GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE April 6, 2004

SUBJECT: BZA Application **17148**
3034 Clinton Street, N.E.

APPLICATION
The applicant, Marshall Heights Community Development Organization, is requesting variance relief pursuant to 11 DCMR § 3103.2, for a variance from the side yard requirement under §405, to allow the construction of a single-family detached dwelling in the R-1-B District at premises 3034 Clinton Street, N.E. (Square 4319, Lot 72).

SUMMARY RECOMMENDATION
The Office of Planning **recommends approval** of the variance request on condition that both side yards are at least 4 feet in width.

SITE AND AREA DESCRIPTION
The subject vacant lot is located in Square 4319 in the northeast quadrant of the District. The Square is bound by Myrtle Avenue to the north, Central Avenue on the west, and Clinton Street on the east. The lot is surrounded by single-family homes in the Woodridge neighborhood and is zoned R-1-B.

PROJECT DESCRIPTION
The application proposes to construct a 2,228 square foot, three-story single-family residence on a vacant lot. The three-bedroom home will include a garage.

ZONING REQUIREMENTS
The R-1-B zone District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot width of 50 feet, a minimum lot area of 5,000 square feet, an 8-feet minimum side yard and maximum lot occupancy of 40%.

BZA
Case No. 17148
Exhibit No. 24

Board of Zoning Adjustment
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Subject Property

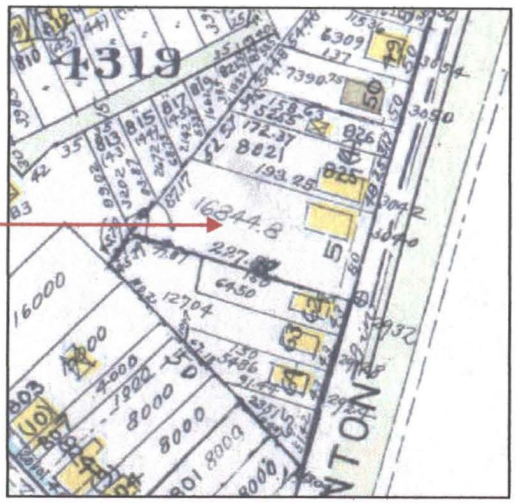


Figure 1 - Baist Map (1960)

Figure 2 (Current)

Based on available records, the lot was subdivided after 1960. Prior to 1960, Lot 5 as shown in Figure1, incorporated lots 71 and 72 (shown in Figure 2). Therefore, if the subdivision is valid, the existing non-conformity of the lot is due to the lot width, which would result in a variance to §405.9 if a structure greater than 14 feet in width were to be constructed on the property. The submitted construction plans resulted in the need for a side yard variance.

The submitted plan depicts side yards of five (5) feet on the south and one (1) foot on the north. However, OP believes that this submission would have negative effects on Lot 71 to the north of the subject property and would result in the future property owner being unable to do maintenance of his building without trespassing on the adjoining property. OP recommended an amendment of the plan to the applicant, which provides side yards of at least four (4) feet in width. The applicant agreed and the application was reviewed in accordance with this amendment.

Section	Item	Allowed	Provided	Deviation
401.3	Lot Area	5,000 square feet (minimum)	11, 344.8 square feet	+5, 344.8 sq. feet
401.3	Lot Width	50 feet	30 feet (front) 87 feet (rear)	-20 feet, +30 feet
403.2	Lot Occupancy	40%	6.3% Proposed	N/A
405.9	Side Yard	8 feet	4 feet	-4 feet

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

The subject lot is a vacant flag lot with a width of 30 feet at the street. This 30 foot width extends back for a distance of 110 feet and then opens to the "flag" portion of the lot which has dimensions approximately 83 feet by 87 feet at the rear. The front widths of other lots along the street range from 43 to 50 feet. The R-1-B district requires a minimum lot width of 50 feet. The lot does not predate the Zoning Act of 1958. The lot is exceptional due to its legal non-conforming shape.

The lot also has exceptional topography that runs diagonally across the stem of the lot and curves to parallel the flag portion of the lot. The topography creates an approximately 16% slope on the flag portion of the lot and almost a 20% slope along the back half of the stem.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property?

OP believes that the shape and sloping topography of the lot create an exceptional situation or condition, which hinders the applicant from building a house in the larger (flag) portion of the lot. Locating a house further to the rear of the lot where the side yard is not an issue, would be out of character in a neighborhood where all the residences are aligned along the street, up to the building restriction line. The construction of a house within the flag portion of the lot would result in the house being behind the neighboring property.

Designing a narrower house to meet the code required eight (8) feet side yards would result in an exceptionally narrow house of 14 feet, which is not typical in this neighborhood, is out of character with existing residential structures and is not a standard for detached dwellings

The applicant wishes to design a market rate residential dwelling as part of the District's Home Again Initiative. Since the lot slopes steeply at the rear of the property, the applicant claims that excavation would increase construction costs if the house were to be built to the rear of the property.

Will the variance cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

OP does not believe that granting the variance will cause detriment to the public good or impair the intent of the Zoning Regulations and Map. The lot width to the front of the property is already non-conforming to the zone and is beyond reasonable control of the

applicant. The intent of the R-1 zone is to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for that purpose.

The purposes of the side yard setback are to avoid overcrowding of detached structures and ensure light, air and privacy of adjoining properties. Based on submitted plans, there are no bedroom windows facing abutting properties, and the second story windows are designed and located to only allow light to the stair area and kitchen. The living room area has only one side window, located closer to the front (north) corner of the house. OP believes that if the house were to be placed towards the rear, larger windows to the front of the property would face the abutting residences' rear yards. This would also be out of character for residences in the neighborhood.

Development of the lot is consistent with permitted uses and it conforms to all other requirements of the Zone Regulations. OP contends that granting the variance to allow the proposed improvement of the lot with a four-foot (4ft.) side yard would not impair the overall purpose and integrity of the Zone Regulations and Map, and would be in keeping with the prevailing neighborhood character.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map depicts the subject property as being in the *Low Density Residential Land Use Category,* which includes single-family detached and semi-detached housing as the predominant uses. The Comprehensive Plan sets goals of stabilizing and improving the quality of residential neighborhoods. **§1104.1(h)** outlines a policy to "encourage the maintenance of existing housing stock and, where appropriate, the ... new construction of detached ... housing..."

The development of this property furthers the goals of the Mayor's Home Again Initiative, which was designed "to transform vacant and abandoned residential properties into single-family homeownership opportunities for residents. By increasing homeownership and eliminating blight, Home Again helps to stabilize neighborhoods and contribute to local economic sustainability".

COMMUNITY COMMENTS
The applicant informed the Office of Planning that The Advisory Neighborhood Commission 5A, voted against approval of the application at its regularly scheduled meeting in March, 2004.

CONCLUSION
The Office of Planning recommends approval of the variance from the side yard requirements on condition that the width of the side yard is 4 feet on both yards. This would allow the applicant to design a structure that would maintain the character of the neighborhood, while preserving the intent, purpose and integrity of the Zoning Regulations and Map.