GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy
Interim Director

DATE: March 7, 2005

SUBJECT: BZA Application 17293

APPLICATION
Kevin and Dawn Mixon, the Applicants, request a variance to place required parking for a new single-family dwelling in the front yard of the property located at 2846 Davenport Street, N.W. (Square 2258, Lot 81) pursuant to Section 3103.2 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval, noting that the D.C. Department of Transportation (DDOT) Public Space Administration has not approved extending the proposed parking pad into public right-of-way.

SITE AND AREA DESCRIPTION
The subject undisturbed property is approximately 0.40-acre (17,632 square feet) in size and located southeast of Davenport Street, N.W. Street pavement within the right-of-way is actually some distance north of the front (northern) property line beyond an existing wooden split-rail fence. Fifteen feet south of front boundary, a Building Restriction line extends across the property parallel to the front boundary and public right-of-way. The lot also slopes down from the front and rear (southern) boundaries toward a stream gully that meanders east across the site (this stream is piped across properties to the west). Plans provided by the Applicant identify several trees on-site with circumferences 12-24 inches. There is also no vehicular access to the rear of the property because there is no alley.

Large single-family detached dwellings occupy all the surrounding properties. The area is zoned Residence (R-1-A) zone district and would be subject to the pending Zoning Text and Map amendments for the Forest Hill Tree and Slope Overlay zone district (refer to Exhibit 1). The Zoning Commission continued proposed action on Case No. 02-19 until March 14, 2005.

BZA
Case No. 17293
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO. 17293
EXHIBIT NO. 20

APPLICANT'S PROPOSAL

The Applicants plan to construct a new two-story single-family residence with a basement and swimming pool near the rear property boundary. A pad located between the Building Restriction line and the front boundary would provide parking space for this residence. A portion of this pad would extend into public right-of-way. A pedestrian bridge would connect the parking pad to the new residence across the gully (refer to Exhibits 2-5). As the submitted Statement of Use, dated December 20, 2004 explains, "Relief is sought due to the extreme topography of the site, the location of an existing stream (which eventually runs into Rock Creek), and the desire to leave as many of the trees on the site untouched throughout construction, and intact after construction." The proposed site plan "... helps retain the integrity of a majority of the site and landscape, without the need to remove major trees or regrade the site."

Section 2116.2 (b) of the current Zoning Regulations only allows required parking spaces in the rear or side yard. The Applicants therefore submitted this application for zoning relief. Note that Applicants also stated to OP that this proposal is consistent with requirements of the pending Forest Hill Tree and Slope Overlay zone district.

ANALYSIS

Section 3103.2 grants the Board of Zoning Appeals (BZA) the power to grant variances from regulations set forth under the Zoning Act "[w]here by reason of exceptional narrowness, shallowness or shape of a piece of property at the time of the original adoption of the regulations, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§ 5-413 to 5-432 (1981) would result in peculiar and extraordinary practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided the relief can be granted without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map."

The Office of Attorney General stated an "area" variance is required in this case because: on-site parking is a "use" required for the proposed residence; and the relief needed would simply locate parking in an area where it is not normally permitted. This is a variance of location, not of use. To meet the referenced standards, circumstances surrounding this request must be "unique," and the usual application of the referenced regulation would result in "peculiar and extraordinary practical difficulties."

Compliance with Section 3103.2:

In accordance with this provision of the Zoning Regulations, the Applicant's application includes the following justifications for granting the requested "area" variance:

- Extraordinary Property Conditions: The property has steep terrain and an open stream gully. OP considers these conditions, shared by only 8 out of 71 lots on this square, to be extraordinary and relatively unique.

- Peculiar and Extraordinary Practical Difficulties: Based on a site visit, it does not appear that vehicular access to parking spaces located in the side or rear yards of the proposed dwelling could be accomplished without significant clearing of the existing flora. The absence of an alley means eliminated direct vehicular access to the rear boundary. A vehicular bridge from the front boundary across the gully would be significantly larger than the planned pedestrian bridge, resulting in removal of more trees. Piping and filling the gully for a driveway would remove more trees and significantly alter the existing topography. Under these circumstances, adhering to the referenced Zoning Regulation provision without significantly alteration of the undisturbed terrain and natural environment does present a peculiar practical difficulty.

On this basis, OP thinks granting this variance would not impair the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map.

COMPREHENSIVE PLAN
The Comprehensive Plan designates the property for Low Density Residential land use that includes single-family detached and semi-detached dwellings as predominant uses. This proposal is not inconsistent with this designation.

COMMUNITY COMMENTS
Advisory Neighborhood Commission (ANC) 3F recommended approval of this request during a regular meeting on February 22, 2005 (refer to Exhibit 6).

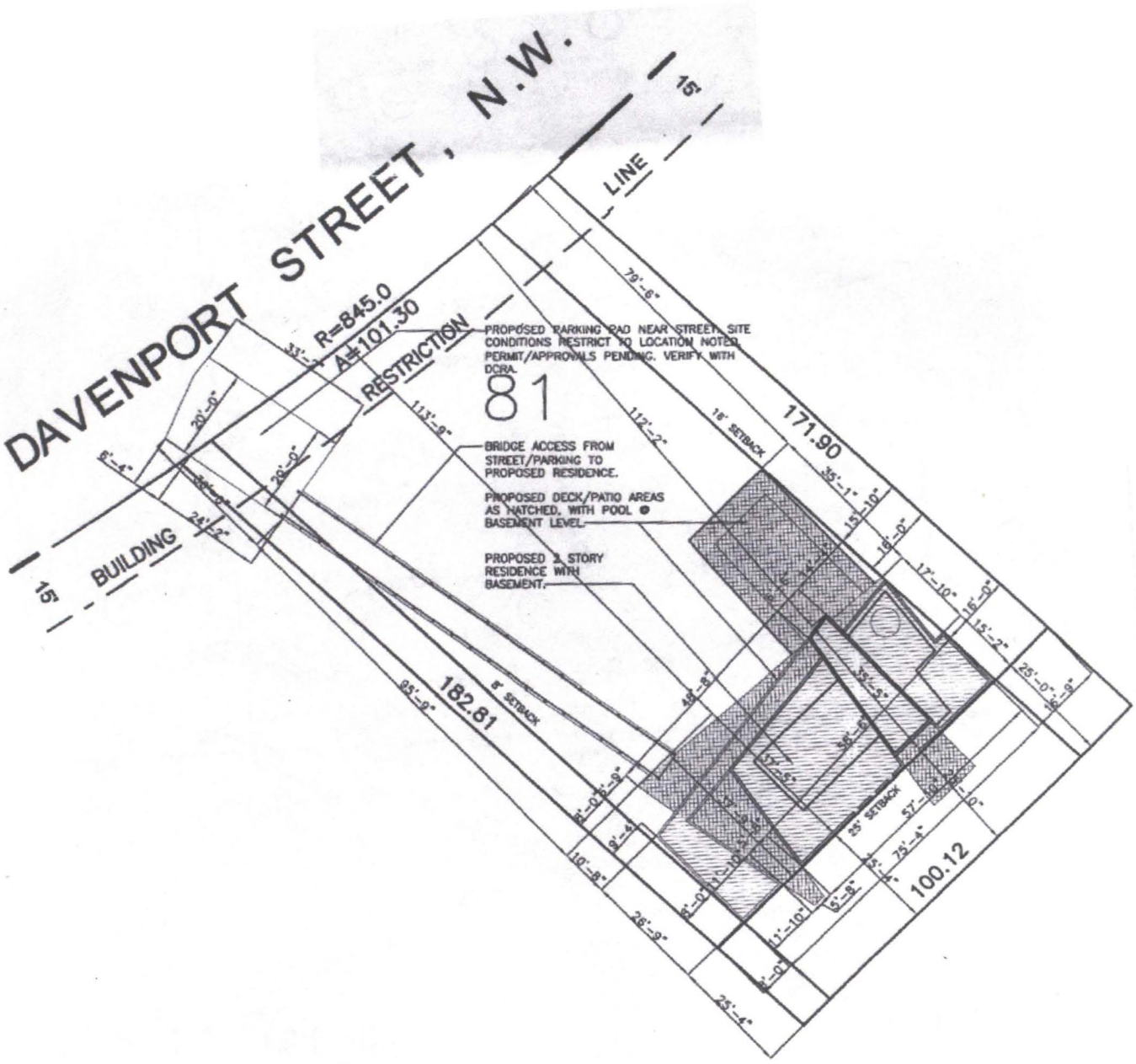
AGENCY COMMENTS
The D.C. Department of Transportation reviewed this application: the Transportation Policy and Planning Administration did not express any concern, but the Public Space Administration review is continuing.

RECOMMENDATION
The Office of Planning recommends approval, noting that the DDOT Public Space Administration has not approved extending the proposed parking pad into public right-of-way.

Attachment: Exhibit 1 Aerial of the Site with Zoning
Exhibit 2 Portion of Annotated Plat
Exhibit 3 Proposed Parking Pad
Exhibit 4 Parking Pad Structural Plan
Exhibit 5 Parking Pad Section
Exhibit 6 Letter from Robert V. Maudlin, Commissioner, Advisory Neighborhood Commission (ANC) 3F03, to Travis Price, Travis Price Architects, Inc., dated February 24, 2005

AA/afj

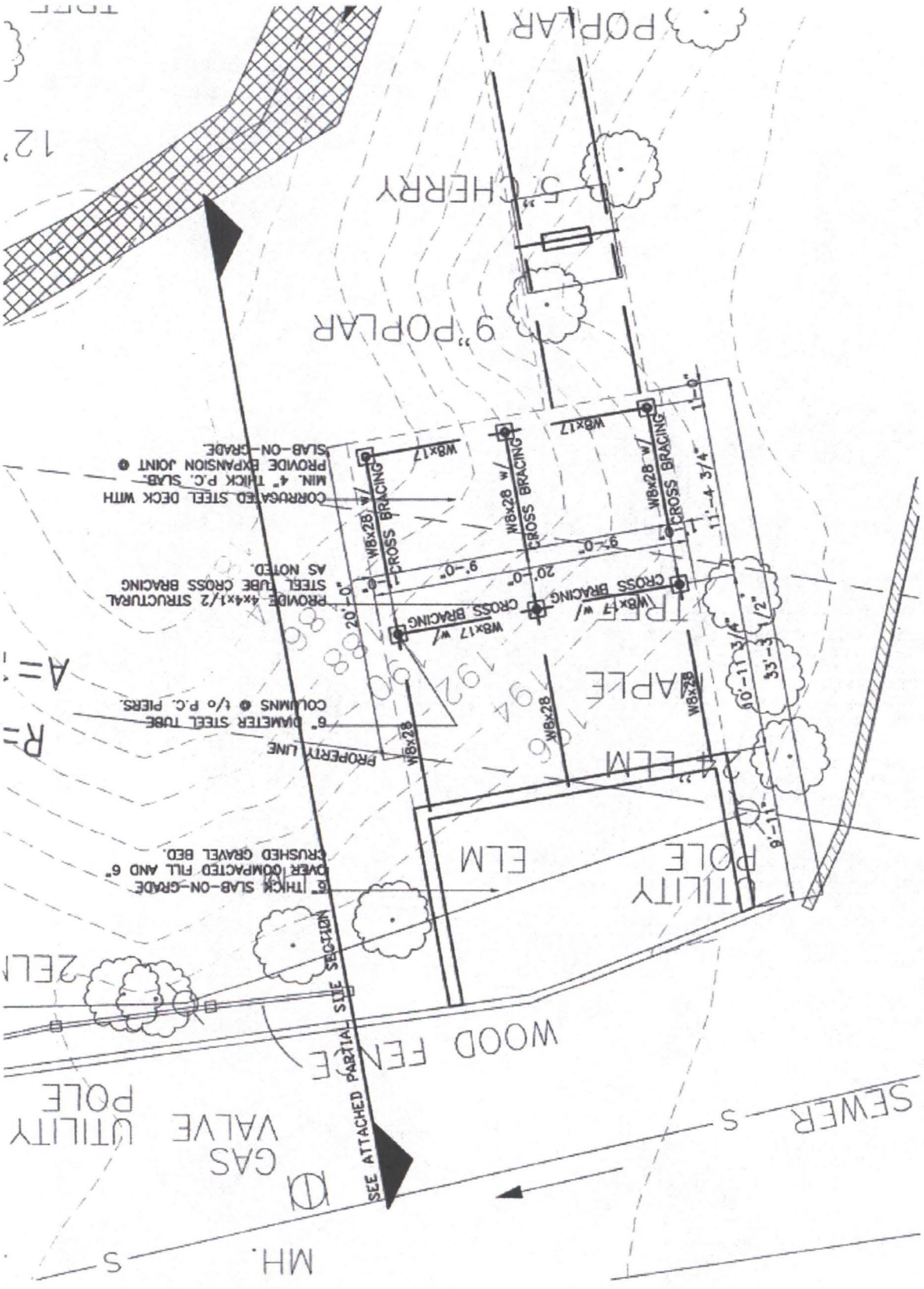
Exhibit 2


DAVENPORT STREET, N.W.
15' LINE
R=845.0
A=101.30
RESTRICTION
PROPOSED PARKING PAD NEAR STREET. SITE CONDITIONS RESTRICT TO LOCATION NOTED. PERMIT/APPROVALS PENDING. VERIFY WITH DCRA.
81
BRIDGE ACCESS FROM STREET/PARKING TO PROPOSED RESIDENCE.
PROPOSED DECK/PATIO AREAS AS HATCHED, WITH POOL @ BASEMENT LEVEL.
PROPOSED 2 STORY RESIDENCE WITH BASEMENT.
15' BUILDING
171.90
182.81
100.12
18' SETBACK
25' SETBACK
5' SETBACK
79'-8"
112'-2"
113'-9"
85'-9"
35'-1"
15'-10"
16'-0"
17'-10"
15'-2"
25'-0"
57'-5"
57'-10"
75'-4"
26'-9"
25'-4"
10'-8"
5'-8"
20'-0"
28'-0"
24'-2"
33'-

1 PARKING DECK PLAN
1/8" = 1'-0"
MH.
SEWER S
S
GAS VALVE
UTILITY POLE
WOOD FENCE
SEE ATTACHED PARTIAL SITE SECTION
20'-0"
18'-8"
8"
6"
UTILITY POLE
9'-7"
ELM
2ELI
24" ELM
6" THICK SLAB-ON-GRADE OVER COMPACTED FILL AND 6" CRUSHED GRAVEL BED.
CONTROL JOINT BETWEEN SLAB-ON-GRADE AND P.C. SLAB OVER STEEL DECK.
PROPERTY LINE
MAPLE TREE
33'-3 (1/2"
23'-8 1/2"
PARKING FOR TWO VEHICLES PER D.C. REGULATIONS [MIN. 9'-0" x 19'-0"]. OVERALL DIMENSIONS FOR 2 SPACES PROVIDED: 18'-8" x 19'-4".
19'-4"
20'-0"
MIN. 4" P.C. SLAB OVER CORRUGATED STEEL DECK AND STEEL STRUCTURE BELOW.
8" THICK CMU WALL TO 18" ABOVE FINISHED PARKING PAD. WITH WOOD POST/GLASS GUARD RAIL TO MIN. 42" ABOVE DECK.
9" POPLAR
5" CHERRY
POPLAR
12
R=
A=

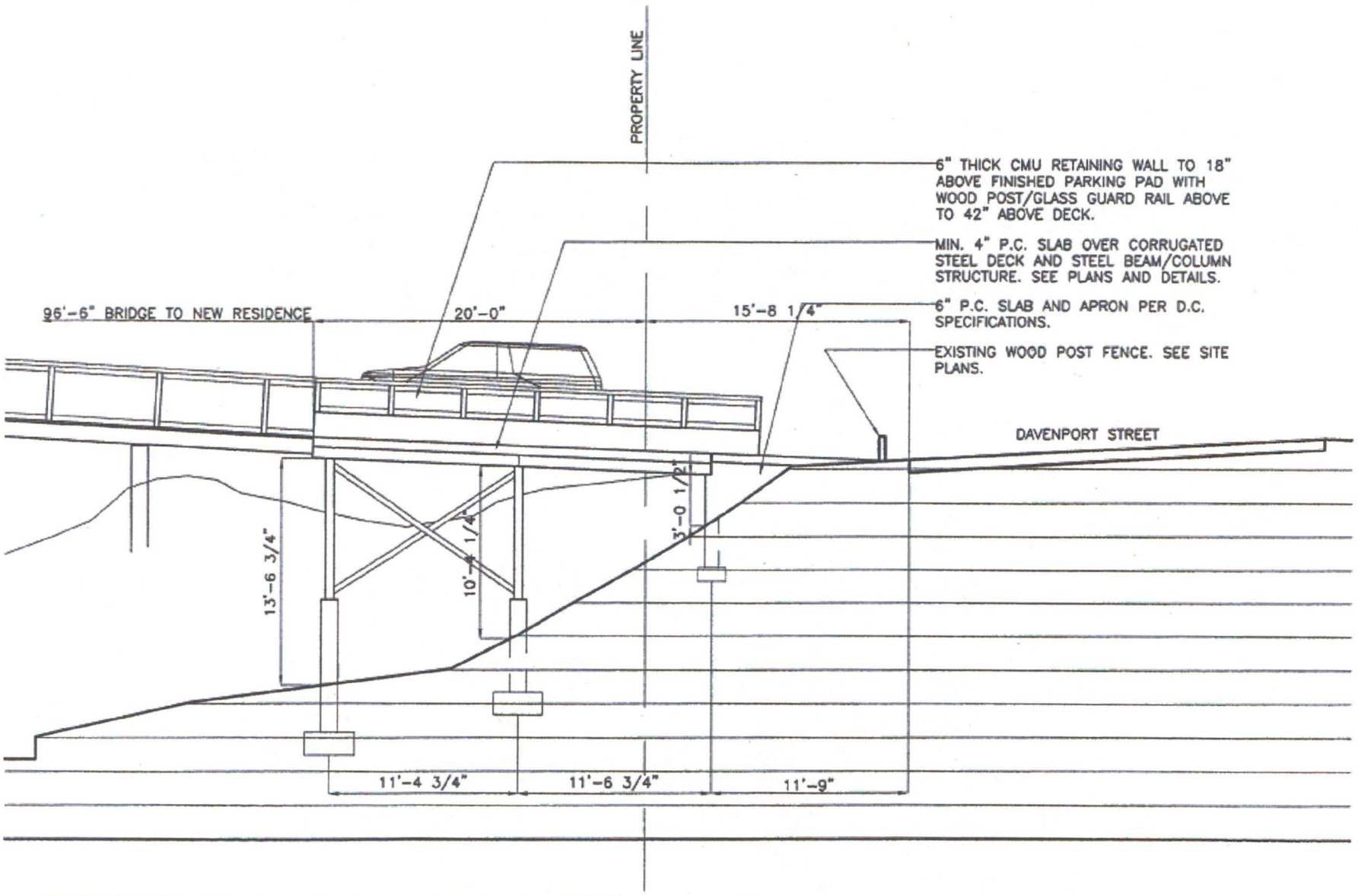
Exhibit 3

Exhibit 4



1/8" = 1'-0"

① PARKING PAD/BRIDGE CONNECTION STRUCTURAL PLAN



1 PARTIAL ELEVATION @ PARKING PAD/BRIDGE CONNECTION

1/8" = 1'-0"

Exhibit 5

Exhibit 6

Robert V. Maudlin
Commissioner
Advisory Neighborhood Commission 3F
2906 Ellicott Terrace, N.W.
Washington, D.C. 20008
(202) 363-5204
maudlin@alum.mit.edu

February 24, 2005

Mr. Travis Price
Travis Price Architects, Inc.
1111 34th Street, N.W.
Washington, D.C. 20007

Re: BZA Application No. 17293

Dear Mr. Price:

Reference is made to the above application filed by Kevin and Dawn Mixon, pursuant to 11 DCMR §3103.2, for a variance from parking space location requirements under subsection 2116.2 to allow the construction of a new single-family dwelling (with two [2] parking spaces in the front yard) in the R-1-A District at premises 2846 Davenport Street, N.W. (Square 2258, Lot 81).

ANC3F considered this application at a public meeting on February 22, 2005. After receiving testimony from the applicant and residents, ANC3F voted on a motion that it is the sense of the Commission to support the application at the BZA hearing scheduled for March 29, 2005. The vote was 6-0-0 with a quorum present.

ANC3F will prepare a report to the BZA supporting the application for consideration at the next ANC meeting on March 21, 2005.

Very sincerely yours,

Robert V. Maudlin
Commissioner, 3F03