GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: July 20, 2004

SUBJECT: BZA Application 17193 - Request filed by Holland & Knight LLP for an **area variance** to decrease the minimum rear yard for a single-family detached dwelling, proposed by MacArthur Laverock, LLC for 4598 Laverock Place, N.W.

APPLICATION
Application of Macarthur Laverock, LLC for:

> **Variance relief to § 404.1 of 11 DCMR** to permit a decrease in the minimum rear yard from 20 feet to 12 feet

for the construction of a new single-family detached dwelling on the south side of Laverock Place, N.W., between MacArthur Boulevard and the terminus of Laverock Place, Square 1356, Lot 36. The property is zoned R-5-A, "low density general residence district" (§ 105.1(a)(5)(A)) and R-1-B, "high density one-family detached dwellings residence district" (§ 105.1(a)(1)(B)).

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the application as submitted by the applicant.

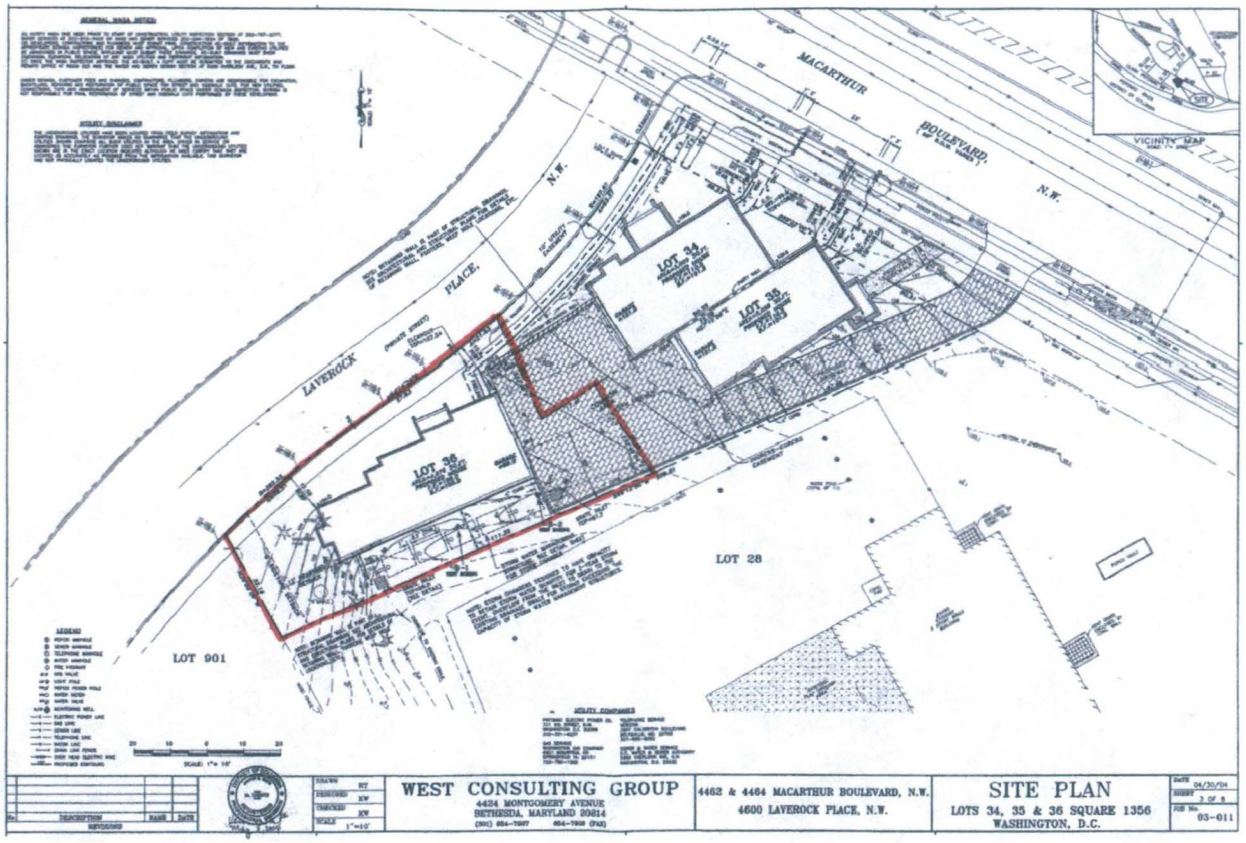
PROJECT DESCRIPTION
The application proposes the construction of a 2-1/2 story single-family detached dwelling on the subject property within the portion of the site located within the R-5-A Zone District. The proposed dwelling will be in conformance with all requirements of the R-5-A Zone District, with the exception of the minimum required 20-foot rear yard. Vehicular access will be via a shared driveway from MacArthur Boulevard, shared with two semi-detached units to be constructed on the two adjoining lots to the east.

The front of the dwelling will face Laverock Place, a private street. The curb line of Laverock Place is approximately equal to the front lot line of the subject property. As a result, the curb and

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Exhibit No. 28

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a four-foot wide sidewalk on the south side of Laverock Place are located within the subject property.



The dwelling is proposed to be set back between 15.65 and 12.56 feet from the curb line of Laverock Place.

SITE AND AREA DESCRIPTION

The subject property is unusually shaped and is wider than it is deep. It is also impacted by the location of the curb and sidewalk being located within the property, which occupies the first four-feet of the lot. The southern corner of the property, outside of the building envelope, is located within the R-1-B Zone District; the remainder of the site is located within the R-5-A Zone District.

The surrounding area is developed with a variety of types of residential uses, including row houses, single-family detached dwellings, semi-detached dwellings and apartment buildings. To the west is a single-family detached dwelling that fronts on Laverock Place and is set back approximately 25 feet from the front property line, or the curb line. To the east two semi-detached dwellings within the R-5-A Zone District fronting on MacArthur Boulevard are proposed. To the north, across Laverock Place, is a parking lot for Georgetown Day School within the R-5-A and R-1-A Zone Districts. To the south is a three-story building occupied by Riverside Hospital that was developed as a PUD within the R-5-A District.

The area has been identified on the Generalized Land Use Map as being located within "low density " land use category, which is described as *"[s]ingle-family detached and semi-detached housing are the predominant uses."*

EXISTING ZONING

The subject property is split zoned. It is located primarily within the R-5-A Zone District, but approximately 7 percent of the site is located within the R-1-B Zone District.

> ***"R-5 DISTRICTS: GENERAL PROVISIONS***
>
> *The R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district, except as provided in §§ 350 through 361, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts."* (§ 350.1)
>
> ***"R-1 DISTRICTS: GENERAL PROVISIONS***
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> *The R-1 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.*
>
> *The provisions of this chapter are intended to stabilize the residential areas and to promote a suitable environment for family life. For that reason, only a few additional and compatible uses shall be permitted".* (§§ 200.1 and 200.2)

RELIEF REQUESTED:

Section 3103- Variances, empowers the Board of Zoning Adjustment to grant variances subject to the following:

> *"[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially*

impairing the intent, purpose, and integrity of the zone of the plan as embodied in the Zoning Regulations and Map." (§3103.2)

Variance pursuant to § 404.1 Rear Yards

Section 404.1 requires a minimum rear yard of 20 feet for each structure located within a Residence District. The subject application proposes a rear yard of 12 feet, 8 feet less than the minimum required.

The subject property is unique by reason of its shape and because of its location on a private street. It is shallow, with a depth of only 32.19 feet along the west side lot line and approximately 60 feet at its widest on the east side of the property. The property is further impacted by the location of a four-foot wide sidewalk and a curb that are located within the subject property, reducing the amount of the width of the property available for development to approximately 28 feet at its narrowest. If the required 20 foot rear yard is provided there will be only an eight-foot wide building envelope on the western side of the lot. Eight feet is insufficient width in order to construct a dwelling, especially since the chimney on the west side of the proposed house is approximately six feet in width. Despite this, the application minimizes the extent of the variance required by proposing a dwelling that expands in width from west to east, much the same way the lot expands in width from west to east.

The layout of this private street is different from that of the typical public street, in that there is no area between the edge of the pavement and the front lot line that so commonly includes the curb and gutter, public sidewalk and an additional area that appears to be and functions as a front yard. As there is no front yard required the applicant could conceivably locate the dwelling immediately behind the sidewalk and provide the entire required 20-foot rear yard. However, this would place the front of the single-family detached dwelling almost to the vehicular pavement of Laverock Place. Location of the front entrance so close to the travel lanes of Laverock Place would result in an unsafe situation.

Alternatively, the applicant could locate the dwelling 8.56 feet behind the sidewalk while providing the minimum required 20-foot rear yard. However, as an infill lot within a subdivision of single-family detached dwellings improved with front yards generally ranging between 25 and 35 feet in depth, the provision of an eight and a half foot deep front yard would be out of sync with the remainder of the block. Therefore, provision of a minimum 12.5 foot front yard will be more in keeping with the other existing dwellings, and the reduction of the rear yard will be less noticeable as the subject property abuts the generous side yard of a large institutional use.

The uniqueness is that the subject property is shallow and irregularly shaped. Location of the curb and sidewalk within the subject property further reduces the depth of the property available for development. Practical difficulty results from the existing sidewalk, in combination with the 20 foot required rear yard, reducing the depth of the building envelope to only 8 feet on the west side of the property. The applicant has also designed the dwelling to conform to the shape of the lot.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for variance relief to § 404.1, and "*that the relief 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)

COMPREHENSIVE PLAN

This proposal will contribute towards achieving the following residential objective, policy and action of the Ward 3 Plan:

> *"Careful controls include ensuring consistence with policies in the Comprehensive Plan including the environment, transportation, urban design, and preservation and historic features sections of this ward plan to avoid adverse effects and promote desirable amenities;"* (§ 1409.4(a)(3)(A))

COMMUNITY COMMENTS

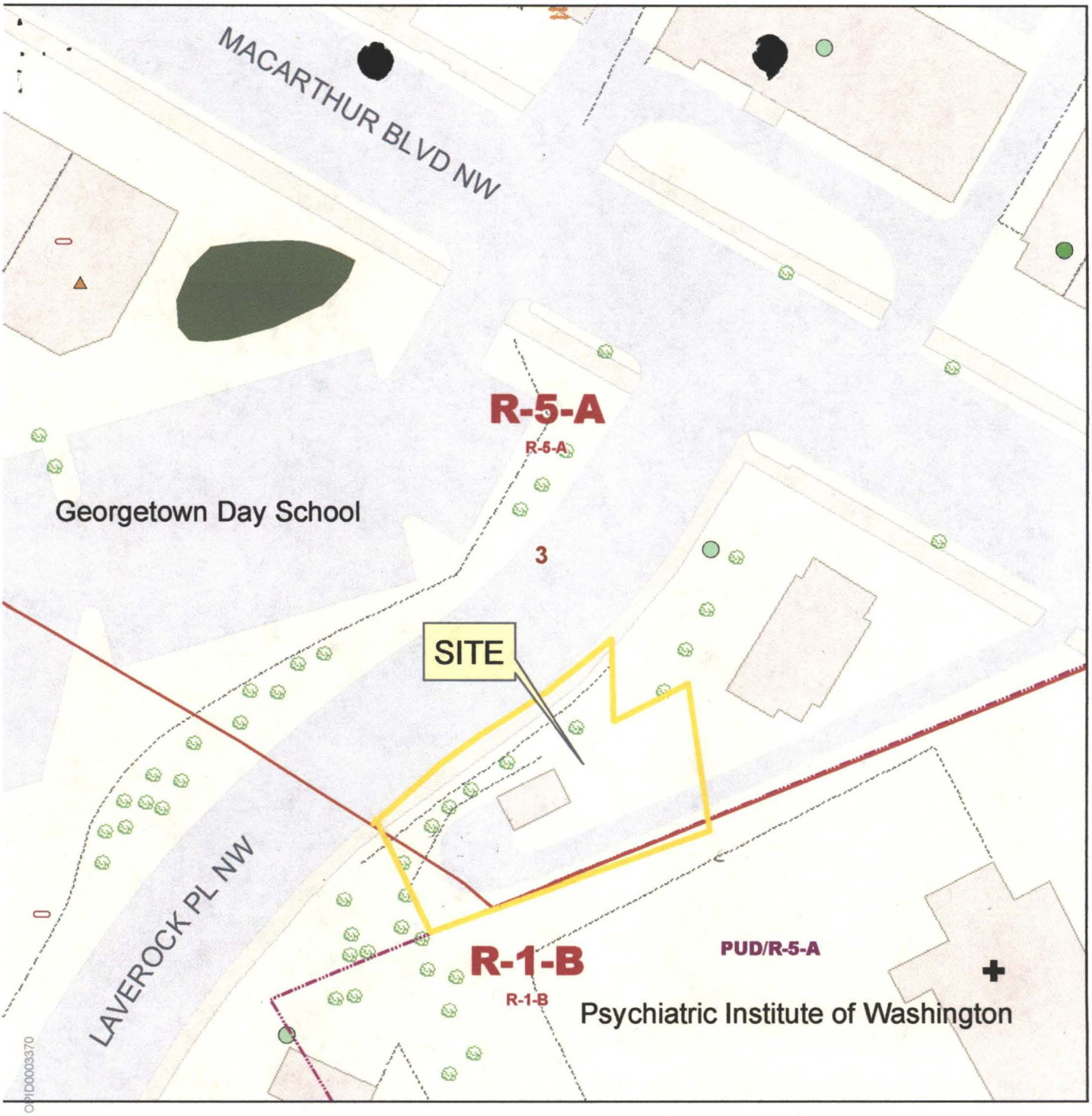
ANC 3D, at its meeting on July 7, 2004, voted 4-3-0 to support the variance request to reduce the rear yard.

The Canal View Owners Association, the applicable homeowners' association, requested that the dwelling be set back from Laverock Place, resulting in the reduced rear yard and the need for a variance.

RECOMMENDATIONS

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for variance relief, and concludes that the variance can be granted by the Board "*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) Therefore, the Office of Planning recommends that the application be **APPROVED** as submitted by the applicant.

AA/sjm$_{AICP}$



BZA Application No. 17193
4598 Laverock Place, N.W.

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

Office of Planning ~ July 6, 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.

- Multi-family
- Multi-Resid. Garage
- Medical
- Single-Family Detached
- Single-Family Semi-Detached
- Vacant

