GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

DATE: January 18, 2005

TO: District of Columbia Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Director

SUBJECT: Board of Zoning Adjustment Case No. 17278
556 & 558 48th Place, N.E.

Summary

Dud L.L.C. is requesting area variances to allow the construction of a duplex on two lots that do not meet the minimum lot width on property located at 556 and 558 48th Place N.E. (Square 5145S Lots 17 & 18) pursuant to Sections 401.3 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning. The Office of Planning **cannot recommend approval** of the requested relief based on the analysis of the variance tests below.

Site and Area Description

The subject properties are located at 556 & 558 48th Place N.E. The lots are 3,000 square feet each and 25 feet in width. The subject property and the properties in all directions on this block are zoned R-2. To the north, south and west are one, two and three-family residential structures. Across the street to the east is the Ronald Brown Elementary School.

Project Description

The proposal is for a three story duplex building. The structure would be 47 feet deep and 34 feet in width, with a gross floor area of approximately 2400 square feet for each unit. The building would sit over the center property line and maintain an eight foot setback from the outside yards. The building would be set back approximately 15 feet from the front lot line and 58 feet from the rear line.

BZA
Case No. 17278
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.17278
EXHIBIT NO.22



Figure 1: Aerial View Looking West

Zoning Requirements

The applicant is requesting a variance from the required lot width for semi-detached structures in the R-2 zoning district. The proposed building would meet all of the other requirements of this zoning district. §401.2 would allow construction of a home on one lot that meets 80% of the lot width, but does not apply when there are two adjacent lots in common ownership that can be combined to meet the requirement.

Section	Item	Required/Allowed	Requested	Variance
400.1	Height	3 stories	3 stories	N/A
401.3	Lot Area	3000 sq. ft.	3000 sq. ft'	N/A
401.3	Lot Width	30'	25'	5'
403.2	Lot Occupancy	40%	26.6%	N/A
404.1	Rear Yard	20'	58'	N/A
405.9	Side Yard	8'/0'	8'/0'	N/A

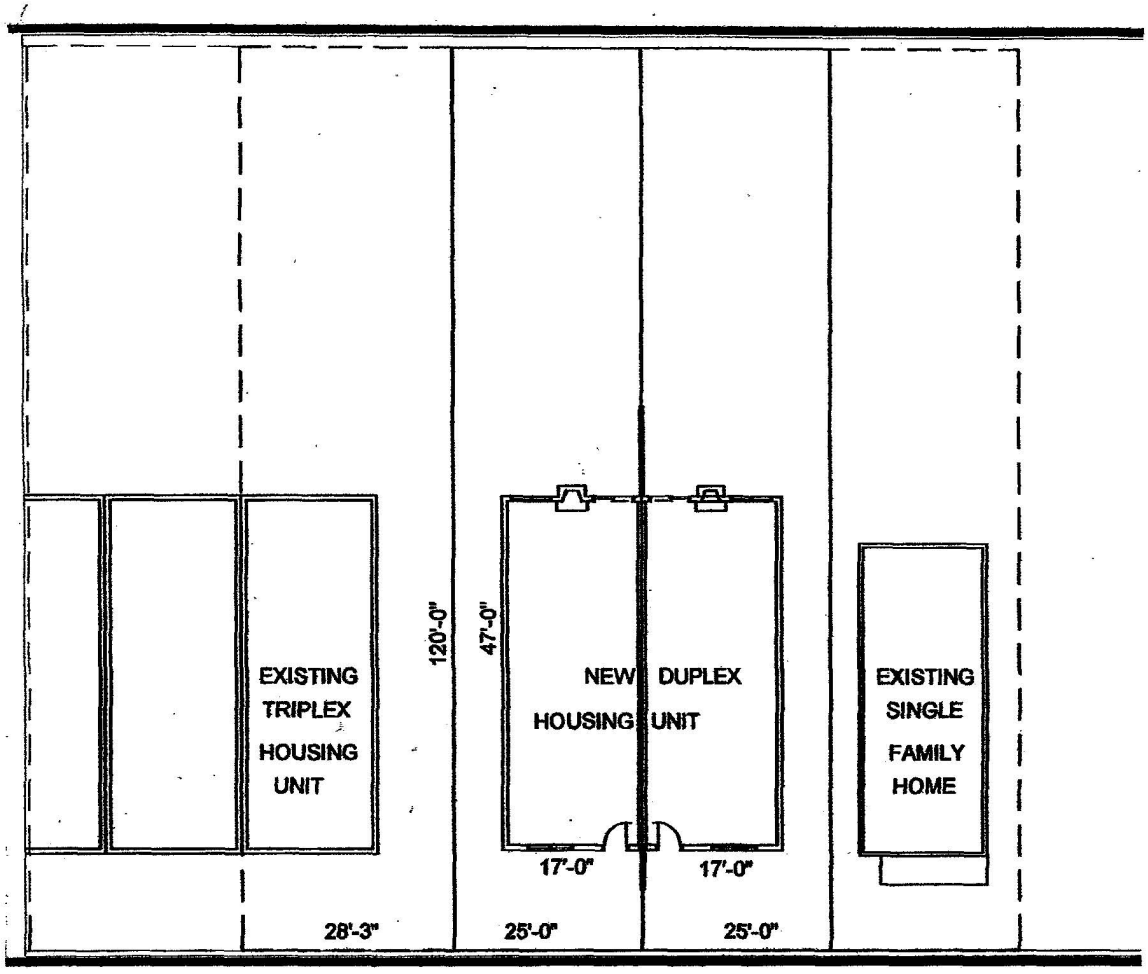


Figure 2: Site Area

Variance Analysis

The provisions of §3103.2 require the applicant to show a unique physical aspect or other extraordinary or exceptional situation or condition of a specific piece of property that creates an undue hardship or practical difficulty. In addition, there should be no harm to the public or to the zone plan.

Exceptional Situation

The lots in this application were both created prior to 1958, predating the existing zoning ordinance. Much of this well-established neighborhood, including most of this square, consists of 25-foot wide lots subdivided together. The result has been a successful mix of detached, semi-detached and rowhouse dwellings. The applicant has claimed that since the properties in this neighborhood were created at 25 feet in width, these properties are unique by being too narrow. There are two problems with this argument. First, uniform creation of 25 foot lots throughout this area removes the argument for uniqueness. Second, the applicant is using the requested width of the lots as it's own justification; saying the Board should allow narrow lots because the lots are too narrow.

Practical Difficulty
The applicant has failed to show a practical difficulty to meeting the requirements of the ordinance. As can be seen on the photograph in Figure 1, all four of the lots to the north exceed the requirements of the zoning code with at least one of them having been combined since the adoption of the zoning regulations. A single family home could be built on the combined lots without the necessity for any zoning relief.

Substantial Detriment
OP does not believe that approval of this variance would be a substantial detriment to the neighborhood. The proposal would be a positive infill of a vacant lot and hopefully continue to strengthen this neighborhood. However, the difficulty is in maintaining the integrity of the zoning regulations. The Board has in the past denied a similar lot width variance (BZA # 17123) that failed to show uniqueness or practical difficulty. Unless the applicant can bolster the case for meeting the first two tests, it would substantially impair the integrity of the zoning code to approve this application.

§401.2 is intended to allow single lots that are between 80 and 100% of the lot width and/or area to be developed. However, the intention of this section for two or more substandard lots in common ownership is that the lots be combined to meet the standards of the ordinance. The lots in question are in common ownership and could be combined to create one buildable lot that meets all of the requirements of the zoning code.

Based on the above analysis, OP concludes that the applicant has not yet made a case for uniqueness or practical difficulty that would allow for zoning relief. In the absence of a stronger case, approval of this application would have a negative effect on the integrity of the zone code.

ANC Recommendation
ANC 7C will be meeting on this application the week prior to the public hearing. OP has received no further comments on the application from the neighborhood as of this date.

Recommendation
The Office of Planning concludes that the applicant has not met the burden of proof, pursuant to 11 DCMR 3103.2 of the Zoning Regulations, for the granting of the requested variances to permit construction of a duplex on two lots not meeting the minimum lot width.

The Office of Planning **cannont recommend approval** of the requested relief by the Board of Zoning Adjustment from §401.3 of the zoning regulations at 556 & 558 48th Place N.E.

EM/tp