GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: January 13, 2004

SUBJECT: BZA Application 17104 - Filed by Jim Roy for 3645 through 3651 Alabama Avenue, S.E.

APPLICATION
Application of Jim Roy for:

1) **Special exception pursuant to 11 DCMR §§ 353 and 3104.1** for a new residential development; and
2) **Variance pursuant to 11 DCMR §§ 402.4 and 3103.2** to increase the minimum floor area ratio permitted

for property located at the southern corner of Alabama Avenue and 36th Place, S.E., 3645-51 Alabama Avenue, Square 5671, Lots 63 through 66. The property is zoned R-5-A, low density general residence district.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the request, subject to the following conditions:

1. That a landscaping plan be submitted as a part of the application.
2. That the public sidewalk be extended across the 36th Place frontage of the subject property, adjacent to Lot 66.

PROJECT DESCRIPTION
The proposed development is for the construction of four three-story single-family dwelling units as two row houses (Lots 64 and 65) between two semi-detached dwellings (Lots 63 and 66). All four units and their front entrances will front on Alabama Avenue. Each unit will include a one-car garage that will be accessible from a shared driveway, for a total of two driveways. Vehicular

BZA
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access to the driveways will be from Alabama Avenue. No access will be provided from 36th Place.

HISTORY

These four units are the last of the Fairfax Village Park development that was originally approved by the Board of Zoning Adjustment on January 14, 1977 (BZA Application No. 12147) and was last under construction in 1985. The approval by the Board included the granting of an area variance increasing the maximum floor area ratio from 0.9 for the two row house lots. There is no alley serving any of the four lots.

SITE AND AREA DESCRIPTION

The property consists of Lots 63, 64, 65 and 66 of Square 5671 in the South East quadrant of the District. The lots range in size from 1,942 square feet for one of the row house lots to 3,942 square feet for one of the semi-detached lots. A 10-foot deep building restriction line impacts the northeast side of Lot 66, along its 36th Place frontage.

The four lots are unimproved. To the north, across Alabama Avenue, is Beers Elementary School within the R-5-A Zone District. East of the school is Stanton Park, which is unzoned. To the east of the subject properties, across 36th Place, and to the southeast, adjoining the site, are single-family attached dwellings within the R-5-A Zone District that are also part of the Fairfax Village Park development. To the southwest are single-family detached dwellings within the R-1-B Zone District. The existing single-family attached dwellings to the east front on Alabama Avenue and are improved with shared driveways directly accessible to Alabama Avenue, similar to the proposal for the subject properties.

The surrounding area is predominantly residential, developed with a mixture of low-rise apartment buildings, and one-family, semi-attached, and row dwellings. Schools, churches, a public library and parkland are also located within the general vicinity.

The area has been identified on the Generalized Land Use Map as moderate density residential, which is described as *"[r]ow houses and garden apartments are the predominant uses; may also include low density housing."*

EXISTING ZONING

The subject property is zoned R-5-A, low density general residence district.

R-5 General Residence Districts

"The R-5 Districts are designed to permit a flexibility of design by permitting in a single district, except as provided in §§350 through 361, all types of urban residential development if they conform to the height, density, and area requirements established for those districts under chapter 4 of this title. The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts." (§350.1)

RELIEF REQUESTED:

Special Exception pursuant to § 353- New Residential Developments

Section 353 sets forth the specific criteria under which new residential developments may be permitted within the R-5-A District. Those provisions are as follows

353.1 In R-5-A Districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards and requirements in § 410 and this section.

The subject property consists of two semi-detached dwellings and two row houses. Therefore, this application is subject to review under § 410.

410 GROUPS OF RESDENTIAL BUILDINGS IN R-4 AND R-5 DISTRICTS

410.1 In an R-5 District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; provided, that the requirements of §§ 410.2 through 410.11 shall be met.

This application is for the construction of one group of one-family dwellings, consisting of two row houses and two semi-detached dwellings, with division walls from the lowest floor up. Each dwelling will be on an existing and separate lot of record.

410.2 All buildings in the group of buildings shall be erected simultaneously.

The four dwelling units are proposed to be erected simultaneously.

410.3 All front entrances of the group shall abut a street, front yard, or front court.

The front entrance of each of the four units will abut a front yard facing Alabama Avenue.

410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.

No rear or service entrances are proposed to abut a street, front yard or front court.

410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

No exterior stairways are proposed.

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met...

The lots are legally recorded and no additional subdivision is proposed.

410.7 The height of an individual building in a group of buildings may be measured as follows

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.

The proposed dwellings are approximately 18 feet in height, substantially less than the maximum 40 feet permitted within the R-5-A Zone District.

410.8 The front entrances of not more than four (4) one-family dwelling, nor more than four (4) dwelling units per floor, shall face any street that abuts a lot.

The front entrances of not more than four one-family dwellings will face a street that abuts a lot. This proposal is for the construction only of four one-family dwellings on four separate legally recorded lots.

410.9 All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.

All of the front entrances will abut a front yard.

410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.

No exterior stairways are proposed.

410.12 In the R-4 and R-5-A Districts, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or the lowest floor up, may be erected and be deemed a single

building for the purpose of this title, when the group does not comply with the provisions of §§ 410.1 through 410.11, subject to the following conditions:

(a) The provisions of §§ 410.4 and 410.5 shall be complied with; and

(b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

This application is in conformance with the provisions of §§ 410.1 through 410.11, as described above.

410.15 Vehicular access to all or a part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety.

Vehicular access is proposed to be via two shared driveways, accessible from Alabama Avenue. This is similar to the existing single-family attached dwellings that were a part of this development that were already constructed on Alabama Avenue east of 36th Place.

410.16 The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

The erection of the proposed group of single-family dwellings is similar in character to those already constructed and therefore will not adversely affect the present character or future development of the neighborhood. Public sidewalks exist across the front and side street frontages of the lots that have already been developed, and across the front of the lots that are the subject of this application. However, no public sidewalk exists on the southwest side of 36th Place, adjacent to Lot 66. Therefore, to not adversely the present character of the neighborhood, the public sidewalk should be extended along the 36th Place frontage of Lot 66.

353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.

The application was referred to the D.C. Board of Education but no comments were received. However, when this application was first reviewed by the Board in 1976, the Board of Education indicated that there was sufficient classroom capacity based on the assumption that there would be one child from each dwelling unit.

353.3 The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

The Department of Housing and Community Development, in a memorandum dated December 9, 2003, stated, *"[b]ased upon the benefits to be derived, DHCD*

feels reactivating the previously approved variances and special exceptions for this project is warranted and supports their approval."

The application was also referred to the D.C. Department of Transportation (DDOT). No comments were received.

353.4 *The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.*

This report serves as the comments and recommendation of the D.C. Office of Planning.

353.5 *In addition to the other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.*

The application contains the filing requirements as provided above, with the exception of landscaping plans. However, the applicant has informed the Office of Planning that the reason there are no landscaping plans is because no landscaping is proposed.

It is the conclusion of the Office of Planning that the applicant has satisfactorily me the criteria for special exception relief of § 353, provided landscaping plans are provided, and the public sidewalk is extended across the 36th Place frontage of Lot 66.

Variance to Section 402.4, Maximum Floor Area Ratio

The maximum floor area ratio (FAR) permitted within the R-5-A Zone District is 0.9. The subject application proposes a FAR of 0.95 for Lot 64 and 1.0 for Lot 65 for the construction of two row houses. Lots 63 and 66 are between approximately 40 and 50 percent larger in area than Lots 64 and 65. The same size unit proposed for each of the four lots. As a result, a variance to the FAR is only necessary for Lots 64 and 65.

Lots 64 and 65, the two row house lots, are in conformance with all other provisions of the R-5-A Zone District, including lot occupancy. Although no front or rear yards are required, 32 foot deep front yards are proposed and the rear yards are proposed to be 32.95 and 39 feet in depth. When considered as a single development, the cumulative FAR is only 0.69, less than the maximum 0.9 permitted within the R-5-A. The extraordinary or exceptional situation in this case is that the subject property has already been subdivided into these two row house lots, even though the subject property is not located within the row house zone district. Row houses are a permitted use within the R-5-A District and this same variance request was granted by the Board for the construction of these two units in 1977.

COMPREHENSIVE PLAN

This proposal will contribute toward achieving the following objectives of the Ward 7 Element:

> *"Stimulate the production of new and rehabilitated housing to meet all levels of need and to provide incentives for all types of housing at desired locations;"* (§ 1808.1(b))
>
> *"Encourage the design of development that is sensitive to the existing scale and character of Ward 7's established residential areas;"* (§ 1820.1(c))
>
> *"Conserve and maintain Ward 7's sound, established neighborhoods through the strict application and enforcement housing, building and zoning regulations;"* (§ 1829.1(i))

COMMUNITY COMMENTS
Comments were solicited from **ANC 7B** but none were received.

AGENCY COMMENTS
The D.C. Department of Housing and Community Development, in a memorandum dated December 9, 2003, indicated its support of the application.

Comments were also solicited from the D.C. Department of Transportation and the D.C. Board of Education, but none were received.

CONCLUSION
It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 353 and variance relief of § 402.4, and *"that the relief 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"* (§ 3103.2), provided the applicant submits a landscaping plan and provides a public sidewalk along the 36th Place frontage of Lot 66.

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 special exception and variance relief. The Office of Planning concludes that the special exception request conforms to the required criteria provided the applicant conforms to the recommended conditions of approval. The Office of Planning also concludes that the variance 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:

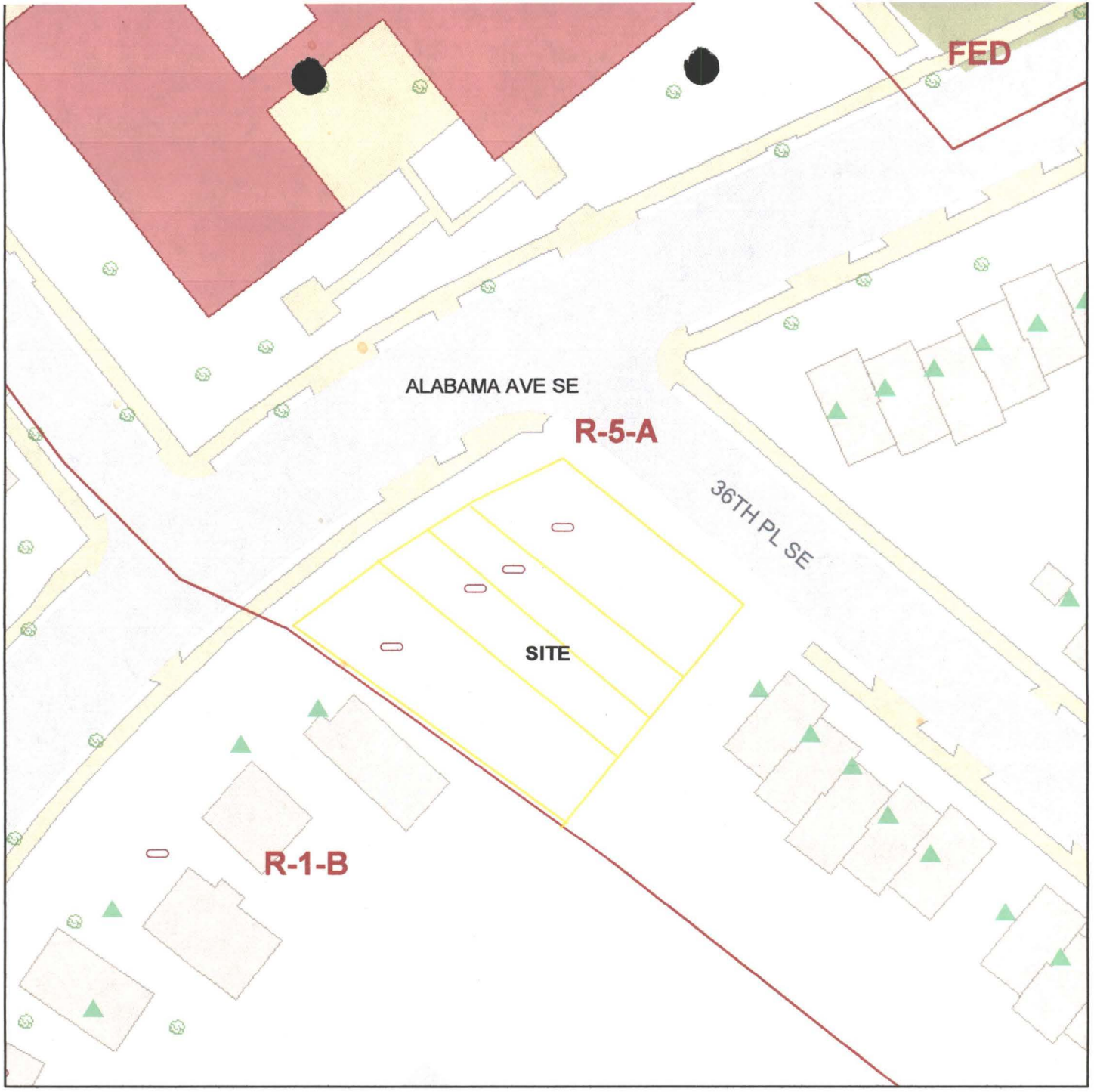
1. **Special Exception pursuant to 11 DCMR §§ 353 and 3104.1** to permit the construction of four single-family dwelling units; and

2. **Variance pursuant to 11 DCMR §§ 402.4 and 3103.2** to increase the maximum FAR from 0.90 to 0.95 for Lot 64 and 1.00 for Lot 65

subject to the following conditions:

1. That the applicant submit a landscaping plan; and
2. That a public sidewalk is provided along the subject property's 36th Place frontage, adjacent to Lot 66.

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Vicinity & Zoning Map

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Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ December 3, 2003

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Public School Buildings
- Single Family Dwelling
- Vacant; 197
- Buildings
- Wooded Areas
- Trees
- Roads
- Alleys and Parking
- Sidewalks
- Zoning Districts