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 27, 2004

SUBJECT: BZA Case #17154, Variance Request

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

If a dwelling is to be developed on this lot, variances to lot area and lot width are unavoidable. However, OP recommends that the requested variance for lot occupancy and rear yard setback be denied, particularly if this is deemed to be a row dwelling. OP has no major concerns with approving a side yard setback, if required, or a special exception for rooftop penthouse setback, but notes that the provision of a minimal side yard along the south elevation could lessen detrimental public impacts on neighboring lots.

II. APPLICATION-IN-BRIEF

Location	935 26th Street NW, Washington DC Square 0016, Lot 95, Ward 2; ANC 2A
Applicant:	Gladys Hicks, Zoning Consultant for Bruno Freschi, owner
Zoning:	FB/R-3
Proposal:	Construction of a new one family dwelling.
Relief Sought:	Variances to lot area, lot width, lot occupancy, and rear yard setback. OP believes that side yard variance and penthouse roof structure setback special exception relief may also be necessary.

III. EXECUTIVE SUMMARY

The owners of the alley lot to the rear of 935-26th Street NW have submitted a variance application to permit the construction of a new dwelling on the lot. The alley is sufficiently wide to permit an alley dwelling, but the lot is exceptionally small and represents a unique practical difficulty if it is to be developed with a dwelling. The proposal to develop the property with a dwelling appears to be contradictory to Section 401.6 of the zoning regulations, and would not adequately meet all of the variance tests in that development of this lot could be of detriment to the public good and would impair the intent, purpose and integrity of the Zoning Regulations and Map. However, if development of the lot with a dwelling is possible, variances to lot area and lot width would be required, whereas variances to rear yard and lot coverage would seem to be avoidable and contrary to the intent of the zoning regulations.

OP also has some concerns that the configuration of the lot and adjacent lots would preclude a row dwelling, and that any dwelling on the property would be considered

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either a semi-detached or detached dwelling. This would necessitate an additional variance request, for side yard. Also, because the lot width and area requirements are greater for these two forms of dwelling, the "extent" of the lot occupancy, lot width and lot area variances would be greater. OP also feels that a special exception for rooftop penthouse setback is required.

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 16, which is bound by 26th Street NW to the west; K Street NW to the north, 25th Street NW to the east; and I Street NW to the south. From 26th Street is Queen Annes Lane at the center of the square, which also provides access to an internal north-south alley, called Hughes Mews. The north half of the square is mostly developed with apartment buildings. The south half is developed with rowhouses, including some alley dwellings.

The subject property – Lot 95 - is located in the north half of the square, facing Hughes Mews. It was created in the late 1960's through the re-subdivision of two long, very narrow lots, each of which fronted 26th Street and backed onto the Hughes Mews alley. These lots were each 12.33' wide at the front, and 148'. Together, they were previously developed with a single rowhouse facing the street (935 26th Street), now on Lot 94. The Lots 94 and 95 are currently in common ownership.

Lot 95 is the smaller of the two lots and is well below current zoning standards, but at the time of subdivision in the late 1960's, the area was zoned R-5-B which does not have minimum lot width or area requirements. Lot 94, the other lot created in the re-subdivision, is also slightly nonconforming for lot area. It is located directly to the west of the subject lot, has frontage on 26th Street, and is occupied by the pre-resubdivision rowhouse. The owner of that lot constructed additions and renovations to the rowhouse within the last few years. The lot to the north also fronts onto 26th Street, while a row of relatively recent townhouses facing Queen Annes Lane is to the south. The subject lot is not developed with a building and is used for parking, although the associated rowhouse at 935-26th Street also has parking from the street.

V. PROJECT DESCRIPTION

The owners wish to construct a new three story plus basement dwelling on the small, narrow alley lot. The dwelling would have a rooftop deck, and would provide internal parking for one car. The house would have a gross square footage of about 2,100 sq.ft.

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. OP has some concerns that the density of the proposal may be considered excessive to the intent of this designation. The unit / acre density, in combination with the existing dwelling on Lot 94, is about 30 units per acre, whereas R-3 envisions 22 units per acre for row dwellings and 11 units per acre for detached dwellings (for further comparison, the higher density R-4 and R-5-A zone districts anticipate a row house density of 24 units per acre, and the R-4 zone anticipates a density of 11 units per acre for detached dwellings). However, this is the result of an existing lot configuration, created prior to establishment of current zoning. Zoning at the time of subdivision was R-5-B, which does not establish a minimum lot area requirement for density, but has a maximum FAR of 1.8.

The Comprehensive Plan Ward 2 Chapter makes special mention of the unique "alley dwelling" character of the Foggy Bottom neighborhood – singling out those of Hughes Mews which are located on the south end of the alley:

1303 Ward 2 Housing

1303.2 Equally interesting are the Foggy Bottom and Georgetown neighborhoods. Both once contained industrial areas and included gas works, glass companies, breweries, and warehouses. Most of these buildings are gone, removed to make way for the later office, retail, and residential development. Foggy Bottom is a mix of old alley houses, such as those on Snows Court and Hughes Mews, townhouses, mid-rise apartments and condominiums as well as the headquarters of the Department of State. ...

The Plan also stresses the need to preserve and enhance the architectural, land use and historic character of neighborhoods such as Foggy Bottom. Other relevant sections of the Plan from the Urban Design, Historic Features, Land Use and Ward 2 Elements are listed below for consideration:

Chapter 7 Comprehensive Plan: Urban Design Element

708 Buildings

708.2 (a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

710 Areas Of Strong Architectural Character

710.2 (d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;

(e) Encourage building massing and scale of new development to be sensitive to established patterns;

Chapter 8 Preservation And Historic Features Element

§805 Specific Policies For Protection And Enhancement Of Historic Properties

§805.9 In historic districts the established form of development, as evidenced by lot-coverage limitations, yard requirements and other standards that contribute to the open space character and attractiveness of those districts, should be protected.

§805.16 New construction on historic landmarks or in historic districts should be compatible with the historical architectural character and cultural heritage of the landmark or district. In design, height, proportion, mass, configuration, building materials, texture, color, and location, new construction should complement these valuable features of the landmark or district, particularly features in the immediate vicinity to which the new construction will be visually related.

Chapter 11 Comprehensive Plan: Land Use

1102 Objectives For Residential Neighborhoods

1102.1 (a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique;

1104 Policies In Support Of The Residential Neighborhood Objectives

1104.1 (b) Conserve and maintain the District's sound, established neighborhoods through the strict application and enforcement of housing, building, and zoning codes and the maintenance of the general level of existing residential uses, densities, and heights;

Chapter 13 Ward 2 Plan

1304 Ward 2 Objectives For Housing

1304.1 (a) Stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations;

1315 Ward 2 Urban Design

1315.8 The overall urban design goal is to promote the protection, enhancement, and enjoyment of the natural environs and to promote an environment that provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.

1318 Ward 2 Preservation And Historic Features

1318.13 The design and maintenance of these streets and squares raises issues of historic character, which are related to urban design issues. The historic character of streets and spaces is influenced by the actual physical design and by activities. .... In the case of Foggy Bottom, its historic district is enhanced by Washington's remaining 19th century alley dwellings which are virtually unique to the city.

1319 Ward 2 Objectives For Preservation And Historic Features

1319.1 (c) To preserve the design quality of historic and special streets and places in Ward 2;

1327 Ward 2 Actions In Support Of Residential Land Use Objectives

1327.1 (a) The District government should do the following:

(1) Maintain and enhance older established residential neighborhoods and areas, including Foxhall, Burleith, Georgetown, Foggy Bottom, ...

VII. FOGGY BOTTOM HISTORIC DISTRICT

The subject property is within the Foggy Bottom Historic District. The Historic Preservation Review Board reviewed this proposal at its meeting of January 22, 2004 and approved the concept design, with some revisions which the applicant has addressed, including the requirement that the roof top enclosure be "flipped" to the north side of the building. HPRB was aware of the zoning issues and informed the applicant that its approval of the concept does not constitute an endorsement of any necessary zoning relief.

VIII. AREA ZONING

The property is zoned R-3, row dwellings being the predominant land use type. R-3 does not establish a maximum FAR but has a minimum lot area requirement of 4,000 square feet for detached dwellings, or 2,000 for row dwellings. The apartment properties to the north and west are zoned R-5-E, which permits high density apartment development with an FAR of 6.0. The property was rezoned from R-5-B to R-3 as part of an area rezoning that also mapped the Foggy Bottom Overlay. The property had

been subdivided while it was R-5-B. The rezoning to the FB/R-3 zone has made the lot non-conforming.

IX. FOGGY BOTTOM OVERLAY DISTRICT

The property is within the Foggy Bottom (FB) Overlay District. §1521.3 of the FBOD includes purpose statements that are of relevance to the analysis of this application:

(a) Require a scale of development consistent with:

(1) The Comprehensive Plan, which provides that the land use map for the Foggy Bottom Historic District be amended from the present "medium" category to the "moderate" category; and

(2) The characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood that formed the basis on which the area was designated a historic district;

The FB Overlay was intended to reduce the potential density in the area. The size of the proposed development, particularly in conjunction with the house on the associated lot 95, represents a density and intensity of development that OP feels is generally in excess of what may be considered "moderate" density.

(b) Protect the integrity of the historic district, its small scale, and open spaces; require compatibility of any development with the purposes of the Historic Landmark and Historic District Protection Act of 1978 ... and preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;

The Historic Preservation Review Board has approved the concept drawings for this proposal, and the proposal does not include the demolition of an existing structure.

(c) Enhance the residential character of the area by maintaining existing residential uses;

The proposal maintains a residential use, and continues and expands to the north half of the square an alley dwelling use which currently exists on Hughes Mews and in the neighborhood, and which the Comprehensive Plan calls *"virtually unique to the city"*.

(d) Preserve areas planned as open backyards and alleyways that provide the only access to historic alley dwellings, and protect the light, air, and privacy that they provide;

The proposal develops, as a separate principle dwelling, what currently functions as a "back yard" and parking area for the associated lot 94. It would not negatively impact traffic on the alley, as this portion (north of Queen Annes Lane) does not serve alley dwellings and, instead, provides access to a number of apartment buildings. However, the development would, to some extent, impact light, air and privacy for adjacent lots and would remove rear alley access to the dwelling facing 26th Street, although that dwelling also has internal parking accessed from the street.

(e) Enhance the special human scale streetscape by maintaining the public space in front of the buildings as landscaped green spaces and limiting future curb cuts; and

The proposal would have no impact on meeting this purpose statement, as it has no street frontage. The proposal provides no green space between the building and the alley.

(f) Encourage greater use of public transportation through use of the nearby Foggy Bottom Metrorail Station, so as to protect the narrow residential streets and alleys from the deleterious effects of disruptive excessive traffic.

The proposal would only slightly increase the amount of traffic utilizing the alley, particularly compared to the large apartment buildings within the square.

X. ZONING REGULATION ANALYSIS

(i) Impact of Type of Dwelling on Relief Required

The applicant has provided analysis based on the proposal being considered a "row dwelling". OP has concerns that, given the configuration of adjacent lots, a row dwelling would not be possible on this lot, as it abuts the rear yards of those properties (as in *Peoples* BZA Case 17007, in which side yard setback relief was granted for an addition to an exiting dwelling where the side yard abutted the rear yards of adjacent lots). OP notes that it would be possible to consider this a lot capable of having a semi-detached dwelling - if the property to the north were redeveloped with a new dwelling closer to its rear (alley) lot line, it may be that the two properties could partially share a common party wall. In either case, a side yard setback variance would be required – at least along the south side of the proposed house - as the proposed dwelling provides no side yards. Other than the side yard setback, all of the analyzed variances are required – it is only the extent of the variances that changes with the form of dwelling (see chart below). OP's analysis – in terms of whether the proposal meets the variance test – would not change.

R-3 Requirements	Proposed	Row	Semi-Detached	Detached
Min. Lot Area **(§401.3)**	926.7 sq.ft.	2,000 sq.ft. – 1,073.3' variance	3,000 sq.ft. - 2,073.3' variance	4,000 sq.ft. - 3,073.3' variance
Min. Lot Width **(§401.3)**	18.17 ft.	20 ft. – 1.83' variance	30' – 11.83' variance	40' – 21.83' variance
Max Lot Occupancy **(§403.2)**	63.3% (586.7 sq.ft.)	60% (556 sq.ft.) – 3.3% variance	40% (370.7 sq.ft.) 23.3% variance	40%(370.7 sq.ft.) 23.3% variance
Min. Rear Yard **(§404.1)**	18'	20' - 2' variance	20' - 2' variance	20' - 2' variance
Min Side Yard **(§405)**	0'	Not required (conforming)	One – 8' min. – variance required	Two – 8' min. – variance required

(ii) Analysis of Lots Which Do Not Meet Current Width and Area Requirements

The BZA has dealt recently with a number of cases involving the development of lots that do not meet current standards for width and/or area. §§401.1, 401.2 and 401.4 - 7 are of relevance, in that they prescribe conditions under which a building on a nonconforming lot can be enlarged, replaced and built. In this case, due to the particular circumstances, the following have relevance to this application:

§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 a non-conforming lot, provided the lot was in existence in 1957, and is at least 80% of that required by the zoning regulations. The subject property was created in the late 1960's (well after November 1, 1957) through the resubdivision of two long, very narrow lots, each of which fronted 26th Street and backed onto the Hughes Mews alley. These lots were each 12.33' wide at the front, and 148' deep. Together, they were previously developed with one rowhouse facing the street (935 26th Street). In addition, the lot does not provide 80% of the required lot area, and, depending on the form of dwelling, may not provide 80% of the required width. As such, this section does not provide relief from the lot area / width variance requirements for this case.

The section also implies that conformance with all other aspects of the zoning regulations is anticipated for development on small lots – small lots are expected to yield small dwellings. The proposed dwelling is non-conforming to many aspects of the zoning regulations.

401.6 Each lot created after February 15, 1966, to be used and occupied by a one-family detached dwelling, one-family semi-detached dwelling, community-house, or row dwelling, shall have a street frontage measured along the street a distance equal to at least forty percent (40%) of the required minimum width of lot and no case less than fourteen feet (14 ft.).

The property appears to have been created after 1966, although a survey plan showing the approval of the current configuration could not be located. If so, any property created for a dwelling of any kind was required to provide street frontage of at least 14 feet. The subject lot does not meet this requirement in that it has no street frontage, which calls into question whether the lot was ever intended to permit a new dwelling. As such, this section may, essentially, eliminate the possibility of dwelling development of this lot, or a variance to this section of the zoning regulations may be required.

(iii)Variance Relief Requested (refer to Project Profile, Attachment IV)

The applicant has advised staff and the ANC that the originally proposed height variance has been eliminated. OP supports such an amendment to the application, noting that any height variance could not be supported in that it would not meet any of the variance tests. The applicant has requested the following variance relief pursuant to §3103:

1. **Lot Area and Lot Width (§401.3)**

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 property is unique in that it is exceptionally small and shallow, with no street frontage, being an alley lot.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

No form of conforming dwelling can be built on this lot. Section 401.6 seems to indicate that any lot created after that date must have street frontage to be developed with a dwelling, indicating that it may not have been the intent that the small rear lot, which was created after 1966, could be developed for this use. If so, there may be no "practical difficulty" in not permitting a form of development that was not intended at the time of lot creation. The subject lot is in common ownership with the adjoining lot fronting on 26th Street, and could be used for a garage or other accessory building.

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?

OP believes that neither the zoning regulations nor the Generalized Land Use Map anticipate development of a dwelling on a lot with this size and location, so the proposal would impair the intent of the regulations. Development of the alley lot may also be of some detriment to adjacent lots, in terms of air and light access and privacy for their rear yards.

2. Lot Occupancy (§403.2)

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 lot is uniquely small and shallow.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

If development of this lot for a dwelling were permitted, it would be logical to assume that such a small lot would be expected to accommodate only a small dwelling. Numerous sections of the zoning regulations relate to the need to generally provide for "openness" in residential areas for air, light and privacy. The proposed dwelling, at about 2,100 square feet gross and a lot occupancy of 63.3%, is a relatively large dwelling. As such, reducing the footprint to conform to lot occupancy would not seem to be overly burdensome, especially if the larger required lot occupancy for row dwellings (60% as opposed to 40% for other dwelling types) is utilized.

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?

OP believes that the proposed lot occupancy variance is a result of design choice and contrary to the wording and the intent of the zoning regulations. A smaller (conforming) footprint would decrease impacts on neighboring properties, so the larger footprint is detrimental to the public good.

3. Rear Yard (§404.1)

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

Yes – at 51 feet deep, the property is considerably shallower than what is common on this square.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

Normally, the shallowness of this lot would constitute a practical difficulty that is highly burdensome. However, this is an alley lot which was likely not intended to be developed with a dwelling when created, or, if developable, would be anticipated to accommodate an appropriately small dwelling. The proposed rear yard setback is to permit a bay window for the first, second and third floors. Although desirable for additional internal space, the setback encroachment does not seem necessary to make those spaces function. As such, OP does not believe there is a practical difficulty.

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?

Although this request is minimal, OP believes that the proposed rear yard setback variance is a result of design choice and contrary to the wording and the intent of the zoning regulations. The rear yard variance would slightly increase light, air and privacy impacts, particularly on the property to the north.

OP further notes that the bay windows have a footprint of about 23 square feet within the rear yard area. Removing them may eliminate the lot occupancy variance, if the development is considered a row dwelling with a permitted lot occupancy of 60%.

(iv) Additional Relief Which May Be Required (refer to Project Profile, Attachment IV)

In addition to the requested variances, OP has identified the following possible area of required relief.

1. Side Yard (§405) Variance

A side yard variance is required only if the development is considered a semi-detached or detached dwelling. If it is considered a row dwelling, no setback is required so a variance is not required.

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

Assuming that the proposed dwelling is considered a semi-detached dwelling, a side yard of 8 feet would be required on the south side (adjoining the rear yards of the Queen Annes Lane properties), leaving only 10' for the building envelope since the lot width is considerably less than the required 30'. If it is considered a detached dwelling (in which case the required lot width is 40'), side yards on both sides are required, and the envelope shrinks to just 2'. In either case, although the lot is not exceptionally narrow for a row dwelling, it would be considered to be exceptionally narrow for a semi-detached or detached dwelling.

Does the extraordinary or exceptional situation impose a practical difficulty that is unnecessarily burdensome to the applicant?

Yes - the setback requirement would create an exceptional condition (which would not apply to row dwelling lots) which would be unnecessarily burdensome to the applicant, as the resulting building would be very narrow and impractical, if one side yard is required, or uninhabitable, if two side yards are required.

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?

Requiring some setback, particularly on the south side where the subject lot adjoins the rear yards of neighboring lots, would lessen impacts and therefore be of less detriment to the public good. OP feels that it would not constitute a "substantial" detriment to provide a minimal side yard of 3 feet minimum (which would still require a variance), as this would result in a dwelling of more than 15' in width, which is not uncommon in Washington, and in character with alley dwellings.

2. Rooftop Penthouse (§400.7b) Special Exception

In reviewing the proposed plans, OP noted that relief for the rooftop penthouse is also required. The penthouse provides for stairway access to a roof deck, and it would be located to rise directly up from the side wall so would not provide the required setback from the side building facade. It would provide the required setback from the front and rear facades of the building.

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

A roof top deck is a permitted use, and the stairs provide access to this space. The proposed roof top stair enclosure would not be contrary to the purpose or intent of the Zoning regulations and maps.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

The applicant has advised OP that the drawings are being revised to locate the penthouse on the north side of the building, presumably to minimize privacy and light impacts on the rear yards of the properties to the south. However, this may increase the "shadow" affect of the penthouse on the rear yard of the neighbor to the north.

XI. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 2C reviewed this request at its meeting of April 21, 2004. The applicant advised OP that the ANC adopted a unanimous motion in support of the proposal, although some area residents expressed opposition. The ANC favorably commented on the reduction in height and moving the penthouse to the north side of the development.

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

- The **Department of Parks and Recreation** noted no concern with this proposal.

- The **Water and Sewer Authority** notes no concern, provided neither water nor sewer pipes are installed to the garage.
- The **Department of Housing and Community Affairs** – noted opposition to the proposal, in that the "size and scale of the proposed building is too large for the small size of the existing lot", and would further reduce the already limited light, air and views of existing buildings on the alley.

OP also notes that, if the development is permitted, Public Space Committee approval of the small projection into the alley space will be required.

XIII. OP SUMMARY RECOMMENDATION

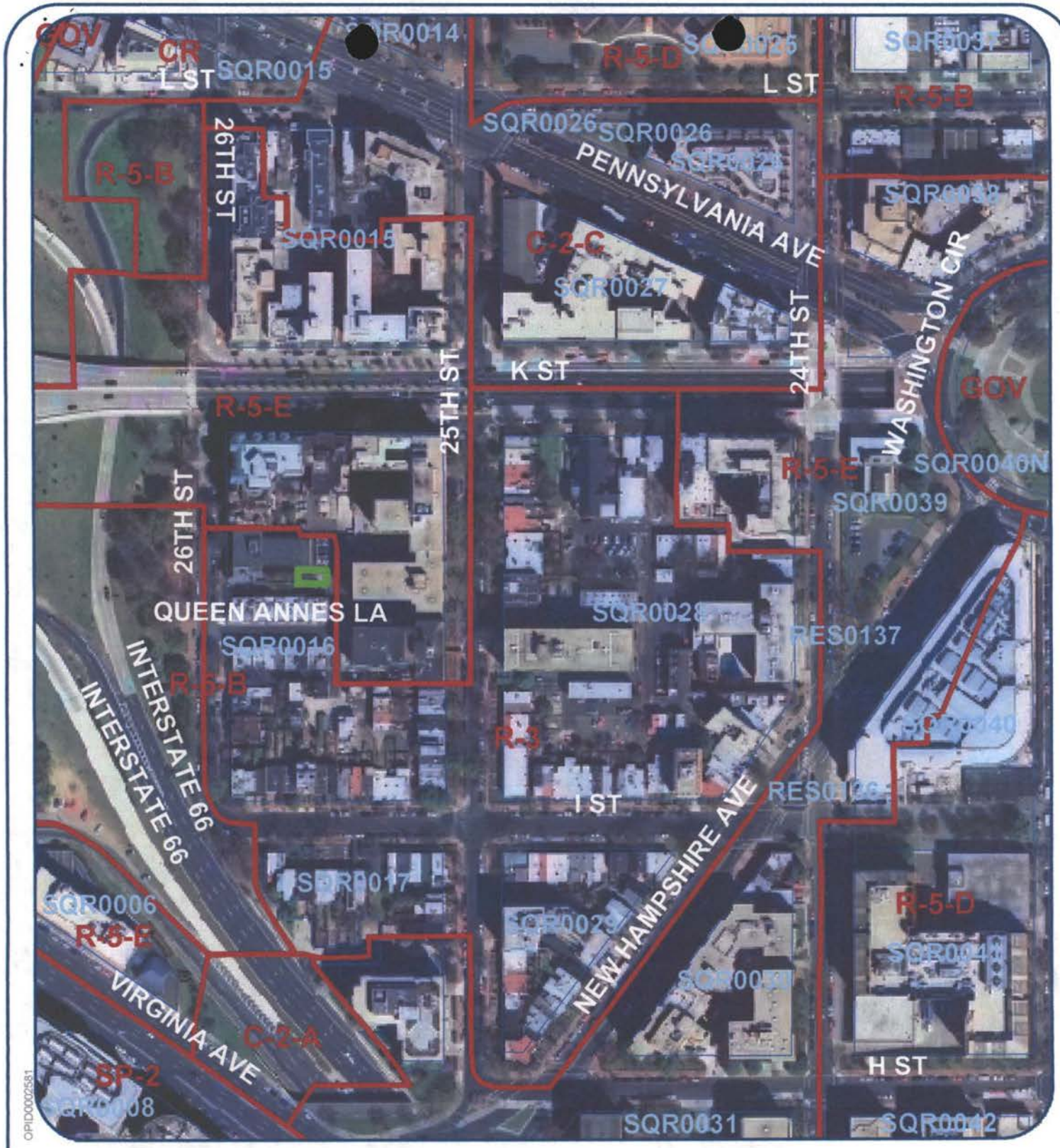
OP questions whether the lot was intended for development as a dwelling when it was created. There is nothing in §2507, BUILDINGS ON ALLEY LOTS, that anticipates alley lots being used for dwellings that do not meet the minimum required lot size. OP feels that the number and extent of the variances requested make the proposal contrary to the intent of the zoning regulations. While variances to lot area and lot width are essential for any form of dwelling development, the lot occupancy and rear yard variances serve to enlarge the proposal to beyond what OP feels the regulations envision. OP feels that the requested variances for rear yard and lot occupancy could be eliminated without rendering the lot unbuildable, and thereby reduce impacts on the integrity of the zoning regulations and on the quality of the neighborhood.

OP has no concern with approval of a penthouse setback special exception. If a side yard is required, OP feels that a variance to this regulation is also supportable, but that some side yard, particularly along side adjoining the rear yards of the neighbor to the south, would be of benefit.

AA/jl

ATTACHMENTS:

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



OPID0002581

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

Office of Planning ~ April 10, 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.

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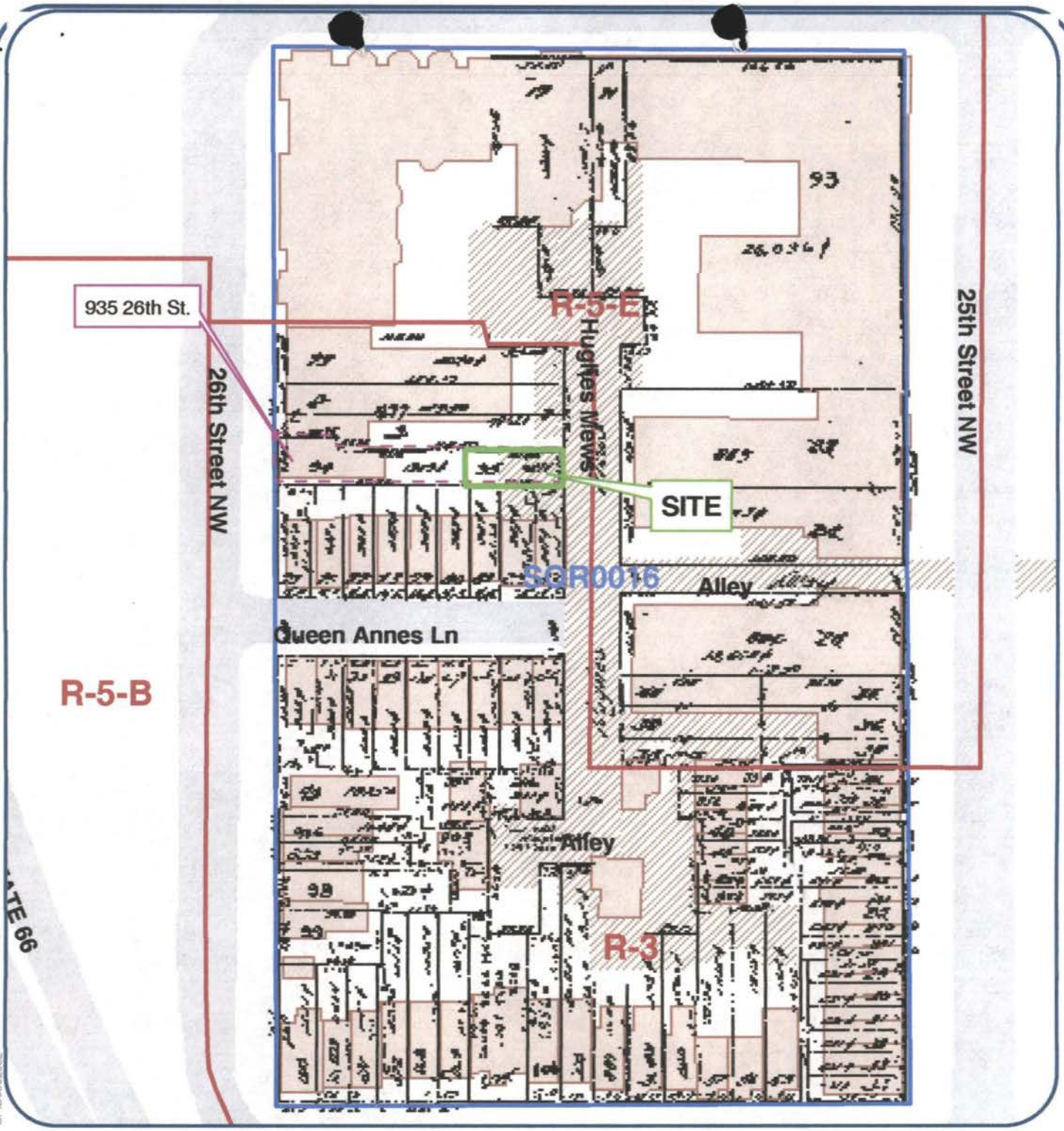
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- SITE
- Zoning Districts
- Property Squares

N W E S

1:2,500

LOCATION PLAN
Attachement I



Board of Zoning Adjustment
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Legend

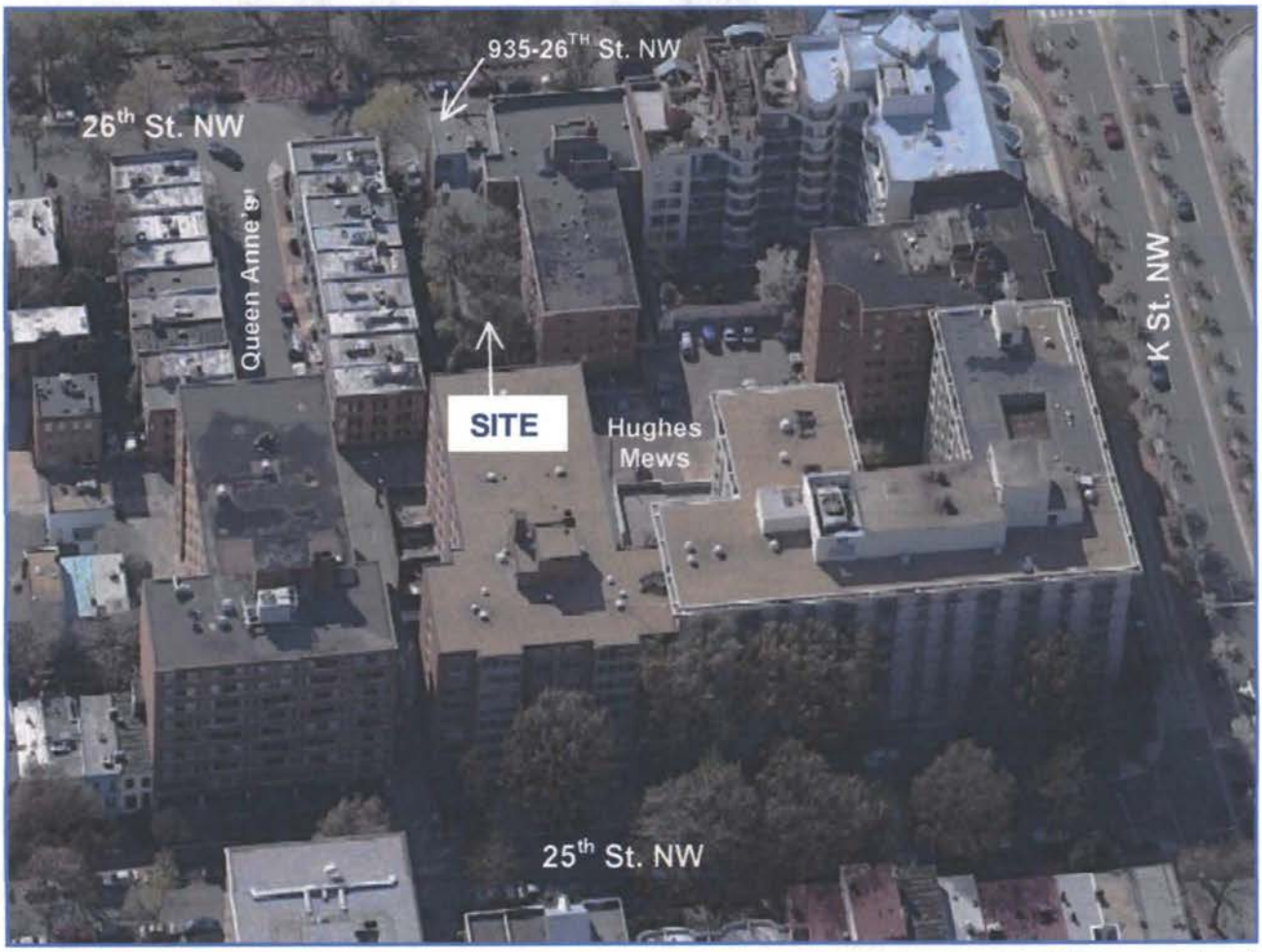
- SITE
- Zoning Districts
- Alleys and Parking
- Streets

N W E S

1:900

SITE PLAN
Attachement II


25th St. NW
SITE
K St. NW
Hughes Mews
Queen Annes Ln
I St. NW
935-26TH St. NW
26th St. NW


935-26TH St. NW
26th St. NW
Queen Anne's
SITE
Hughes Mews
K St. NW
25th St. NW

Standard	FB/R-3 Zone Regulations	Proposed	Variance
Dwelling Type:		Single family dwelling, on an alley lot[1]	Permitted use
Width of alley (§2507.2)	30 feet min.	30 feet	Conforming
Height (§2507.4)	30 feet max.[2]	31.33 feet[3]	**1.33 ft. – variance required**
Stories (§400.1)	3 stories max.	3 plus cellar plus enclosed rooftop access	Conforming
Lot Area (§401)	4,000 sq.ft. min.[4]	926.7 sq.ft. (23.2% of required amount)	**3,073.3 sq.ft. – variance required**
Lot Width (§401)	40 feet min.[2]	18.17 feet (45.5% of required amount)	**21.83 feet – variance required**
Floor Area Ratio: (§402)	Not prescribed[5]	Equivalent to approx. 2.27	N/a
Square Footage:	No maximum prescribed	Approx. 2,100 sq.ft. including cellar area	N/a
Lot Occupancy: (§403)	40% max. 370.7 sq.ft. max.	63.3% 586.7 sq.ft.	**216 sq.ft. (23.3%) – variance required**
Rear Yard: (§404)	20 feet min.	18 feet[6]	**2 feet – variance required**
Side Yard: (§§405.3 / 405.9)	8 feet min. on each side[7]	0 feet on each side	**8 feet on each side – variance required**
Roof Structure: Height (§400.7c)	18.5 feet max..	9 feet	Conforming
Setback (§400.7b)	= to height; 9 feet min.	0 feet	**9 feet – special exception required**
# enclosures (§411.3)	1 max.	1	Conforming
Parking: (§2101.1)	1 on site min.	1 on site	Conforming

1 The application assumes definition as a row dwelling, for which a smaller lot area and width are required, but all of the variance except side yard setback would still be needed.

2 Although the base zone permits 40' max, the alley lot regulations limit height to equivalent to alley width plus any front yard setback.

3 The applicant has indicated that the drawings are being revised to eliminate the height variance.

4 Based on consideration of the lot as a single family dwelling lot, rather than a row dwelling.

5 Maximum FAR under a PUD in this zone is 0.6.

6 20' to half of the dwelling; 18' to the "bay window"

7 3" / foot of height; 8' min. on each side. Assumes that this can only be considered a detached dwelling.

Department of Parks and Recreation (via email)

DPR has no comments on this application.

Water and Sewer Authority (via email)

DCWASA has no objections to the proposed project. Water and combined sewer facilities are available in this alley. The water and sewer connections must comply with all DCWASA design criteria.

Historic Preservation Office (via email)

The Historic Preservation Review board approved the building design concept, with some relatively minor revisions, such as flipping the small rooftop access to the north side and other detailed changes. HPRB was aware of the zoning issues and informed the applicant that its approval of the concept does not constitute an endorsement of any necessary zoning relief.

ATTACHMENT V

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 16, 2004

SUBJECT: Department of Housing and Community Development (DHCD) Review of BZA Application No. 17154 – 935 26th Street NW

DHCD has reviewed the above referenced BZA Application you sent by e-mail on March 25, 2004. This memorandum offers comments on the BZA application. After staff review of the application materials, DHCD cannot support BZA Application No. 17154 for the following reasons:

1. This block (Square 16) is already densely developed with apartment buildings and already existing adjacent alley dwellings. There is an apartment building located immediately to the north of the applicant's lot and an apartment building located directly across the alley from the applicant's lot.
2. The light, air, and views of the adjacent apartment buildings and the alley dwellings located on Queen Annes Lane, directly to the south of the applicant's lot, are already severely constrained and limited by the current density of development on Square 16.
3. The proposed building on the applicant's alley lot is a single family dwelling so the classification of the dwelling type as a single family dwelling on an alley lot is appropriate.
4. The size and scale of the proposed building is too large for small size of the existing lot.
5. The proposed building would further reduce and restrict the already limited light, air and views of the apartment building to the north of the applicant's lot and the alley dwelling houses on Queen Annes Lane to the south of the applicant's lot.