GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: January 16, 2004

TO: District of Columbia Board of Zoning Adjustment

THROUGH: JLS for Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP DJM

SUBJECT: Board of Zoning Adjustment Case No. 17106
Abdullah Property
6025 North Dakota Avenue, NW
Square 3377 Lot 11

SUMMARY

Melva & Idriys Abdullah, the owners of the subject property seek approval, pursuant to 11 DCMR § 3103.2, of a variance to allow construction of a single-family dwelling, on a lot not meeting the minimum lot area requirements of §401.1 in the R-1-B District at premises 6025 North Dakota Avenue, NW (Square 3377, Lot 11). Variance relief is also requested from the rear yard requirements of §404, the side yard requirements of §405, and the parking requirements of §2101 for the new structure.

Recommendation:

The Office of Planning recommends approval of this application based on the following findings:

- The exceptional shape and size of the lot creates a peculiar and exceptional practical difficulty to the owner in redevelopment of the lot.
- The proposed construction will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.
- The proposed construction will not tend to affect adversely the use of neighboring property.

BZA
Case No. 17106
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17106
EXHIBIT NO. 26

Board of Zoning Adjustment Case No. 17106
Abdullah Property
6025 North Dakota Avenue, NW
Square 3377 Lot 11
January 16, 2004

Background

The subject property, at 6025 North Dakota Avenue, NW (Square 3377, Lot 11), is currently occupied by an existing two-story single-family detached dwelling and attached garage. Quackenbos Street on the north, North Dakota on the southeast and a lot improved with a detached single-family dwelling on the southwest bound the triangular lot. Single-family detached dwellings characterize the neighborhood to the north and west, while a school occupies a large square to the south and light industrial uses lie across Blair Road to the east (see Attachment 1).



Project Description

The applicant proposes to demolish the existing single-family dwelling and construct a new single-family dwelling in nearly identical location on the lot. The new building will provide additional living space by providing a full basement and an additional floor. The new structure will not have a garage and the loss of this "parking space" requires additional zoning relief. The existing driveway, which can accommodate two cars, will be maintained, although only a portion of this driveway is on-site and therefore cannot be counted as a parking space.



Comprehensive Plan

The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. Comprehensive Plan Section 1104.1(h) outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the rehabilitation and new construction of detached and row housing." The proposed development is compatible with these goals. The property is identified as low density residential on the General Land Use map, which includes single-family detached and semi-detached dwellings as the predominant uses (See Attachment 2). The proposed use is consistent with this designation.

Zoning

The R-l District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes (11DCMR§200.1). The R-1-B Zone District requires a minimum lot size of

5,000 square feet (§401.3). The zoning regulations do not permit the construction of new buildings on lots that do not meet this requirement:

§401.1 Except as provided in chapters 20 through 25 of this title, in the case of a building located, on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title.

The new building will not comply with the provisions of §404 regarding rear yards, §405 regarding side yards, and §2101 regarding off-street parking as summarized below.

Area Req.	Existing	Required/Allowed	Proposed	Variance	Code Ref.
Height	2-Story	3-Story (40')	3-Story (39'-8")	None	§400.1
Min. Lot Area	3,977 SF	5,000 SF	3,977 SF	1,023 SF (20.46%)	§401.3
Lot Occupancy	~32.7%	40%	33.5%	None	§403.2
Rear yard	~3.5'(avg.)	25'	6'	19' (76%)	§404.1
Side yard	1'-5 3/8"	8'	0'	8' (100%)	§405.9
Parking	1	1	0	1 (100%)	§2100

Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Extraordinary or Exceptional Situation

In accordance with §3103.2, which gives the Board the authority to grant a variance if, by reason of exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property a variance may be granted.

The Office of Planning finds that the triangular shape of the lot, the existing size of the lot, and the existing 15' building restriction line on North Dakota Avenue presents an exceptional condition of the property. As shown below, the shape of the lot, the building restriction line and the required rear and side yards leave a triangle of land so small and restrictively shaped as to be unusable.

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Practical Difficulty
The practical difficulty is evident from the constraints to developing a conforming structure on this lot arising from the situation outlined above. A square or rectangular structure that met the yard and building restriction requirements would be so small as to provide little reasonable floor area and would provide a structure that would not be in character with the neighborhood. These constraints also lead to the practical difficulty of providing on-site parking.

Substantial Detriment
In addition to the above tests, §3103.2 further requires that the relief requested could be granted, provided that it will not be a substantial detriment to the public good or substantially impair the intent, purpose and integrity of the zone plan. The amount of yard area and configuration of the building is substantially the same as the existing building. The replacement of the existing single-family detached dwelling with a new single-family detached dwelling is consistent with the intent and purposes of the R-1 Zone District. Additionally, the variance from the parking requirement will not significantly alter the existing conditions and permits a more attractive and functional development.

Community Comments
At the time of this report the ANC has not heard this case, but the applicant indicates that a petition of support has been signed by a number of neighbors. The next ANC meeting is scheduled for January 22nd.

Community Comments

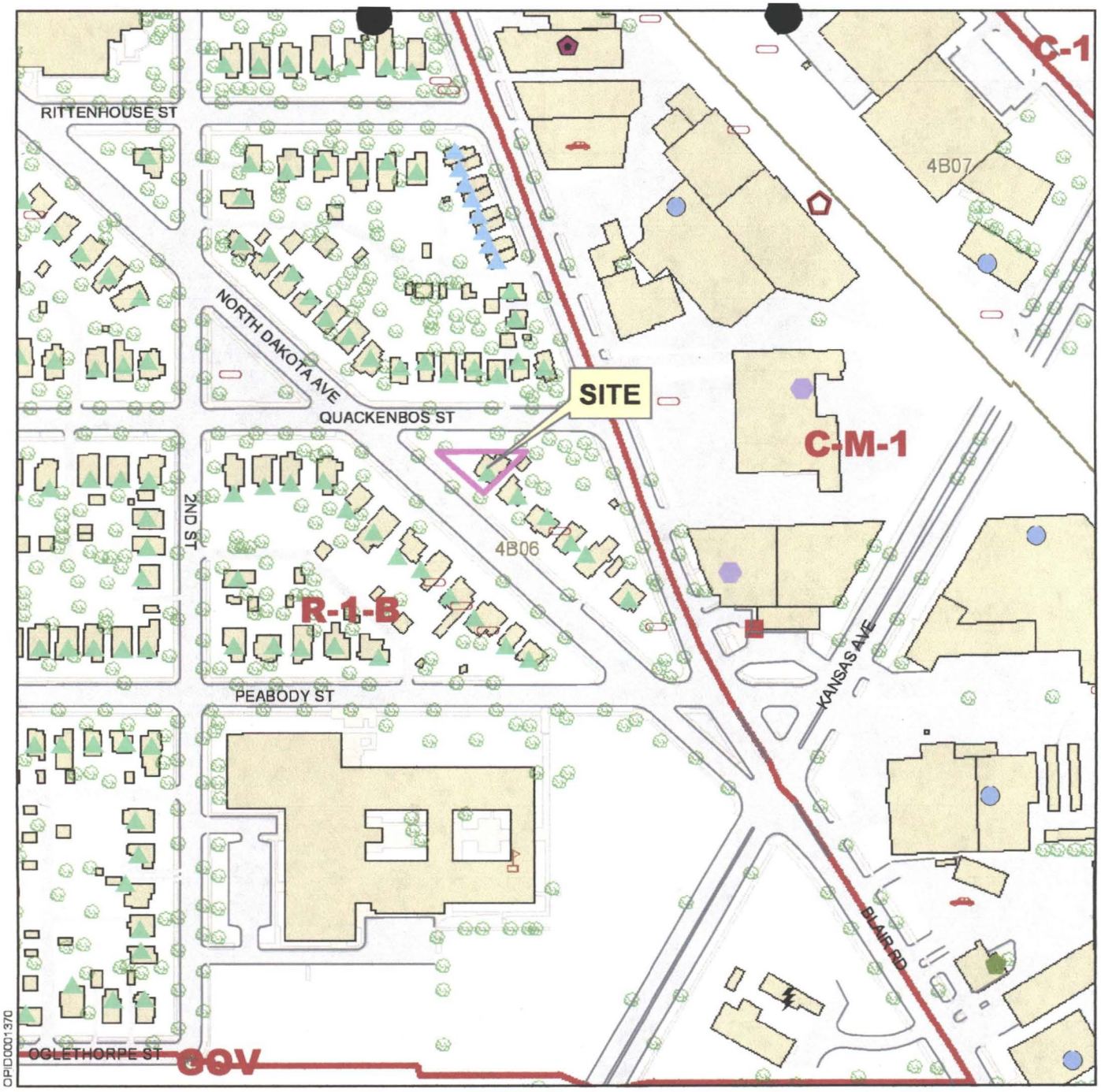
At the time of this report the ANC has not heard this case, but the applicant indicates that a petition of support has been signed by a number of neighbors. The next ANC meeting is scheduled for January 22nd.

Recommendation

The Office of Planning recommends approval of BZA application 17106 requesting four variances for the construction of a new single-family detached dwelling.

ATTACHMENTS:

1. Zoning and Land Use Map
2. Comprehensive Plan
3. Aerial Photo
4. Aerial Oblique Photos



Zoning and Land Use
BZA Application #17106

Feet

N

0 100 200 300

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Anthony A. Williams, Mayor

Office of Planning ~ November 10, 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.

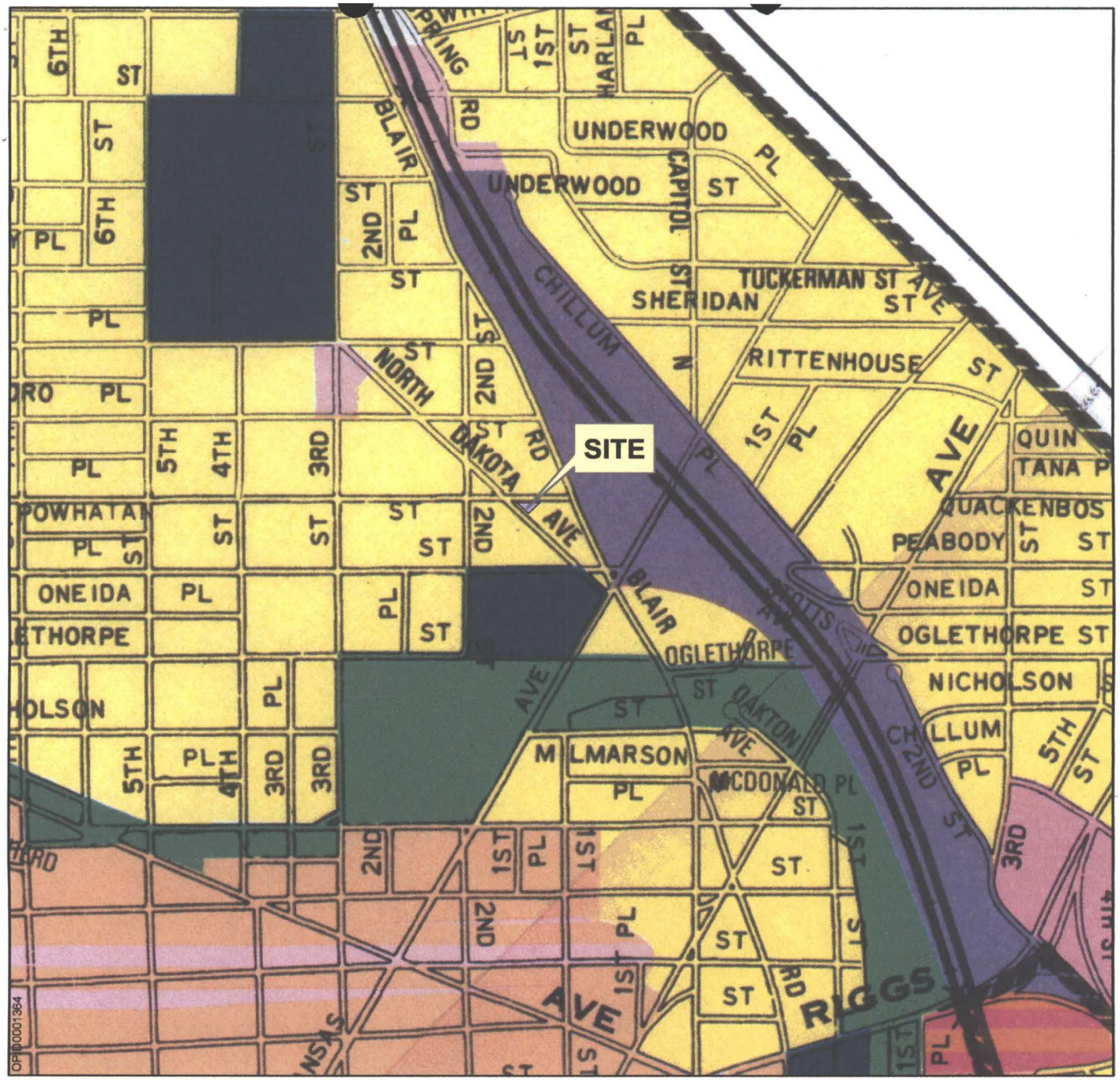
Land Use Legend

- Single-Family Detached
- Single-Family Semi-Detached
- Store
- Office
- Bank
- Motor Vehicle Sales and Service
- Light Industrial
- Warehouse
- Educational
- Public Service
- Vacant
- Vacant w/Commercial Improvements



Note: Land Use Info based on OTR records.

Attachment 1



Comprehensive Plan Map
BZA Application #17106

N

Feet

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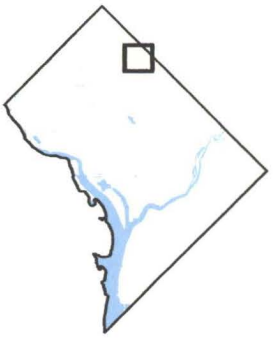
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Generalized Land Use Key

- Residential Low Density
- Residential Moderate Density
- Residential Medium Density
- Residential High Density
- Water
- Commercial Low Density
- Commercial Moderate Density
- Commercial Medium Density
- Commercial Med.-high Density
- Commercial High Density
- Federal
- Institutional
- Local Public
- Parks, Recreation and Open Space
- Production and Technical Employment



Attachment 2



Aerial Photo
BZA Application #17106

N

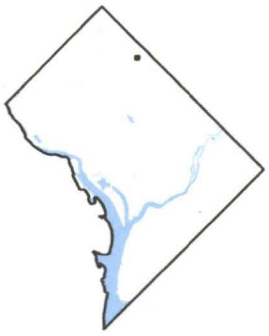
Feet

0 40 80

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Office of Planning ~ January 12, 2004

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Attachment 3



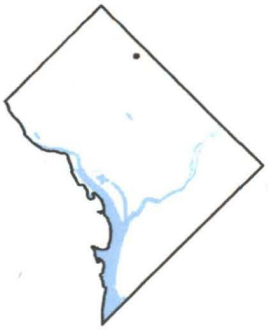
Aerial Oblique Photos
BZA Application #17106

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Office of Planning ~ January 12, 2004

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☆ Subject Site - 6025 N. Dakota Ave., NW



Attachment 4