GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Memorandum

TO: Board of Zoning Adjustment

FROM: XLS for Andrew Altman, Director
Office of Planning

DATE: November 16, 2004

SUBJECT: BZA Application #17236
2828 R Street S.E

APPLICATION

The applicant, B & F LLC, requests pursuant to 11 DCMR 3103.2, a variance from the minimum lot area provision of Section 401.3 to allow construction of single family detached dwelling in the R-5-A District.

SUMMARY RECOMMENDATION

The Office of Planning considered the application as an area variance and concludes it meets the provisions of Section 3103.2. However, in the alternative, OP believes the application may be considered as a special exception because Section 401.3 permits a minimum lot area as "prescribed by the Board pursuant to Section 3104." OP concludes the application meets the standards of Section 3104.

SITE AND AREA DESCRIPTION

The subject property is located in the Randle Highland neighborhood of Ward Seven, at 2828 R Street, S.E., Square 5584, and Lot 118. The lot is unimproved. It was created, when Lots 36, 35 and 34 were subdivided and resulted in the creation of Lots 117 and the subject lot 118. The applicant has owned the property since December 2003.

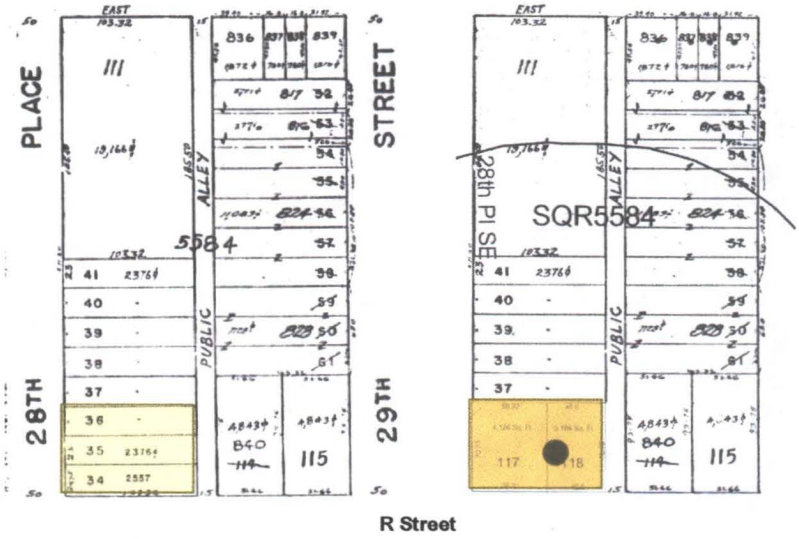
The property is located two blocks south of Pennsylvania Avenue, S.E. Q Street bounds the site to the north, R Street to the south, 29th Street to the east and 28th Street to the west.

BZA
Case No. 17236
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17236
EXHIBIT NO. 24

LOT HISTORY

The subject lot and the adjoining lot on the west were platted as three lots in 1936. They were formally Lots 34, 35 and 36. Lot 34 was platted with 2,557 square feet and Lots 35 and 36 contained 2,376 square feet each. In 2000, the three referenced lots were combined into two lots and signed by the Zoning Administrator. The first, Lot 117 contains 4,126 square feet, which meets the minimum lot dimensions of 4,000 square feet for lots in the R-5-A District. However, the subject lot (118) only has 3,184 square feet, which is smaller than required. Each of the newly created lots meets the lot width requirements with lot widths of 58.32' and 45.0' respectively.



Lots Subject to Subdivision. *Lots resulting from subdivision.*

PROPOSAL

The applicant proposes to construct a single-family detached dwelling on a lot, which is currently vacant, and does not meet the minimum lot area. The proposed dwelling will be a 2-story structure measuring 26 ft. x 26 ft.

ZONING REQUIREMENT and ANALYSIS

The subject site is zoned R-5-A. The R-5-A Zone Districts are general residence districts designed to permit flexibility of design by permitting in a single district, all types of urban residential development if they conform to height, density and area requirements established for these districts under chapter 4 of this title. In the R-5-A District, only low height and density shall be permitted.

The applicant seeks to construct a single-family detached structure on a vacant lot in the R-5-A District. The minimum lot area in the R-5-A District is 4,000 square feet. The subject property's lot area is 3,184 square feet. Therefore, the lot is considered to be substandard and a variance from the minimum lot area requirement of Section 401 is necessary if the applicant is to develop the subject property as proposed.

Area Variance

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:



Northwest View of subject vacant lot.

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

Yes. The subject property is a substandard lot, because it does not meet the minimum lot dimensions for lots in the R-5-A District. Although the lot was legally platted in 2000, and signed by the Zoning Administrator, the property has a lot area of only 3,184 squaes feet. The minimum lot dimentsion for properties in the R-5-A District is 4,000 square feet.

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?

Yes. The strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties upon the owner of the property, with the result of the lot being undevelopable. The applicant purchased the subject property in January of 2002, with the intention of constructing a two-story single-family detached structure as a matter-of-right. In anticipation of building the intended structure, the applicant made a Public Space deposit to insure the protection of public space during project construction; paid Revenue & Tapping Fees to the Water and Sewer Authority; contracted for soil engineering, i.e. soil boring report; prepared site engineering drawings; and developed site/building plans.

When the applicant attempted to file for a building permit, he was informed that relief was needed from the Board, because the lot area (3184 sq. ft.) is substandard for the construction of a single-family detached dwelling in the R-5-A District, where the minimum lot area is 4000 square feet. The applicant was informed that the subject lot size was more suited for the construction of semi-detached structure, which only required minimum lot dimensions of 3000 square feet and a lot width of 30 feet.

However, this is not possible, because Lot 117, (which was included in the subdivision with the subject Lot 118) is already developed with a conforming single-family detached dwelling, which includes the required 8-foot side yard. There is a 15-foot public alley adjacent to the east side of the subject lot. Therefore, the lot can only be developed with a stand-alone structure.



15 foot public alley, east side of subject lot..

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

No. The requested 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. The subject property will be used for its intended residential purpose. The lots are currently vacant and overgrown, which is not typical of the majority of properties in the Randle Heights neighborhood. A new single-family dwelling on an otherwise vacant lot favors the public good.

Alternate Special Exception Analysis

401 Minimum Lot Dimensions

401.2 Except as provided in § 401.3, in the case of an unimproved lot in single ownership 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 the lot are at least eighty percent (80 of the lot area and width of the lot specified under § 401.3; provided that the structure shall comply with all other provisions of this title.

The minimum lot requirement in the R-5-A District are 4,000 square feet and the minimum lot width is 40 feet. The subject lot has a lot area of 3,184 square feet, which does not meet the 80% of the minimum lot area permitted in the R-5-A District, and the lot width of the property is 45 feet, which exceeds the 40 feet minimum width required in the R-5-A District.

401.3 Except as prescribed in other provisions of this chapter, the minimum dimensions of a lot in the R-5-A District shall be 4,000 square feet.

The subject lot, (although substandard in size) was established as a recorded lot within the past three years. The property has a lot area of only 3,184 squaes feet. The minimum lot area for

properties in the R-5-A District should be 4,000 square feet. However, the Board can prescribe a smaller minimum lot area pursuant to § 3104.

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

Yes. The applicant's proposal to construct a single-family dwelling on the unimproved lot is consistent with the purpose and intent of the Zoning Regulations for the property. The lot is in the R-5-A residence zone, which permits single-family dwellings as a matter-of-right use. The area is characterized predominantly with moderate density residential uses, including a mix of garden apartments, row and semi-detached dwellings with some single-family detached dwellings. The new dwelling proposed for the subject lot will be consistent with the character, of other houses in the Randle Highlands Neighborhood. Further, the proposed use is consistent with the Comprehensive Plan Generalized Land Use Map that depicts the subject site as being in the ***Moderate-Density Residential Land Use Category.*** Row houses and garden apartments are the predominant uses, but single-family detached houses are also included in the moderate density category.

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

No. The proposed new single-family detached structure will not adversely affect the use of neighboring property. Conversely, the community favors the addition of a new single-family structure on an otherwise overgrown vacant lot. Neighbors support the proposal because it will contribute towards further stabilization of the community

Light and air to neighboring property will not be negatively affected as a result of the construction of the subject single-family structure. Structures on the subject block are orientated north-south, therefore, the block receives adequate air and light provisions. There will be sufficient space between the subject new single-family detached structure and the adjacent structures on both sides for the passage of light and air between the properties. The adjacent single-family detached structure on the west side has a side yard of 8-feet and the proposed subject structure will provide a 9.5-foot side yard. This will result in a 17.5- foot area between the two structures. There will also be a 9.5-foot side yard on the east side of the subject property, which will abut a 15-foot public alley. There will be a 24.5-foot area between the east side of the proposed new house and an apartment building on the east side of the alley.

COMMUNITY COMMENTS

On October 21, 2004, ANC 7B voted not to oppose the requested variance.

On September 16, 2004, the Randle Heights Civic Association expressed no opposition to the variance application, expressing that the proposed construction of a single-family dwelling on the subject property would rid the community of a vacant lot.

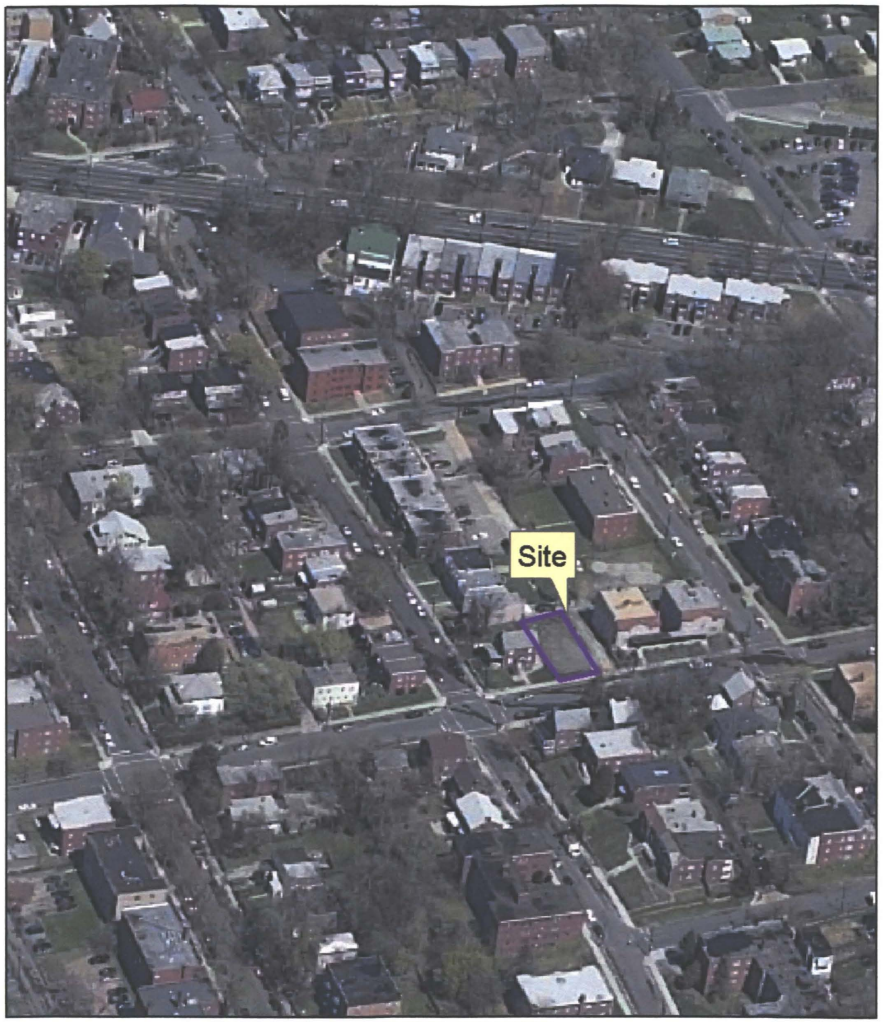
SUMMARY

The proposed construction of a two-story single-family detached dwelling on the subject vacant lot is compatible with the predominant residential character of the Randle Highland neighborhood. The granting of the requested variance furthers the housing objectives of the Comprehensive Plan by increasing the amount of moderate density housing in Ward Seven. The community supports the construction of a new housing unit on the subject lot, which has historically been vacant and over grown, in a community that is otherwise well maintained.

RECOMMENDATION

The Office of Planning considered the application as an area variance and concludes it meets the provisions of Section 3103.2. However, in the alternative, OP believes the application may be considered as a special exception because Section 401.3 permits a minimum lot area as "prescribed by the Board pursuant to Section 3104." OP concludes the application meets the standards of Section 3104.

AA/jem



Suoth view of Lot 118

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Feet

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BZA Application - 17095
Valet Parking Garage
1701 kalorma Road, N.W

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

Office of Planning ~ October 19, 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



Attachment 3