GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: April 13, 2004

SUBJECT: BZA Case #17146, Lot Width and Area Variance Request

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved.

II. APPLICATION-IN-BRIEF

Location 1312 - 5th Street NW, Washington DC
Square 480, Lot 820, Ward 2; ANC 2C

Applicant: Suzane Reatig, FAIA for United House of Prayer, owners

Zoning: R-4

Proposal: Construction of a new flat dwelling.

Relief Sought: Variance from §401 lot width and lot area regulation for the existing lot.

III. EXECUTIVE SUMMARY

Suzane Reatig, FAIA, on behalf of the owners of the property, the United House of Prayer, has submitted an application to construct a flat on the vacant lot at 1312 - 5th Street NW. The lot, created prior to current zoning regulations, does not provide the required lot width or lot area. However, the proposed development, in scale, is in character with neighborhood and streetscape development patterns, would provide additional housing in the District by infilling a vacant lot, and would not impair the intent of the zoning regulations. The proposal also furthers Comprehensive Plan housing and Ward 2 objectives, and is not contrary to the Comprehensive Plan Generalized Land Use Map. As such, OP supports approval of this application.

IV. AREA AND SITE DESCRIPTION – Refer to Location Plan Attachment I, Site Plan Attachment II, and Context Photos Attachment III

The property is within Square 480, which is bound by 5th Street SE to the east; N Street SE to the south; 6th Street SE to the west; and O Street SE to the north. An alley with access from O Street SE runs down the center of the square. The subject lot is located mid block, facing 5th Street SE with rear access to the alley. The remainder of the square is mainly developed with 2 to 3 story row houses and flats. Sanborn maps from 1888 indicate that the square originally included a complete row of townhouses facing 5th Street. As early as the late 1920's, the subject property was vacant and a church occupied the corner of 5th and N Streets NW, directly to the south of the subject site. That church was, sometime after 1965, replaced with the current structure. Access to the rear of the church is provided on church property located between the building and the subject lot.

BZA Case No. 17146 Exhibit No. 21

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EXHIBIT NO. 21

The subject property is now undeveloped and fenced. It is owned by the United House of Prayer, which is a separate congregation from the church to the south. The congregation also owns the property directly to the north, which is developed with a pre 1958 rowhouse, as well as a number of other properties within this square.

V. PROJECT DESCRIPTION

The owners wish to construct a new 3 story flat on the vacant lot. One parking space accessed from the alley would be provided.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The property is designated "**moderate density**" residential (row houses and garden apartments being the predominant uses) on the Comprehensive Plan Generalized Land use Map. The proposed use of the site conforms to this designation. The proposal to develop this vacant site also supports the following Comprehensive Plan major themes:

*101 **Major Themes Of The Comprehensive Plan***

101.1 (a) Stabilizing and improving the District's neighborhoods; and

(e) Respecting and improving the physical character of the District;

The proposal would also conform to Comprehensive Plan goals and objectives related to housing and Land Use in Ward 2:

*302 **Housing: General***

302.2 (c) Work with owners and community groups to identify vacant housing units suitable for rehabilitation and make restoration of vacant units to the housing stock a major government priority;

*712 **AREAS IN NEED OF NEW AND IMPROVED CHARACTER***

712.2 (b) Encourage in-fill development of attractive design quality ... to stabilize the physical fabric and to encourage renovation and redevelopment;

*1305 **Ward 2 Actions In Support Of Housing Objectives***

1305.1 (a) 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;

VII. SNAP – CLUSTER 7

The SNAP planning process identified near-term goals for individual neighborhood clusters, and documented the tracking of issues to ensure that they are addressed through to completion. The subject property is within Cluster 7, Shaw / Logan Circle. As Cluster 7 has one of the highest concentrations of abandoned buildings in the District, residents identified "the provision of affordable housing and the development of abandoned properties" as one of the top priorities for additional action planning to improve their quality of life. This proposal would further this objective.

VIII. AREA ZONING – R-4

The property and the remainder of the square are zoned R-4, which permits one family dwellings, rowhouses and flats. Squares to the east, west, and south of this square are zoned R-5-B (moderate density apartment houses).

IX. REQUESTED SPECIAL EXCEPTION RELIEF (refer to Project Profile, Attachment IV)

The applicant has requested the following variance relief pursuant to §3103:

1.	Zoning Regulation:	Proposed:
	Lot Area: (§401.3) – 1,800 sq. ft. min.	1,251 sq.ft. (69.5% of required amount) variance of 549 sq.ft. required.
	Lot Width: (§401.3) – 18. ft. min.	15 feet (83.3% of required amount variance of 3 ft. required

Of relevance to the discussion is the following subsection of Section 401 (Minimum Lot Dimensions, Residential Districts):

§401.2 Except as provided in § 401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has a lot area or width of lot less than that specified in § 401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3; provided, that the structure shall comply with all other provisions of this title.

This section deals with the construction of a new building on an undeveloped non-conforming lot, and permits the development of a non-conforming pre-1958 lot, provided its lot width and area are at least 80% of that currently required and all other zoning regulations are complied with. The subject lots provides greater than 80% of the required width, but less than 70% of the currently required area, so §401.2 does not exempt the lot from the variance requirement, even though the proposed structure would conform to all other zoning provisions.

By inference, this section also requires, where possible, the creation of conforming lots from existing non-conforming ones, i.e. where there are more than one adjoining undeveloped lots under common ownership. In this case, the subject property does not adjoin another unimproved lot in the same ownership, since the adjacent lot to the south is both developed and under different ownership, and the one to the north is under the same ownership but is developed with a rowhouse constructed prior to 1958. As such, OP believes that this section has no applicability in this case.

Does the property exhibit specific uniqueness with respect to exceptional shape, narrowness, shallowness, topography or other extraordinary or other exceptional situations or conditions?

Yes. The legal, non-conforming lot is regularly shaped but narrower and smaller in area than currently required. The exceptional situation is the narrowness and size of the legal, albeit non-conforming, lots and the inability of the owner to make create a conforming one. Most, but not all, other lots in this square and facing this section of 5th Street NW appear to be at or close to the currently required width and area.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant with regard to the lot area and width?

Yes. The lot could not be developed without variances, as the lots themselves do not meet current standards. There is no form of development that would be permitted on these lots, and a re-subdivision is not possible without the current owner acquiring property from another owner and/or demolishing the existing adjacent rowhouse that is in character with the rest of the streetscape and creating new non-conformities associated with the size of that currently conforming lot. This would represent a practical difficulty that is unnecessarily burdensome to the applicant, particularly since, from the street, the lot width provides greater than 80% of that required for the zone district, so is generally in character with the streetscape.

Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Yes. Development of this lot as a flat is consistent with zoning regulation permitted uses, and with the Comprehensive Plan Generalized Land Use Map. The lot is sufficiently large that it permits development with a building that conforms to lot coverage, height, parking, and all setback requirements. The proposal would infill a vacant lot with a building that, in scale and bulk, would compliment the character of the streetscape and the development pattern of the square.

X. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 2C reviewed this proposal at its March 03, 2004 and unanimously adopted a motion of support.

XI. OTHER AGENCY COMMENTS – refer to Attachment V for complete comments.

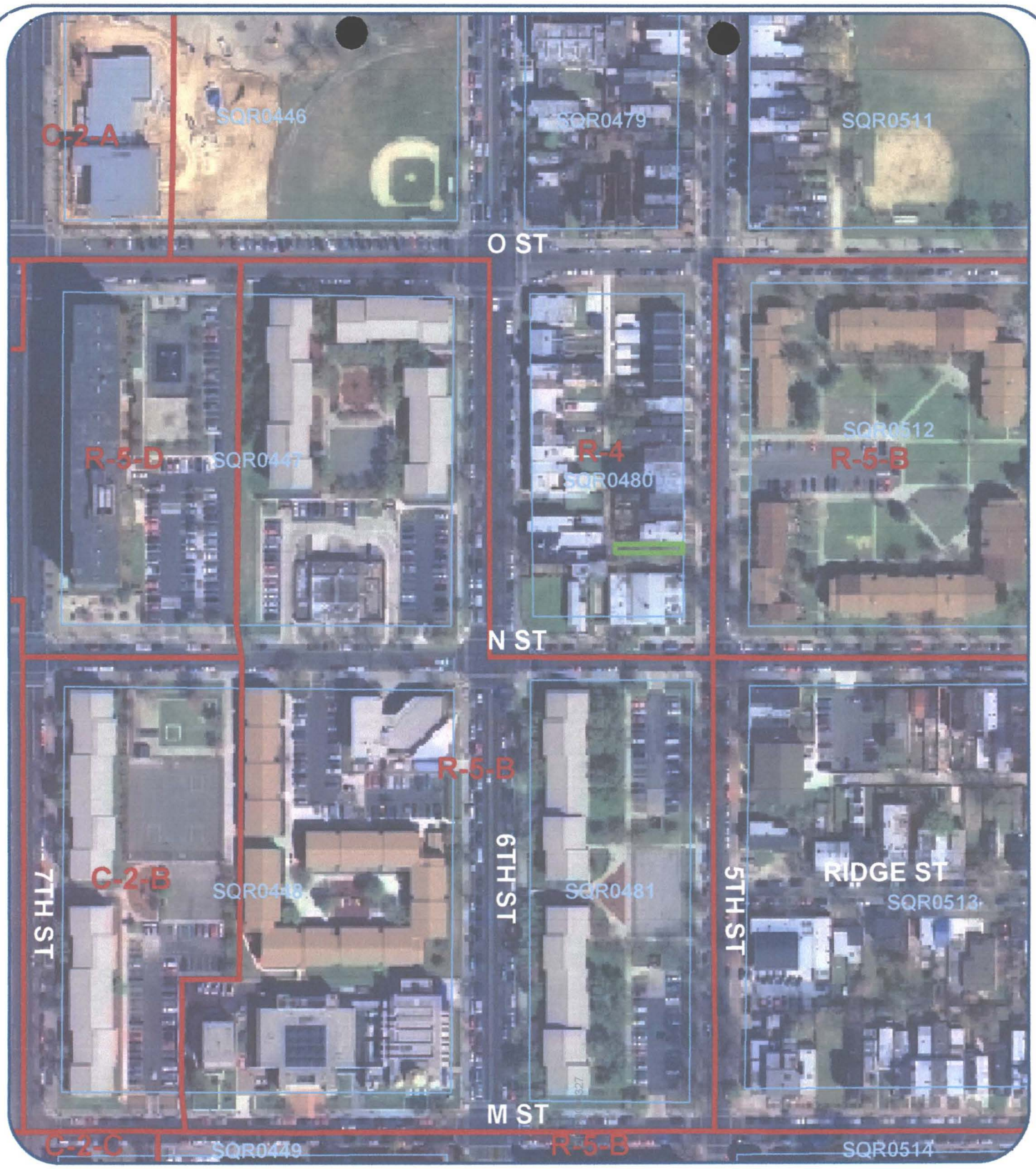
The District Departments of Parks and Recreation, Transportation, and the Water and Sewer Authority have indicated no concern. The Department of Housing and Community Development supports the proposal, noting that the proposed use of the currently vacant lot will compliment existing development on the block. OP has not received comments from any other District agency.

XII. OP RECOMMENDATION

OP feels that development of the vacant lot with the proposed new flat adequately meets all three of the variance tests. The proposal would not be detrimental to the public good, and denying the variances would represent an undue hardship on the owner, as no form of development on this lot would be possible. The proposal meets the intent of zoning regulations, and would provide a building that, in scale and use, conforms to and compliments the general streetscape development pattern. The infill development proposal for this vacant site is also in line with neighborhood objectives identified in the SNAP process, and with the Mayor's *Home Again* neighborhood revitalization and homeownership initiative, intended to promote the development of vacant properties in five targeted neighborhoods, including Shaw. While the proposed design of the flat may not duplicate that of older rowhouses on the streetscape, other rowhouses in the area (such as those directly across the street) are also of a more recent vintage and character, and the square is not within a historic preservation area. As such, OP recommends approval of the variance application.

AA/jl

ATTACHMENTS: I. Context Plan
II. Site Plan
III. Context Photos
IV. Project Profile
V. Agency comments



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

Office of Planning ~ March 15, 2004

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.

Board of Zoning Adjustment
Case # 17146 1312 5th Street N.W.

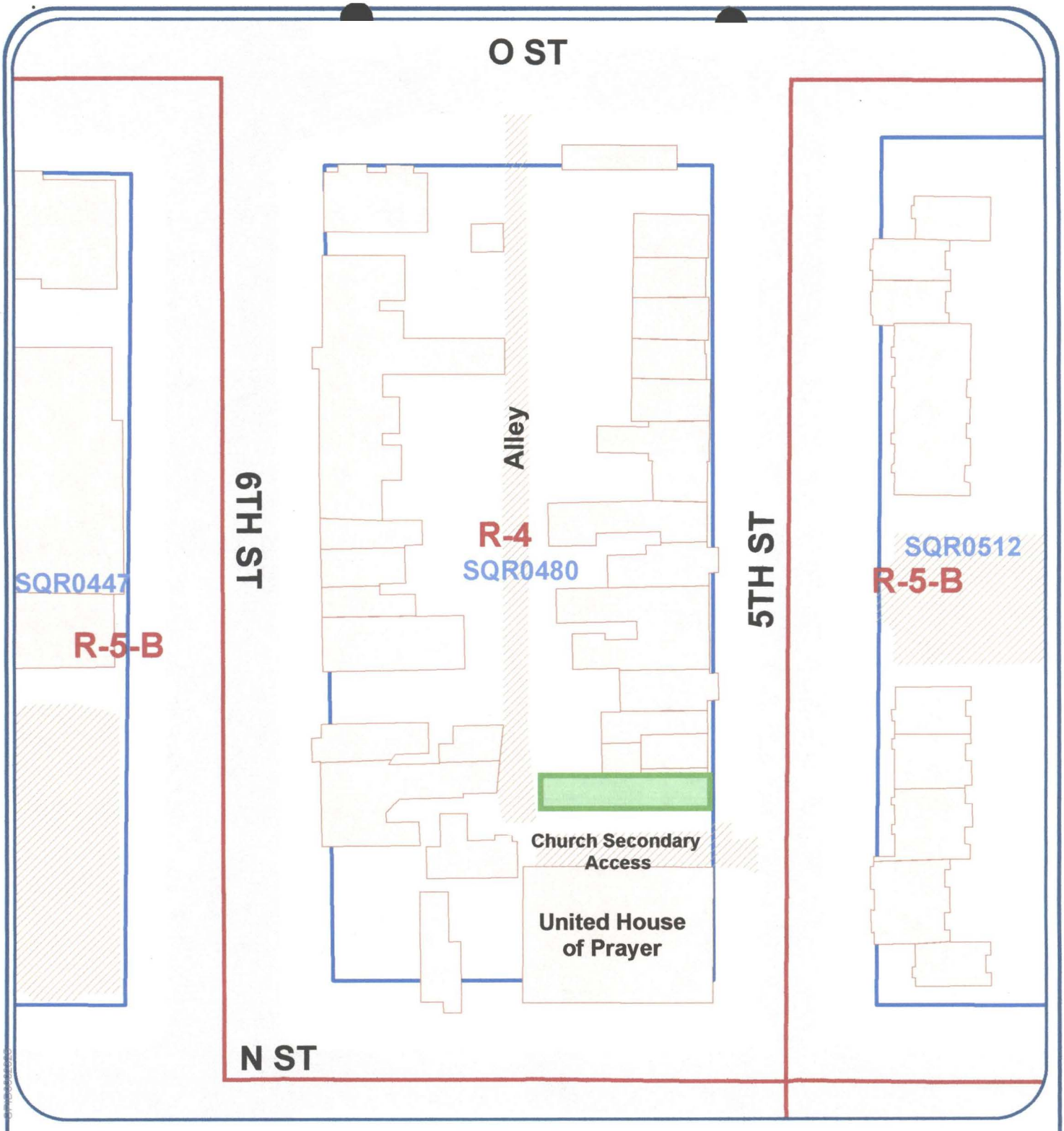
Legend

- SITE
- Zoning Districts
- Property Squares

N W E S

1:2,000

CONTEXT PLAN
ATTACHMENT I



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Anthony A. Williams, Mayor

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Legend
- SITE
- Zoning Districts
- Alleys and Parking

N W E S

1:800

SITE PLAN
Attachement II


O Street NW
5th St.
6th St.
SITE
Church
N Street NW
Facing North


6th St. NW
N St.
Alley
O St.
Church
SITE
5th St. NW
Facing West

Standard	R-4 Zone Regulations	Proposed[1]	Variance
Dwelling Type:	Row dwelling or flat	Flat	Conforming
Height	40 ft. max	35.5 feet	Conforming
(§400)	3 stories	3 stories	Conforming
Lot Area (§401)	1,800 sq.ft. min.	1,251 sq.ft.	**549 sq.ft. (69.5% of required) - variance required**
Lot Width (§401)	18 ft. min.	15 ft.	**3 feet (83.3% of required) – variance required**
Floor Area Ratio: (§402)	n/a. [2]	Conforming	approx. 2,250 sq.ft. (= FAR of 1.8)
Lot Occupancy: (§403)	60% max (750 sq.ft.)	60% (750 sq.ft.)	Conforming
Rear Yard: (§404)	20 ft min.	33'	Conforming
Side Yard: (§§405.3 / 405.9)	Not required	None provided	Conforming
Parking: (§2101.1)	1 min.	1	Conforming

1 Information provided by the applicant.

2 This zone does not establish a maximum FAR.

DC Department of Transportation (via email)

DDOT has no objection to the proposal as the relief sought (lot size and lot width) would have no negative impact on the transportation system in the surrounding neighborhood area.

Department of Parks and Recreation (via email)

We have reviewed the proposal for 1312 5th St, NW and do not feel that this conversion will negatively impact either of (DPR's) two properties that are within a block of this site.

Thank you.

Water and Sewer Authority (via email)

DCWASA has no objects to the proposed development of this lot as long as the applicant meets all District code requirements and all DCWASA design requirements for new buildings.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joel Lawson
Development Review Specialist
Office of Planning

FROM: Lawrence C. Cager, Jr.
Deputy Director for Development Finance

DATE: April 5, 2004

SUBJECT: Department of Housing and Community Development (DHCD) Review of BZA Application No. 17146 – 1312 5th Street NW

DHCD has reviewed the above referenced BZA Application (BZA) sent via e-mail by you on March 4, 2003. This memorandum offers comments accordingly. After staff review of the application materials, DHCD is supportive of this BZA Application No. 17146 for the following reasons:

1. The vacant lot has a width that is too narrow, and an area that is too small to permit development, using a strict application of the Zoning Regulations minimum lot width and lot area. Therefore, the applicant has a real practical difficulty in using the vacant lot for any development.
2. The applicant does not wish to leave the vacant lot undeveloped, because leaving it vacant requires continuing maintenance costs to keep the lot clean, and requires the applicant to pay higher real estate taxes for the vacant property classification.
3. The applicant wishes to build a new two-unit, flat row building that is permitted by the R-4 zoning for the neighborhood.
4. The proposed two-unit, flat row building will be of size and character that will complement the existing row houses on the block and preserve the existing residential scale and fabric of the street.
5. Lot sizes smaller than the minimum required lot sizes are a common occurrence throughout the older neighborhoods of the District. Allowing smaller than minimum sized lots allows many new townhouses to fit better into these existing historic neighborhoods. Currently, most of the neighboring existing townhouses in the Shaw neighborhood are sitting on lots that are smaller than the minimum lot size.