

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction

The Property is identified as Square 3093, Lot 0046, (also referred to as 1850 5th Street NW) and is zoned R-4. The Property is located on the western side of 5th Street NW between Florida Avenue NW and T Street NW in historic LeDroit Park. It is an empty lot on a block of 4-story row dwellings built around 1890. The lot is the second one in, heading north, from the alley just north of Florida Ave. NW. The property at 1848 5th Street NW, immediately adjacent to the empty lot, is owned by the same person (the applicant). The lot is empty due to an all-consuming fire that occurred approximately 15 years ago leaving a void in what was otherwise a complete and consistent block of 4-story row dwellings. The applicant proposes to construct a 4-story flat on the lot consistent in style, size and integrity to the other historic structures on that block. Thusly, returning the block to its original layout and form.

II. Variance Relief

The Applicant requests area variances from subsections 400.1, 403.2, 404.1, and 2101.1 of the Zoning Regulations.

A. The Property is Affected by Exceptional Situations or Conditions

The Property is affected by exceptional narrowness, shallowness, size, and shape. The Property measures 720 sq. ft. of land area, and is triangular shaped at the rear of the property along the alley. The property is 15 feet wide and measures approximately 57 feet deep along the north side and approximately 38 feet deep along the south side resulting in almost 20 feet difference in property depth. Additionally, the structure (party wall) along the south property line encroaches a little over 1 foot into the property resulting in a buildable lot width of only approximately 13 feet 10 inches, as it was when it was originally built.

B. The Strict Application of the Zoning Regulations Would Result in Practical Difficulties

The size, shape, and dimensions of the Property present limited options for appropriate development with matter of right row dwellings in accordance with the Zoning Regulations. The architect considered a number of factors in developing a proposed plan that fits into, and is consistent with, the historic fabric of the adjacent and surrounding properties in LeDroit Park and the R-4 District. Included in that consideration was a sanborn map (attached) showing the footprint of the original row house that was on the property.

Important factors included:

- creating a two-family flat that is consistent with current real estate trends in the District – size and amenities;
- avoiding a street front height “gap” along 5th Street;
- maintaining the materials, height, width, design, consistency and overall size of the buildings and lots consistent with the character of the adjacent properties and true to the original building; and
- community revitalization

The proposed plan presents a layout that provides for a studio apartment at the first floor that will become the primary residence of the applicant. The three floors above will serve as a three bedroom two-and-a-half bathroom rental. The rental intended to attract a young family wanting to live within the District and be part of a vibrant neighborhood and engaged community.

Along the block, the average lot width is 15 feet with varying depths due to the angled alley at the rear of the properties. This particular lot is significantly smaller in size as compared to the two lots immediately north. In the R-4 zone an 1,800 sq. ft. lot and 18 ft. wide minimum is required – this lot is narrower by several feet and significantly smaller in area.

The proposed rear yard depth varies due to the irregular shape of the property and does not meet the minimum 20 ft. To apply the setback would result in an overly abnormal buildable area with an irregular shape. Additionally, to allow for a parking space would be detrimental to the building area at the ground level (first floor).

The proposed lot occupancy is above the allowable of 60% again due to lot size and shape. Even with the proposed layout covering approximately 87.7% the resultant usable total square feet, including the stairs, of the row dwelling is only 1,960 sq. ft. The party wall encroaching on the property as described above in combination with the narrowness and irregular shape restricts the building area greatly.

To accommodate this row dwelling on the irregularly-shaped property, four variances are being sought.

A. Variances for Lot 0046

The row dwellings along this section of 5th Street NW are four stories and approximately forty feet in height. Three of the lots are 15 ft. wide with 1848 5th being abnormal because it sits on the lot that intersects with the angled alley. Properties directly across the street (east side of 5th Street NW) are a mix of three story row dwellings and three story row dwellings with a basement clearly visible above grade. The overall impact or feeling on the street is that these row dwellings are of the same height as those on the west side. Additionally, they are consistent in materials and details – brick, stone, turrets, and arched entries.

Due to the size and shape of the property variances from lot occupancy, building height, parking and rear yard are being sought for the row dwelling.

B. Variance Descriptions

The gross floor area of the row dwelling will be 2,692 sq. ft. To provide a home of adequate and appropriate size the proposed will be above the 60% occupancy allowed. This also contributes to the necessity of asking for relief from the rear yard setback. The proposed varies from approximately 16 feet to 0 feet – again, this is due to the irregular shaped lot. However, it is consistent and similar to the original structure that was on the lot prior to the fire.

A variance is also being sought for the required parking space – 1 per 2 units in R-4. It is understood that a parking credit may exist for the property. The property is located in a transportation-rich area, as within five blocks of the property are eight bus lines, a subway station (Shaw/Howard), and six Capital Bike Share stations, in addition to the many amenities within walking distance. The lot is not wide enough to accommodate the minimum 19 ft. for parking space depth and to orient it length wise would disturb any logical siting of the building on the property not to mention the added traffic (use and noise) to the alley. An appropriate turning radius in the alley would not be able to be accommodated for accessing the rear of the property. Additionally, the applicant is inquiring if section 11-2120, Parking for Historic Buildings, of the Zoning Regulations provides relief from required parking.

The proposed building height is above the 35 ft. and 3 stories allowed by the new zoning code for the R-4 zone. It had previously been 40 ft. The height, measured to the mid-point of the 'flat' (low sloping) roof, is approximately 40 ft. 6 in. The height is driven, in part, to be consistent with the adjacent row dwellings. This in turn allows for placement of windows, brick detailing, and roof to be in alignment with those buildings.

C. Relief Can Be Granted Without Substantial Detriment To The Public Good And Without Substantially Impairing The Intent, Purpose Or Integrity Of The Zone Plan

The proposed plan is consistent with the original building that occupied the lot and with the neighboring structures. Even with the constraints and irregularities of the lot the layout provides an efficient and effective approach. Although four variances are being sought, the nature of the relief is really only to restore/replicate what was once there. In doing so, the lot occupancy and massing of the row dwelling is compatible and consistent with the surrounding neighborhood, and therefore will not result in any detriment to the public good or zone plan.

The applicant meets the criteria of Section 400.23:

- (a) The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular
 - (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised,
 - (3) An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code,
 - (4) An addition shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator, and
 - (5) The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage,
- (b) The applicant shall demonstrate that overall building or structure height or an upper addition resulting from the additional five feet (5 ft) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features, and
- (c) In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways

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