficulty because a similarly shaped lot that abutted a public street on two sides would not be required to provide any side yard setback.

COMPREHENSIVE PLAN

The Comprehensive Plan states that the District government shall "encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land-use policies and objectives" and "increase new construction and maintenance of rental housing."

This proposal will contribute towards achieving the following objectives for housing in Ward 1:

> *"To stimulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1 and provide incentives for the full range of housing needed at desired locations throughout the ward;"* (§1205.1(a))
>
> *"To discourage city-owned and private housing from becoming vacant and to return vacant housing to housing use."* (§1205.1(f))

The Generalized Land Use Map identifies the property as "moderate density residential land use." This category is qualified by the text "Row houses and garden apartments are the predominant uses; may also include low density housing."

COMMUNITY COMMENTS

The Office of Planning attempted to contact **ANC 1A** by telephone, but has not heard back from them regarding this case.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variances. OP concludes that the requested variances meet the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the following:

1. **An area variance to §§2101.1 and 3103.2 of Title 11 DCMR,** minimum number of parking spaces;
2. **An area variance to §§404.1 and 3103.2 of Title 11 DCMR,** minimum rear yard depth; and
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AA/sjm$_{AICP}$



Feature Key

Zoning Boundaries
Square Index

Board of Zoning Adjustment
Application No. 16976

DC Office of Planning
January 15, 2003

Scale 1:994

N

25 0 25 Feet

Attachment 1