GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: HLS for Andrew Altman, Director

DATE June 22, 2004

SUBJECT: BZA Application 17166 – Supplemental Report for request for two **area variances** to construct a row house or flat at 430 Third Street, N.E., proposed by Dinesh Sharma and Murali Nadipelli.

REVISED APPLICATION
The applicants, Dinesh Sharma and Murali Nadipelli, have revised the application to request the following:

1. **Variance to § 401.3 pursuant to § 3103.2 of Title 11 DCMR** for an area variance to permit use of an existing lot 14.0 feet in width and 1,372 square feet in area, less than the minimum 18 foot width and 1,800 square foot area required; and
2. **Variance to § 403.2 pursuant to § 3103.2 of Title 11 DCMR** to increase the maximum permitted lot occupancy from 60 percent to 75 percent.

The Office of Planning notes that a variance to § 1203.3 is required in order to increase the FAR from 1.8 to 2.25.

SUMMARY RECOMMENDATION
The Office of Planning recommends:

- **APPROVAL** of the request for a variance to decrease the lot width from 18 feet to 14 feet and decrease the lot area from 1,800 square feet to 1,372 square feet;
- **DENIAL** of the request for a variance to increase lot occupancy from 60 percent to 75 percent; and
- **DENIAL** of a variance to increase FAR from 1.8 to 2.25.

BZA
Case No. 17166
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17166
EXHIBIT NO. 35

PROJECT DESCRIPTION

The applicants propose to construct a three-story building that will be either a row dwelling or a flat. One off-street parking space will be provided at the rear of the structure, accessible from the public alley. No drawings have been submitted as a part of this application and the applicant has indicated to the Office of Planning that none have been prepared. The footprint of the proposed building is to be the same as the four-unit apartment building that was previously proposed for the subject property.

ZONING REQUIREMENTS

Both row dwellings and flats are uses permitted as a matter of right within the R-4 Zone District.

RELIEF REQUESTED

Area Variance pursuant to § 401.3

The subject property contains a lot area of 1,372 square feet and a lot width of 14 feet, less than the minimum 1,800 square feet and 18 feet required for "row dwelling and flat" within the R-4 Zone District. Either of the uses proposed, row dwelling or flat, will conform to the use provisions of the R-4 Zone District. Although there is no use that may be constructed on the subject property that will not result in the need for a variance to lot area and lot width, either one of the proposed uses requires the least amount of lot width and lot area required within the R-4 Zone District.

The extraordinary or exceptional situation is that the lot has been in existence in this configuration since prior to the adoption of the Zoning Regulations and there are no vacant or unimproved properties that the subject property could be combined with to increase its size or width. By revising the application to construct either a row dwelling or flat the applicants have minimized the variance request to the extent possible for this existing lot. Therefore, the Office of Planning has determined that it would be a peculiar and exceptional practical difficulty on the applicants if this request were not granted.

Area Variance pursuant to § 403.2

The maximum lot occupancy permitted for either of the proposed uses, a row dwelling or a flat, is 60 percent. The application requests a lot occupancy of 75 percent, or 1.25 times more than the maximum permitted. The application contains no drawings or other documentation to support this increase. The application does not indicate the exceptional or extraordinary situation that would justify the increase in lot occupancy and what the peculiar and exceptional difficulties are to the applicants if the variance is not granted.

Area Variance pursuant to § 1203.3

A three-story building on the subject property with a lot occupancy of 75 percent could result in an FAR of 2.25. The application contains no drawings or other information indicating the actual FAR proposed. The maximum FAR permitted by the CAP Overlay District under § 1203.3 of the Zoning Regulations is 1.8. An FAR of 2.25 is 55 percent more than the maximum permitted by the CAP Overlay District and the application

contains no justification for this increase. The application does not indicate the exceptional or extraordinary situation that would justify the increase in FAR and what the peculiar and exceptional difficulties are to the applicants if the variance is not granted.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning and the standards for variances. The Office of Planning concludes that the requests to reduce the minimum lot size and lot area meets the required variance tests and 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)

However, the application fails to justify the request to increase the maximum lot occupancy from 60 percent to 75 percent and to increase the FAR from 1.8 to 2.25. Therefore, the variances to increase the maximum lot occupancy and FAR cannot 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)

The Office of Planning recommends:

- **APPROVAL** of the request for the variance to decrease the lot width from 18 feet to 14 feet and decrease the lot area from 1,800 square feet to 1,372 square feet; and
- **DENIAL** of the request to increase lot occupancy from 60 percent to 75 percent; and
- **DENIAL** of a variance to increase FAR from 1.8 to 2.25.

AA/sjm$_{AICP}$