GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★



2005 MAR -1 PM 12:13
D.C. OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE March 1, 2005

SUBJECT: BZA Application 17262 – Request filed by Arnold & Porter LLC for **four area variances** to construct a single-family detached dwelling at 1528 W Street, S.E., proposed by ARCH Training Center.

APPLICATION
Application of ARCH Training Center for:

1. **Variance to § 401.3 pursuant to § 3103.2 of Title 11 DCMR** for an area variance to permit use of an existing lot 24.0 feet in width and 2,760 square feet in area, less than the minimum 40 foot width and 4,000 square foot area required;
2. **Variance to § 403.2 pursuant to § 3103.2 of Title 11 DCMR** for an area variance to increase the lot occupancy from 40 percent to 50.8 percent;
3. **Variance to § 405.1 pursuant to § 3103.2 of Title 11 DCMR** for an area variance to decrease the minimum west side yard from 8 feet to 2 feet 10 inches; and
4. **Variance to § 406.1 pursuant to § 3103.2 of Title 11 DCMR** for an area variance to decrease the minimum width of an open court from 9.5 feet to 4 feet

for property located on the north side of W Street, S.E. and the west side of 16th Street, 1528 W Street, Square 5779, Lot 824. The property is located within the R-3 (row dwellings) Residence District and the Anacostia Historic District.

SUMMARY RECOMMENDATION
The Office of Planning recommends **APPROVAL** of the variance request for lot width and lot area.

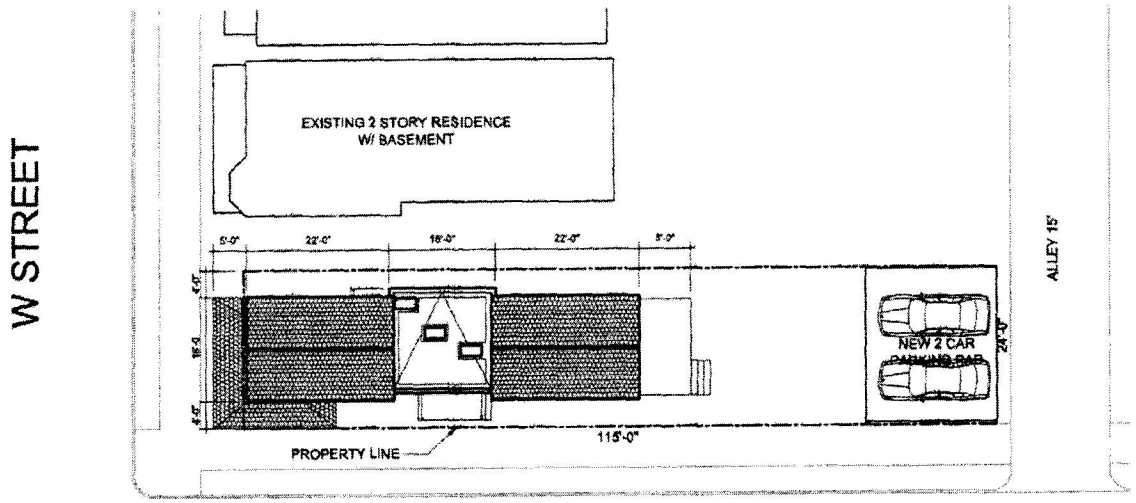
BZA
Case No. 17262
Exhibit No. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 17262
EXHIBIT NO. 31

The Office of Planning recommends **DENIAL** of the variance requests for side yard, lot occupancy and open court width.

PROJECT DESCRIPTION

The applicant proposes to construct a two-story, 28.5-foot high single-family detached dwelling on the subject property. The existing garage is to be removed and two surface parking spaces are proposed with direct access to the alley. Since the filing of the application the applicant has revised the plans to reduce the west side yard to a minimum of 2 feet, 10 inches and a maximum of 4 feet, and eliminated the need for a variance for the east side yard. However, a variance is now required to permit a 4-foot wide open court on the east side of the lot.



SITE PLAN

SITE AND AREA DESCRIPTION

The property consists of Square 5779, Lot 824 in the South East quadrant of the District, and is 2,760 square feet in area. It is located at the northwestern corner of 16th Street and W Street, with the front of the property facing W Street. A 15-foot wide public alley provides access to the rear. The single-family detached dwelling that previously existed on the lot was razed, but a detached garage at the rear of the lot remains.

To the north and west are single-family detached dwelling within the R-3 Zone District and the Anacostia Historic District. To the south, across W Street, is the partial shell of an apartment building within the R-5-A Zone District. To the east, across 16th Street, are row dwellings within the R-3 Zone District and the Anacostia Historic District.

ZONING REQUIREMENTS
The subject property is located in the R-3 row dwellings residence district.

R-3 Districts: General Provisions
"The R-3 District is designed essentially for row dwellings, but there shall be included in an R-3 District areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings. To maintain a family-life environment, permitted related uses are the same in R-3 Districts as in R-1 Districts." (§ 320.1)

RELIEF REQUESTED
The Board of Zoning Adjustment is empowered to grant variances as provided by Section 3103.2.

Area Variance pursuant to § 401.3
The subject property contains a lot area of 2,760 square feet and a lot width of 24 feet, less than the minimum 4,000 square feet and 40 feet required for "all other structures" within the R-3 Zone District. The lot pre-exists the adoption of the Zoning Regulations in 1958, and is unique due to its narrowness. The subject property is contiguous only to the lot to the east, which is developed with a single-family detached dwelling. On the other three sides the subject property is contiguous to either public streets or a public alley. As a result, no opportunity exists to increase the size of the property and it would be a peculiar and exceptional practical difficulty to the applicant to not allow for the reduction in lot area and width. Therefore, a variance to reduce the lot area and lot width can be granted, "*without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*" (§ 3103.2)

Area Variance pursuant to § 405.1
The applicant proposes a side yard of 2 feet, 10 inches on the west side of the property, less than the minimum 8 feet required. However, the need for this variance, or the extent for the need of this variance is a result of the siting of the dwelling on the property due to the provision of a side porch for a dwelling on an unusually narrow lot. Although a side porch on the east side of the dwelling may be a nice amenity, the provision of this porch does not take into consideration the unusual narrowness of the subject property and results in an unusually narrow side yard on the west side of the dwelling. The Historic Preservation Office has indicated that the provision of a side porch is not necessary, but has indicated that the front porch, with an operating door, is necessary. A front porch

with an operating door is proposed to face W Street, and the side porch is not necessary for the provision of the front porch.

The Office of Planning acknowledges that it may be difficult for the applicant to provide the entire 8-foot side yard. However, the provision of a side yard less than 3 feet in width presents problems in the provision of a useable side yard for the occupants and also in ensuring adequate access for maintenance of the yard and the side of the structure. Relocating the structure along the 16th Street (eastern) property line would increase the width of the western side yard to 6 feet, 10 inches. Therefore, the Office of Planning concludes that a variance to reduce the side yard to 2 feet, 10 inches would result in "*impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*" (§ 3103.2)

Area Variance pursuant to § 403.2
The maximum lot occupancy permitted for the proposed use is 40 percent, the requirement for single-family detached dwellings within the R-3 Zone District. The application requests a lot occupancy of 50.8 percent, in excess of the maximum permitted. If the lot occupancy for the subject property were calculated on just the footprint of the proposed dwelling, it would be less than 40 percent and less than the maximum permitted within the zone district for single-family detached dwellings. However, side yards and open courts less than 5 feet in width are required to be included within the lot occupancy calculation pursuant to § 199, with the result that the open spaces on each side of the proposed dwelling are included in the lot occupancy calculation.

It may be possible for the applicant to reduce or eliminate the need for a lot occupancy variance by reducing the side yard and open court variance requests. It is the provision of a side porch that results in a situation whereby this variance is required, and not the width of the dwelling itself. As a result, the Office of Planning does not recommend approval of the lot occupancy variance as necessary for the proposed development of this lot. Therefore, the development of the subject property by increasing the maximum lot occupancy permitted to 50.8 percent would result in "*impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*" (§ 3103.2)

Area Variance pursuant to § 406.1
The Zoning Regulations require a minimum width of 4 inches per foot of building height for an open court, or 9.5 feet for a building 28.5 feet in height. The application proposes a minimum open court width of 4 feet, less than half of the minimum required. Consistent with the side yard variance request, the provision of a side porch, a feature that is neither necessary nor required, on a narrow lot results in the need for this variance, and not the width of the dwelling. Therefore, the Office of Planning does not recommend approval of this variance.

COMPREHENSIVE PLAN
The Generalized Land Use Map recommends the Moderate Density Residential land use category for the subject property- "Row houses and garden apartments are the predominant uses; may also include low density housing."

The subject application is in conformance with the following objectives of the Ward 8 Plan:

> *"Promote new and rehabilitated housing to meet all levels of need and demand, and..."* (§ 1908.1(e))
>
> *"Encourage new development in areas with vacant or underused land to secure a strong, positive physical identity;"* (§ 1920.2(g))
>
> *"Promote and enhance the ward's low density character, open spaces and stable neighborhoods;"* (§ 1929.1(g))

COMMUNITY COMMENTS
ANC 8A has indicated to the Office of Planning strong concern about supporting the variances because the dwelling has been designed to front on 16th Street, thereby distorting the residential street wall along W Street.

AGENCY COMMENTS
The Historic Preservation Review Board, at their meeting of January 27, 2005, recommended conceptual approval of the project, including demolition of the garage. The Historic Preservation Office signed off on the raze permit application for the previous main structure in April 2002.

CONCLUSION
The subject property is a vacant lot that was previously developed with a one-family detached dwelling. A detached two-car garage in the rear yard still remains. The existing lot size and lot width are less than that required that required for a single-family detached dwelling within the R-3 Zone District, and the applicant now proposes to remove the garage and construct a single-family detached dwelling on the site.

The removal of all preexisting structures from the property maximizes the applicant's design opportunities for this narrow lot. The Office of Planning acknowledges that some variances will be necessary for the redevelopment of this lot due to its configuration, such as for lot width and lot area, which are beyond the control of the applicant. However, as all new construction is proposed, the layout of the site should take the existing lot into consideration to the extent possible, including its 24-foot width.

Although a side porch may be a nice amenity, its inclusion in a 24-foot wide lot does not acknowledge the lot's narrow width. The Historic Preservation Office has indicated that if a side porch is provided, it should be no less than 4-feet in width in order make it usable. However, the Historic Preservation Office has also indicated that it is not necessary to provide this side porch. Therefore, the applicant may eliminate the side porch. This will allow the applicant to shift the dwelling to the west, toward 16th Street, increasing the width of the east side yard by as much as 4 feet, decreasing the amount of the side yard variance required. This may also eliminate the need for a variance from the open court requirements and the need for a variance to lot occupancy.

As a matter of right the applicant may locate the dwelling on the side lot line. However, no public space exists between the lot line and the public sidewalk, as exists in many other parts of the City. Therefore, the Office of Planning would not be adverse to the granting of a variance to reduce the side yard on the west side to soften the impact of the proposed building on the 16th Street streetscape, provided the side yard on the west side of the lot was of a sufficient width.

The Office of Planning has reviewed the application in terms of the property's zoning and the standards for a variance. It is the conclusion of the Office of Planning that the extent of the need for variances for the east side yard, lot occupancy and open court is a result of the desire to provide a side porch on a narrow lot. The need for these variances is not the result of any *"peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property."*

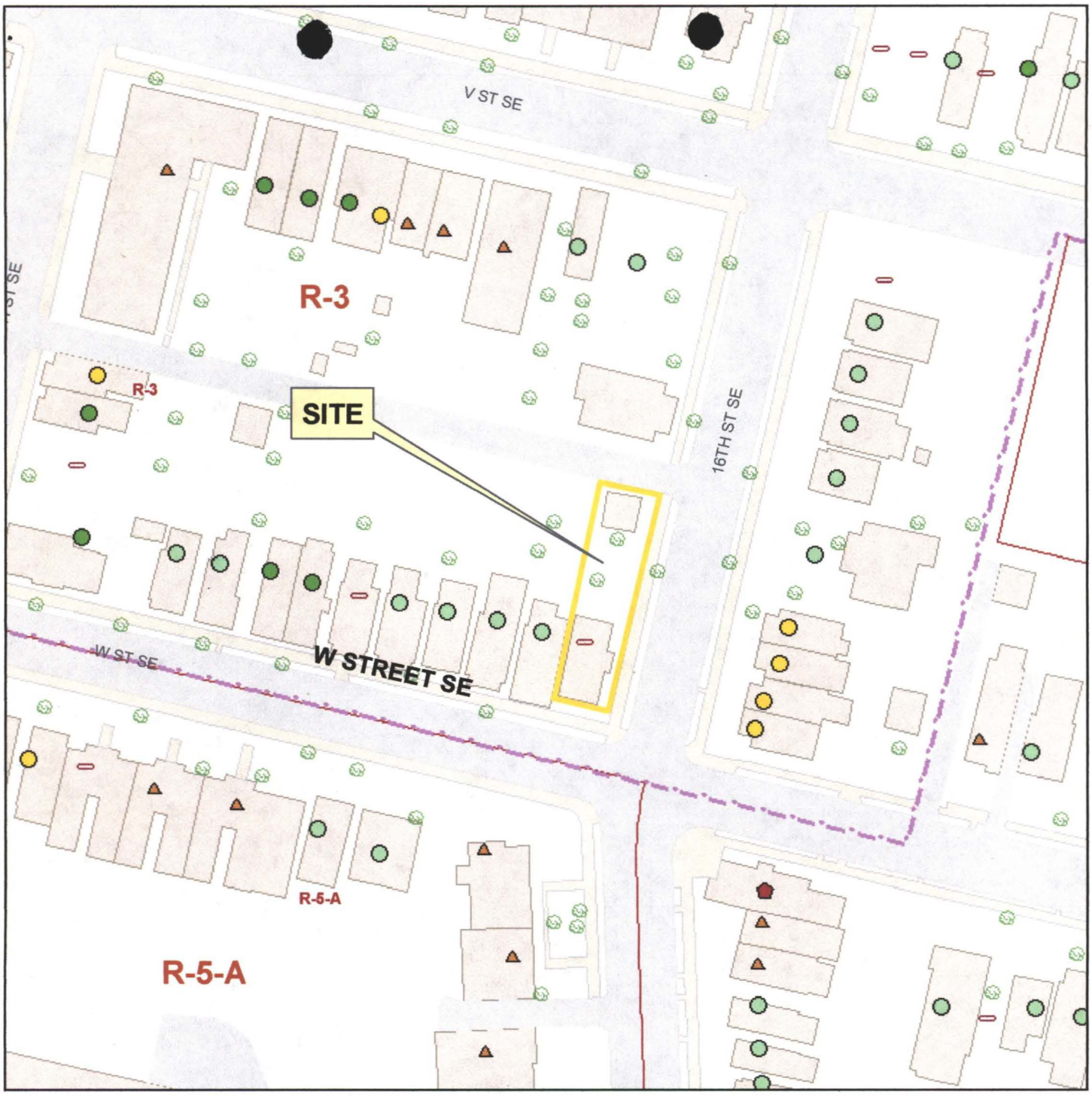
It is also the conclusion of the Office of Planning that the variances for lot width and lot area result from the fact that the lot legally predates the Zoning Regulations.

RECOMMENDATION

The Office of Planning recommends **APPROVAL** of the variance request for lot width and lot area.

The Office of Planning recommends **DENIAL** of the variance requests for side yard, lot occupancy and open court width.

EMM/sjm$_{AICP}$



BZA APPLICATION NO. 17262
1528 W Street, S.E.

N

Feet

0 50 100

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

Office of Planning ~ December 7, 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

- Rowhouse
- Single-Family Detached
- Single-Family Semi-Detached
- Multi-family
- Store
- Vacant
- Zoning Districts
- Anacostia

