GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: November 30, 2004

SUBJECT: BZA Application No. 17245
5144 Cathedral Avenue, N.W.

APPLICATION

The application by Geoff & Sharon Kuck requests, pursuant to 11 DCMR 3103.2, a variance from Sections 401, 403, and 404.1 to allow the construction of single family detached dwelling structure. The property is in the R-1-B District, Square 1439, and Lot 21.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the requested area variances to allow the construction of a two-story with basement-detached structure on the subject lot. OP finds that the variances will not be a detriment to the public good and the resulting house will be in character with other dwellings on the block.

SITE AND AREA DESCRIPTION

The subject property is located in the Wesley Heights neighborhood of Ward Three, at 5144 Cathedral Avenue, N.W. The property was developed in 1926 with a one-story single-family detached dwelling that contains approximately 1000 square feet of space. The property is located near the southwest corner of the intersection Cathedral Avenue & Hawthorne Place. Cathedral Avenue bounds the subject property to the north, Macarthur Terrace to the south, 51st Place to the east and Hawthorne Place is to the west. There is no public access to the rear of properties on

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the square, because a public alley does not serve the subject square. The area surrounding the subject property is overwhelmingly low density residential in character. There are two commercial nodes within two blocks of the subject site; one is to the southwest, at the



North view of existing structure, built in 1926.



Neighboring dwelling to the east.

intersection of Cathedral Avenue & Macarthur Blvd and the other is to the south at Macarthur Blvd and Arizona Avenue.

The existing house was built for residential use in 1926. The property is improved with a small (1,000 sq. ft.) one-story detached dwelling. The applicants have lived in the dwelling for approximately five years. When the property was first purchased the applicant's family size consisted of two persons. Over the five-year period that the applicant has inhabited the house, an additional child has been added to the family and another child is expected. The living space in the existing small structure is inadequate to meet the growing space requirements of the subject family.

PROPOSAL

The applicant proposes to demolish the existing small one-story detached house and replace it with a new larger two-story detached structure with basement. The new structure will contain approximately 2,500 square feet of living space. It will meet most of the zoning requirements in the R-1-B Zone District, with the exception of minimum lot dimensions, percent of lot occupancy and rear yard set back.

ZONING REQUIREMENTS

The subject site is in the R-1-B District. The R-1-B District is designed to protect quiet residential areas developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes.

The R-1-B District is intended to stabilize the residential areas and to promote a suitable environment for family life. The R-1-B Zone is a high-density single-family district.



Front view of proposed new structure.

ANALYSIS

The existing house was built in 1926 prior to the adoption of the current Zoning Regulations. Therefore, it does not meet all of the zoning requirements. The applicant desires to remain on the same lot, but the existing house, (1,000 square feet) is too small to accommodate the living needs of the family. The proposed new structure will contain 2,500 square feet of living space, and will be two stories with basement. The new structure will be more compatible with other dwellings in the neighborhood.

The new structure will require the following area variances from the BZA in order to be constructed:

401 Minimum Lot Dimensions

401.1 Except as provided in chapters 20 through 25 of this title, in the case of a building located, on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title.

401.3 Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in the R-1-B Residence District shall have a minimum lot area of 5,000 square feet and a minimum lot of 50 feet.

The subject lot is non-conforming regarding the minimum lot area in the R-1-B Zone District. The minimum lot area prescribed is 5,000 square feet. The area of the subject lot is 3,730 square feet. The subject lot has the smallest area of all the lots on Square 1439. The area of the subject lot is a "pre-existing condition" that the applicant inhered when the property was purchased approximately five (5) years ago.

The front of the subject lot is 55.21 feet, which exceeds the minimum lot width requirement of 50 feet in the R-1-B. However, the western property line curves from front to back, and narrows to a sharp point where it intersects with the eastern property line. The unique shape of the subject lot (wedged-shaped) makes it almost impossible for the applicant to construct a typical rectangular shaped single-family detached structure.

403 Percentage of Lot Occupancy

403.2 No structure, including accessory buildings, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table. In the R-1-B Zone District, the maximum percentage of lot occupancy is 40%.

Due to the exceptional narrowness and geometry of the subject lot, it would be difficult to build an adequate two-story detached structure on the lot and stay within the maximum lot occupancy requirements. The lot area of the subject lot is only 3,730 square feet, which is smaller than the minimum lot area of 5,000 square feet required in the R-1-B District. Further, the subject lot is smaller than any other lot on the subject square. It has an unusual wedged shape, which curves along the western property line and reaches a sharp point at the intersect with the eastern property line The curved western property line is adjacent to the rear property lines of four adjoining properties, which front on Hawthorne Place. A public alley does not serve the square.

The applicant is requesting relief from the maximum percentage of lot occupancy for the proposed new structure, because it will exceed the maximum by 3%. In the R-1-B Zone District, the maximum percentage of lot occupancy is 40%. The existing structure has a building area of 975.59 square feet and occupies 27% of the subject lot. The proposed new structure will have a building area of 1540 square feet and will occupy 43% of the subject lot. If the relief is granted, the proposed new structure will not be a detriment to the public good or substantially impair the intent, purpose, and integrity of the zone plan.

404 Rear Yard

404.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth in the following table:

The minimum depth for a rear yard in the R-1-B Zone District shall be 25 feet.

The existing house pre-dates the current zoning regulations, because it was built in 1926 and does not meet all of the zoning standards, such as rear yard. Structures in the R-1-B Zone District are required to have a minimum rear yard of 25 feet. The proposed new house will provide a rear yard of 11.8 feet, which is 13.2 feet less than the required rear yard of 25 feet.

The strict application of the minimum depth for a rear yard in the R-1-B Zone District would result in exceptional practical difficulties to the applicant's plans to construct a new structure on the subject lot. The existing structure does not have any measurable rear yard, because the lot is wedged-shaped and curves along the western property line to a sharp point at the intersection with the eastern property line. The applicant will provide a small rear yard (11.8 ft.) that will be an improvement from the lack of any noticeable rear yard on the existing structure. If the lot was a typical shaped, the applicant could build the proposed new structure and provide a rear yard

consistent with neighboring properties. However, the unusual wedged-shape of the lot, dictates the configuration of the proposed new structure, and eliminates the possibility of providing the required rear yard.

Variance Test

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:

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

The subject lot is smaller than any other lot on Square 1439. The physical characteristic of the curved western property line makes it difficult for the applicant to build a normal rectangular shaped house of the property. The applicant does not own any of the adjacent lots and has no opportunity to bring the lot into conformance with the lot area requirements.

This unique configuration and the placement of a new house on the lot will not affect light and air from entering neighboring properties.

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 strict application of providing the required minimum lot dimensions, meeting the lot occupancy and the minimum rear yard requirements would result in peculiar and exceptional practical difficulties upon the owner of the property. The property's irregular curved western property line and small size, will directly affect the configuration and location of the new house. These were per-existing conditions when the applicant purchased the property approximately five years ago.

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.

The variance requested will not cause "substantial detriment to the public good." The proposed new two story single-family detached structure on the subject lot will be more in character with the other dwellings on the subject block. The proposed variance furthers the purpose and intent of the Zoning Regulations and Map by utilizing the subject property in the high-density residential manner that the property was intended.

COMMUNITY COMMENTS

On November 3, 2004, ANC 3D voted to recommend approval of the requested variance, as it is consistent with the character of the area.

The applicant submitted nine letters from nearby neighbors supporting the variance request.

SUMMARY

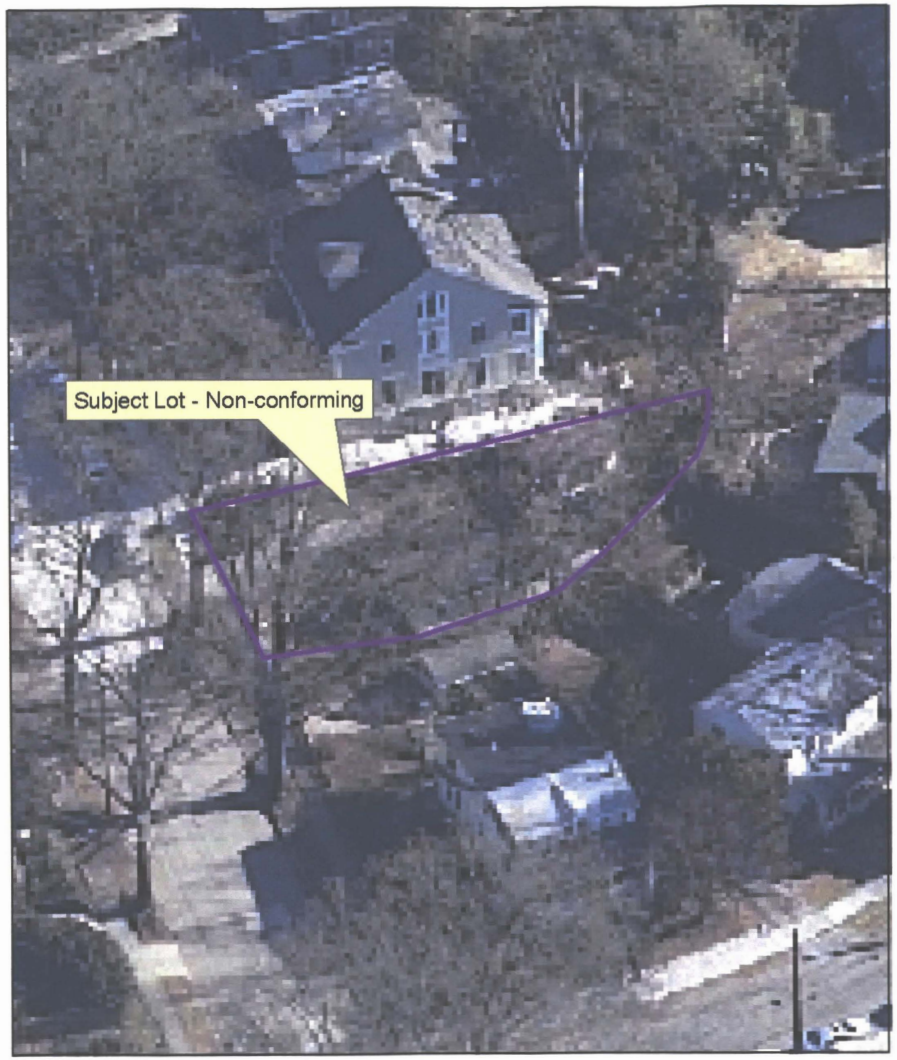
The addition of two children to the applicant's family since the existing house was purchased five years ago has increased the applicant's need more living space. The family desire to remain at the same location, but the existing house (only one-story) is too small to accommodate the growing family. The applicant proposes to raise the existing house and replace it with a larger two-story dwelling with basement, is a rational solution for addressing the families need for more living space, short of moving to a different location. Because of the unusual contour and geometry of the lot, it is almost impossible to design and construct a typical rectangular shaped detached structure on the lot, without variances from the minimum lot dimensions, percentage of lot occupancy and the rear yard provisions.

OP believes the requested variances are in the public good and will be in harmony with the character with other dwellings in the neighborhood.

RECOMMENDATION

The applicant has met the provisions of Section 3103.2 of the Zoning Ordinance for granting a variance. The uniqueness of the site is demonstrated through its unusual shape and size that cause practical difficulties on the property owner to develop the property in a manner consistent with the R-1-B neighborhood. Approval of this variance request will not cause any "substantial detriment to the public good" and "will not substantially impair the intent, purpose, and integrity" of the zone plan as embodied in the Zoning Regulations or Map", as the new residential structure on the subject lot will be more consistent with the scale and character of other dwellings on the block. The Office of Planning therefore recommends that the Board of Zoning Adjustment **APPROVE** the variance requested.

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

Office of Planning ~ January 28, 2004

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Attachment 3