

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
Joel Lawson, Associate Director Development Review

DATE: October 30, 2024

SUBJECT: BZA Case 21193: Request for area variance relief to allow a new, three-story row dwelling at 1538 Levis Street NE.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variances pursuant to Subtitle E § 5201 and Subtitle X § 1000.1:

- E § 202 Lot Area (Required: 1,800 sq. ft.; Existing/Proposed: 780 sq. ft.); and
- E § 202 Lot Width (Required: 18 ft.; Existing/Proposed: 12 ft.); and
- C § 303.2 Lot Frontage (Required: New record lots have a min. 75% of the required lot width (13.5 ft. required); Proposed: 12 ft.)
- C § 303.3 Lot Frontage (Required: New record lots used for a single-family dwelling have a minimum street lot line of 14 ft.; Existing/Proposed 12 ft.)

II. LOCATION AND SITE DESCRIPTION

Address:	1538 Levis Street NE
Applicant:	Cozen O'Connor on behalf of Fessha Molalign
Legal Description:	Square 4076, Lot 803
Ward / ANC:	Ward 5; ANC 5D
Zone:	RF-1
Historic Districts	N/A
Lot Characteristics:	Interior, rectangular tax lot measuring 780 sq. ft. in area
Existing Development:	The small lot is currently partially developed with a single-family row home pursuant to permits issued by the Department of Buildings (DoB)
Adjacent Properties:	The property to the west has a two-story, semi-detached single-family home. The property to the east has a three-story detached flat.
Surrounding Neighborhood Character:	The surrounding neighborhood primarily consists of a mix of single-family dwellings, flats, and low-rise apartment buildings varying between two- to three-stories.

Proposed Development:	The applicant proposes completion of the partially constructed three-story, single-family row dwelling.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Density E § 201	2 principal units max.	N/A	1 dwelling	None requested
Lot Width E § 202	18 ft. min.	12 ft.	No change	Relief requested
Lot Area E § 202	1,800 sq. ft. min.	780 sq. ft.	No change	Relief requested
Height E § 203	35 ft. max.	N/A	32 ft.	None requested
Front Yard E § 206	Within a range of existing setbacks on blockface	N/A	In line with adjacent building	None requested
Rear Yard E § 207	20 ft. min.	N/A	26 ft.	None requested
Side Yard E § 208	None required, but 5 ft. min. if provided	N/A	None proposed	None requested
Lot Occupancy E § 210	60% max.	N/A	60%	None requested
Parking C § 701	None required (no alley)	N/A	0 spaces	None requested
Lot Frontage C § 303.2	New record lots have a min. 75% of the required lot width (13.5 ft. required)	12 ft.	No change	Relief requested
Lot Frontage C § 303.2-3	New record lots used for a single-family dwelling have a minimum street lot line of 14 ft.	12 ft.	No change	Relief requested

IV. BACKGROUND

The applicant was issued a building permit (B2104843) on May 19, 2023 to construct a single-family town house as shown in Exhibit 8B. The applicant began construction and continued with the project. After an inspection, however, a stop work order was issued in January 2024 (Exhibit 8C). DOB determined the building permit was issued erroneously, requiring the applicant to request area variance relief for lot area, lot width, and lot frontage as detailed in the Zoning Administrator's referral memorandum in Exhibit 8D.

V. OP ANALYSIS

Subtitle X Section 1000 AREA VARIANCE REVIEW STANDARDS

The Board is authorized to grant the area variance relief pursuant to X § 1000, as long as the application meets the area variance test. The variance criteria are discussed below.

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

The specific attributes of the subject property result in an extraordinary and exceptional situation for the applicant if the zoning regulations were strictly applied. The subject property is an existing nonconforming tax lot that is below the minimum lot area, width and lot frontage requirements of the RF-1 zone and there is no new land immediately available to rectify this nonconformity of land. The existing narrowness and lot area of the property creates an exceptional condition that prohibits the lot from being compliant with the intended use under the zoning regulations.

The previous issuance of the building permit granted the applicant permission to commence construction of the building. The error in issuing the permit was discovered well after the applicant began construction, which resulted in the halt of completion of the home.

Resulting Practical Difficulty

Strict application of the zoning regulation would result in practical difficulty as it prohibits the development of the property, as the lot cannot meet all lot dimension standards. Granting this relief would allow the recordation of a lot of record and allow the applicant to complete the project, which is currently over 50% complete.

No Substantial Detriment to the Public Good

The granting of variances to lot dimensions and street frontage would permit the construction of single-family row home. As proposed, the building would be consistent in scale and character with the surrounding development. The 12-foot lot width and lot frontage as well as lot area are similar to that of other homes on the same block-face. Therefore, the requested variances should not result in substantial detriment to the public good.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The purpose of the RF-1 zone is to provide for areas predominately developed as row buildings on small lots with no more than two dwellings per lot. The requested variances are necessary for the applicant to convert a tax lot to a record lot and construct a single-family row home. Without the relief, there is no other reasonable use of the property. The proposed home is designed not to exceed the maximum building height, setbacks, lot occupancy and number of dwelling units permitted in the RF-1 zone. Therefore, the requested relief should not result in a substantial impairment to the Intent, Purpose, and Integrity of the Zoning Regulations.

VI. OTHER DISTRICT AGENCIES

To date, there have been no comments from other district agencies submitted to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

There have been no comments from ANC 5D submitted to the record at the filing of this report.

VIII. COMMUNITY COMMENTS

A letter of support from the adjacent property owner has been submitted to the record.

LOCATION MAP

