

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: February 2, 2016
SUBJECT: BZA Case 19185, 3101 35th Street, N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variances:

- § 200, General Provisions (flats not permitted, flat proposed); and
- § 2116.4, Location of Parking Spaces (no parking permitted between front building line and street line; parking between front building line and street line proposed).

Subject to the following conditions:

1. That the off-street parking be limited to one off-street parking space and remove all excess paving from the front yard.

II. LOCATION AND SITE DESCRIPTION

Address	3101 35 th Street, N.E.
Legal Description	Square 4325, Lot 15
Ward	5C
Lot Characteristics	Trapezoidal shaped lot with not alley access
Zoning	R-1-B: One-family detached dwellings
Existing Development	Two-story flat with an approximately 900 square-foot parking lot within the front yard for four vehicles
Adjacent Properties	Northeast: Undeveloped land East and south: Row dwellings and vacant land in Fort Lincoln New Town West: Across 35 th Street, one-family detached dwellings
Surrounding Neighborhood Character	Low density residential

III. APPLICATION IN BRIEF

The subject property is developed with a flat. The front yard, the area between the front lot line and the front wall of the house, is paved and used for the parking of four cars on private property. The

applicants propose to continue the use of the subject property as a flat with off-street parking in the front yard for four vehicles.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-1-B Zone	Regulation	Existing	Proposed	Relief
General Provisions § 200	Flats not permitted	Flat	Flat	Required
Location of Parking § 2116.4	No parking between building and lot line	Parking between building and lot line	Parking between building and lot line	Required
Height § 400	3-story max.	2-stories	2-stories	None required
Lot Width § 401	50-foot min.	35.33 ft.	35.33 ft.	None required ¹
Lot Area § 401	5,000 SF min.	7,526 SF	7,526 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	17.2%	17.2%	None required
Rear Yard § 404	25-foot min.	44 feet	44 feet	None required
Side Yard § 405	8-foot min.	10-foot min.	10-foot min.	None required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 200, General Provisions to Permit a Flat

i. Exceptional Situation Resulting in a Practical Difficulty

The applicants purchased the subject property, a flat, from Fannie Mae in 2015. It is developed with two separate and independent dwelling units, including HVAC and utilities. An estimate dated January 15, 2016 submitted by the applicants to convert the building to one unit, as permitted by the R-1-B zone, indicates that it would cost \$166,355 dollars to do the conversion. The resulting unit would have would have eleven bedrooms and five bathrooms, an unusually large dwelling, an exceptional situation resulting in a practical difficulty.

ii. No Substantial Detriment to the Public Good

The requested variance is to permit the existing flat to remain as it has since it was built in 2004. Although not a use permitted within the R-1-B, the subject property is larger than the minimum required, and has side yards wider than the minimum required. The larger lot size and side yards minimize the impact of this use on nearby properties.

iii. No Substantial Harm to the Zoning Regulations

The requested variance would not permit any new construction, but rather permit an existing flat within the R-1-B to remain.

¹ The subject property is nonconforming for lot width.

b. Variance Relief from § 2116.4, Location of Parking Spaces

i. Exceptional Situation Resulting in a Practical Difficulty

The existing curb cut is located on the northwest side of the lot, and most of the front yard is paved for the parking of four cars. The applicants are unable to provide parking on the northwest side of the building because the side yard is ten feet wide and includes the two air conditioning units for the building. Access to the side yard on the southeast side of the dwelling would require asphalt paving across the front yard into the side yard, resulting in a significant amount of paving for the provision of one off-street parking space. Relocating the curb cut to the southeast side of the lot would enable the applicants to more easily access the other side yard and/or rear yard because 35th Street dead ends at the front of the property. However, this would also result in insufficient space to maneuver in and out of the driveway. Therefore, the applicants are unable to provide parking that is not forward of the front building wall without either relocating the two air conditioning units or paving a significant portion of the lot.

ii. No Substantial Detriment to the Public Good

One off-street parking space is required. Retention of one off-street parking space within the front yard would allow the applicants to provide the required off-parking without the need to maintain most of the front yard as pavement surface. Excessive paving within the front yard adversely affects the appearance of the lot and the surrounding area.

iii. No Substantial Harm to the Zoning Regulations

Retention of one parking space within the front yard would permit the applicants to provide the minimum number of off-street parking spaces required, while minimizing the number of spaces located between a building line and a lot line abutting a street.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation, in a memorandum dated January 20, 2015, had no objection to the requested variances.

VII. COMMUNITY COMMENTS

ANC 5C, at its regularly scheduled meeting of December 16, 2015, voted to support the application.

One neighborhood resident submitted a letter in support of the application.

Attachment: Location Map

