GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: October 8, 2004

SUBJECT: BZA Application No. 17222, 1250 Kearney Street, N.E.

BZA
Case No. 17222
Exhibit No. 27

APPLICATION

Application of Rocio Gonzalez and Facundo Fiorino, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under subsection 2101.1, to construct a single-family detached dwelling in the R-1-B District at premises 1250 Kearney Street, N.E. (Square 3930, Lot 4).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the requested variance from the off-street parking requirements (which requires providing one parking space on the lot).

BACKGROUND

This variance application is submitted in relation to a proposed detached single-family dwelling at 1250 Kearney Street, N.E. on a lot that is now vacant. The lot has a major change of grade at the front of the lot that would require a major excavation with retaining walls to provide access from the street to a parking space in the rear of the proposed dwelling. Note that this application is for a parking variance only.

SITE AND AREA DESCRIPTION

The proposed building site is Lot 4 in Square 3930, located on the north side of the 1200 block of Kearney Street, N.E., in the Brookland neighborhood of Ward 5. This is a residential block between 12th and 13th Streets, N.E. Lot 4 is the only lot in this block face that is vacant. The other houses on this block face were built some years ago, generally in the first half of the 20th century. The site is about four blocks from the Brookland-Catholic University Metrorail Station.

Board of Zoning Adjustment
District of Columbia
CASE NO. 17222
EXHIBIT NO. 27

Along a portion of the north side of this 1200 block there is a hill that rises approximately 16 feet above the elevation of Kearney Street at Lot 4. Kearney Street was obviously cut down through this hill at some time in the past. The two dwellings to the east of Lot 4 and the three dwellings to the west of Lot 4 are built on this hill. These houses were built before the present Zoning Regulations and do not have off-street parking (the second dwelling to the west of Lot 4 has a garage built into the hillside at street level). The hill tapers off toward 12th Street and 13th Street. Some driveways are provided further west. The section of the steep hillside on the north side of Kearney Street is generally attractive, with different approaches to landscaping. The existing houses on the hill have long and somewhat steep stairs from the street to the top of the steep grade, where generally level land begins. The proposed house for Lot 4 will also require a new stairway for access. See attachments for views of the site and adjacent properties.

The Office of Planning believes it will be beneficial to have a new house built on the now vacant lot. The issue is whether to grant a variance from the requirement for one parking space on site.

ANALYSIS

Standards for a Variance

Section 3103.2 of the Zoning Regulations provides three standards for a variance:

- The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition.

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

- The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Chapter 21 of the Zoning Regulations deal with Off-Street Parking Requirements

Section 2116.2 provides that parking spaces shall be located within a permitted garage or carport, or on an open area of the lot: 1) Within a rear yard; 2) Within a side yard, or 3) except in an SP District, elsewhere on the lot if accessory to a commercial or industrial use. This last provision, Number 3, does not apply with respect to this application.

Section 2116.6 provides reasons for the Board to determine that it is not practical to locate spaces in accordance with Section 2116.2.

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:

(a) Unusual topography, grades, shape, size, or dimensions of the lot;

(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;

(c) Traffic hazards caused by unusual street grades; or

(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

Analysis of Variance Requested

In the case of this variance application, the reason for the variance is the unusual topography and the steep grade at the front of the lot. In addition, since there is no alley or other way to gain access to the back of the lot, there is no alternate possible access to a potential parking space on the lot. To provide access to a parking space on the lot would mean excavating a driveway on the side of the lot and extending the driveway back along the side of the house to a parking space. Due to the steep change in topography at the front of the property (approximately 16 feet) it would also be necessary to build major retaining walls on both sides of the driveway and require significant excavations for footings. This would be a significant expense. In addition, if such a driveway were built, it would mar the appearance of the front of the lot and the appearance of the adjoining properties on either side of this property.

As previously noted, in other respects (other than the grade change at the front of the property) the lot is essentially a standard lot with a width of 50 feet and a length of 150 feet, for an area of 7,500 square feet. The upper portion of the lot, north of the major change in elevation, is essentially level. The plat submitted with the variance application indicates a generally rectangular footprint for the proposed single family dwelling with a front yard of 37 feet, two side yards of 8 feet and a back yard of 50 feet.

Standards for a Variance: The Office of Planning believes the property meets the standards for a parking variance, as outlined in Section 3103.2, due to the topography and grade of the land at the front of the lot and the lack of any alley for parking access at the rear of the lot.

The Office of Planning believes that, in this case, parking can be accommodated on the street in front of the lot.

Relationship to Comprehensive Plan and Other Plans

Various objectives and policies in the Comprehensive Plan deal with obtaining residential development. For example, Sections 1102-1104 of Chapter 11, Land Use Element, deal with residential neighborhoods. Chapter 16, the Ward 5 Plan, includes an objective to protect and enhance the stability of residential neighborhoods (Section 1629.1(a).

ANC AND COMMUNITY GROUPS

The project site is within the boundaries of Advisory Neighborhood Commission 5A. The regularly scheduled meeting of ANC-5A was held on Wednesday, September 22, 2004. The applicant was not present at the meeting. The Office of Planning has been informed that ANC-5A did not take any formal action on the application.

OTHER AGENCY COMMENTS

D.C. Department of Transportation

The Zoning Office referred the application to the D.C. Department of Transportation (DDOT) for informational purposes. DDOT has informed the Office of Planning that, due to the topographical difficulties with this lot, DDOT supports the applicant's request for a variance from the provision of one required off-street parking space. OP has not requested a formal report from DDOT on this application.

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve the requested variance from the off-street parking requirements, as required by Subsection 2101.1 of the Zoning Regulations, in order to allow the parking space requirement for this lot (one space) to be waived.

AA/jf

Attachments



OPJD0004191

BZA CASE # 17222
1250 Kearney Street, N.E.
Aerial View of Site Area

N

Feet

0 50 100 150

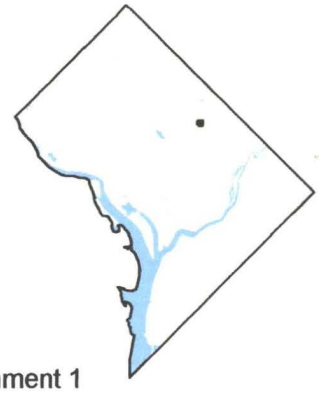
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ October 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.

Tax Lot Vectors (red)

Elevation Contours - 1m



Attachment 1

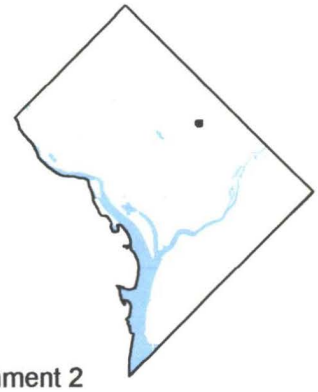


N

Feet

0 50 100 150

BZA CASE # 17222
1250 Kearney Street, N.E.
Oblique View Looking North



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

Office of Planning ~ October 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.

Oblique imagery ©2003 Pictometry International

Tax Lot Vectors (red)

Attachment 2



View of Lot 4 from Kearney Street, looking north.



View of Lot 4 from east, showing steep slope at front of lot.



View of upper portion of Lot 4, essentially level (looking north).

BZA Case # 17222
1250 Kearney Street, N.E.

Attachment 3