

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: Board of Zoning Adjustment
FROM: *Y.S.F.V.*
Ellen McCarthy, Director
DATE: September 27, 2005
SUBJECT: BZA Application 17364 – Skyland Terrace, SE

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APPLICATION

An application by CIH/VMS Restorations LLC, pursuant to 11 DCMR §3104 for a special exception under Section 353.1 for a new residential townhouse development in an R-5-A zone district as well as a variance from Section 2116 to allow a parking space in the front yard of each town house.

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of both the special exception for the residential development in an R-5-A district as well as the variance to allow parking in the front yard of each lot.

SITE AND AREA DESCRIPTION

The subject property is located on Skyland Terrace S.E., Square 5740, Lot 862. The property contains approximately 48,000 square feet of land, much of which is undevelopable. The property slopes significantly down to the north from the intersection of Skyland Terrace and 23rd Street. The property is currently vacant and unsold. The surrounding area is zoned R-5-A and consists mainly of row houses and apartment buildings. To the west of the property is Fort Stanton Park.

PROJECT DESCRIPTION

The applicant is proposing to construct seven new townhouses on the property. The lot would be subdivided into seven buildable lots and one outparcel to be owned and maintained by the homeowner's association. The houses will have two above ground stories and a basement. Parking will be on driveways in front of the houses.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17364
EXHIBIT NO. 28

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Figure 1 – Site Area

ZONING REQUIREMENTS

Section 353.1 DCMR 11 requires that any new residential development except single family detached and semi-detached dwellings in the R-5-A district be reviewed by the Board as a special exception subject to the standards of Sections 3104 and 410. The applicant is also requesting a variance from the provisions of Section 2116 preventing required parking spaces in the front yard. The proposed development appears to meet all of the other requirements of the R-5-A zoning district.

Section	Item	Allowed/Required	Proposed	Deviation
402.4	FAR	0.9	0.75	N/A
405.9	Lot Occupancy	60%	30%	N/A
400.1	Height	40'	30'	N/A
404.1	Rear Yard	15'	40'	N/A

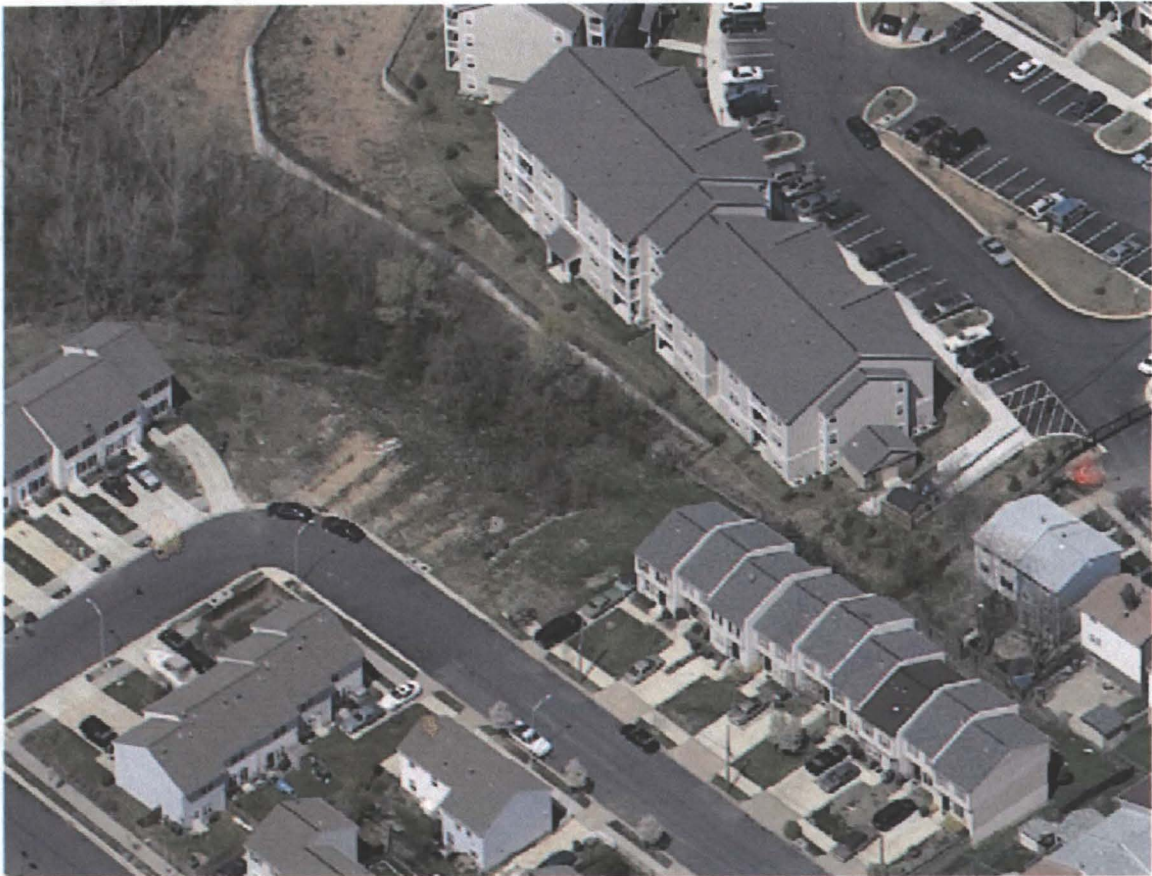


Figure 2: Aerial View Looking North

ANALYSIS

Special Exception

Section 353.1 requires new residential townhouse developments in the R-5-A district to receive a special exception from the Board under Section 3104 and in accordance with Section 410.

Per section 353.4, the Office of Planning is required to comment and recommend on the site plan, arrangement of buildings, and the provision of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.

The plan proposes seven new row house structures facing Skyland Terrace. Since the property begins to slope down rapidly within 30 to 40 feet of the right-of-way, the houses will be built on the slope with the basement level opening at ground level in the rear. The homes are staggered to step toward the road as it turns into 23rd Street. The lots will have a parking space in a driveway in front of the house. Lots 4-7 will have individual drives, while 1-3 will need to share a driveway due to the layout of the lots. Due to the topography, the majority of the property will be left out of the individual lots and put under control of the homeowner's association.

The layout of the buildings is appropriate for the topography of the property and the position of the surrounding buildings. The layout of lots 1-3 and the limited street width and shared access of these lots is less than optimal, however the property is constrained by the slope and layout and OP has no suggestions to improve the design.

The proposed homes should have no affect on light and air to the surrounding properties. The homes will each have a parking space on the lot and thus should not significantly increase the need for parking in this neighborhood. Maintenance and landscaping will need to be addressed by the applicant. OP suggests a covenant prior to subdivision that outlines maintenance responsibilities for the outparcel.

Finally, the issue of stormwater management should be addressed. The slope from the development to the rear of the lots runs directly onto the neighboring property. The applicants should address how extra stormwater from the development will be managed to the rear of the houses.

Variance

The applicants are requesting a variance to allow parking in the front yard. Section 2116 has multiple provisions preventing parking in the front yard. Specifically, Sections 2116.2 and 2116.4 deal with this issue. 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.

The exceptional situation on this property is clearly the topography. Between the lowest and highest points on this lot, there is a difference of more than 70' in elevation. The property begins to slope down within about 35' of the right-of-way and continues all the way to the northeast and northwest property lines.

This situation provides a clear practical difficulty in providing any parking behind the units or in garages. A difference of ten feet in elevation makes any parking behind the buildings difficult or impossible. There is no alley behind the property. Moreover, the slope makes garages in the units impracticable because the falling slope prevents any garage from being located on the lower level of the building. Instead, the main floor is in the middle of the building and the basement level is completely underground in the front and completely exposed in the rear.

Finally, the proposed variance would have no detrimental affect on the surrounding neighborhood or the zone plan. The other properties on this street are all similar development types and have driveway parking in front of the units. The proposed parking in front would not affect the character of the neighborhood or impair the intent or purpose of the zoning regulations. OP finds that the proposed variance meets all three of the variance tests of Section 3103.2.

COMMUNITY COMMENTS

The property is under the jurisdiction of ANC 8B. As of the date of this report, OP has received no report from the ANC and is aware of no neighborhood support or opposition to the project.

CONCLUSION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104.1 and Section 353.1 of the Zoning Regulations, for the granting of a special exception to permit a new residential development in the R-5-A zone district and pursuant to 11 DCMR 3103.1 for a variance to allow parking in the front yard of the proposed homes. The requests can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

The Office of Planning **recommends approval** of the special exception and variance by the Board of Zoning Adjustment for the proposed development at Skyland Terrace S.E.