


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
 Joel Lawson, Associate Director Development Review

DATE: September 21, 2018

SUBJECT: BZA #19808 – 1740 40th Street, SE
 BZA #19809 – 1736 40th Street, SE
 Requests to permit vehicle parking partially in the front yard

Although these two cases were filed separately and have separate applicants, they are for adjacent lots, and are for similar relief for parking spaces accessed from a common driveway. As such, OP is evaluating the two cases together, in one report. The OP report has been uploaded to the case files for both of these cases.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variance relief request for each of the two cases:

- Subtitle C § 710.2(b)(2), pursuant to Subtitle X § 1000 (No parking in front yard permitted; no on-site parking existing; portion of parking spaces in front yards).

While it is unclear that the proposed parking space at 1740 40th Street would require relief, OP can recommend approval should the Board determine that relief is necessary. OP also recommended that the applicant confirm with the Zoning Administrator whether relief is necessary.

Subtitle C § 710.3 allows, by special exception, parking to be located anywhere on a property subject to specific guidelines. However, the applicants requested variance relief, so OP has evaluated the applications accordingly.

The Office of Planning's recommendation in this case should not be taken as an endorsement of any public space approval for curb cuts or driveways in public space. The District Department of Transportation (DDOT) and/or the Public Space Committee will independently evaluate the requisite public space application in a separate process.

II. LOCATION AND SITE DESCRIPTION

| | | |
|-----------|----------------------------------|----------------------------------|
| Address | 1740 40 th Street, SE | 1736 40 th Street, SE |
| Applicant | Marc Rogers, owner | Shamori Jennings, owner |

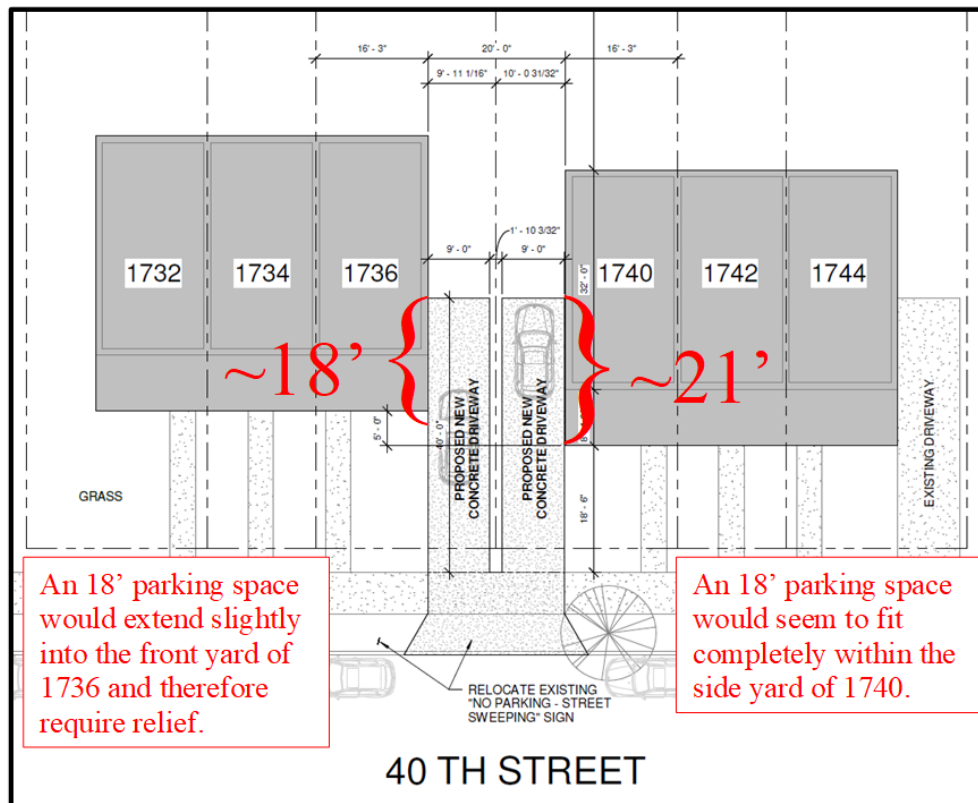
| Legal Description | Square 5523, Lot 31 | Square 5523, Lot 32 |
|------------------------------------|---|---------------------|
| Ward, ANC | 7, 7E | |
| Zone | R-2 | |
| Historic District | None | |
| Lot Characteristics | Rectangular lots; Both lots are just over 26 feet wide and are 112 feet deep; Lots slope steeply down from 40 th Street to the alley in the rear; Total drop to the alley is approximately 30 feet. | |
| Existing Development | Each lot has a two-story, single family, semi-detached structure; The side yards face each other. | |
| Adjacent Properties | The subject properties are at the ends of two 3-unit strings. | |
| Surrounding Neighborhood Character | The neighborhood is characterized by 3-unit strings of residences as well as duplexes; The subject block face is almost exclusively 3-unit strings, and several units similar to the subject properties have driveways. | |
| Proposed Development | The applicants propose to use a single curb cut to access two adjacent driveways, and provide retaining wall work on the sides of the existing houses to create a new parking pad for each. | |



III. ZONING REQUIREMENTS AND RELIEF REQUESTED

| Zone – R-2 | Regulation | Existing | Proposed | Relief |
|--------------------------------|--|---|--|------------------|
| Lot Width D § 302 | 30 ft. | 26.33 ft. | No change | None Required |
| Lot Area D § 302 | 3,000 sf min. | 2,949 sf | No change | None Required |
| Height D § 303 | 40', 3 stories | 24', 2 stories | No change | None Required |
| Lot Occupancy D § 304 | 40% max. | 22% | No change | None Required |
| Front Setback D § 305 | Within the range of existing block face | Within the range of existing block face | No change | None Required |
| Rear Yard D § 306 | 20 ft. min. | 48 ft. | No change | None Required |
| Side Yard D § 307 | 8 ft. min. | 10.03 ft. | No change | None Required |
| Parking C § 710.2(b)(2) | Parking not permitted in the front yard | No on-site parking | Parking partially in the front yard | Requested |

A conforming parking space is nine feet wide by 18 feet deep. While it appears that the parking space for 1736 40th Street would be about two or three feet into the front yard, it appears from the plat that the parking space for 1740 would be entirely in the side yard. See the image below, which was modified from an excerpt from Exhibit 7 of case 19808.



IV. ANALYSIS

a. Variance Relief from Subtitle C § 710.2(b)(2) i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is impacted by an exceptional slope at the rear of the lot, the portion adjacent to the alley. According to the applicants' statements, and supported by the photographs in the records, the lots drop approximately 30 feet in elevation from the front of the properties to the rear, with the steepest portion being immediately adjacent to the alley. This topographical condition would create a practical difficulty for the property owners if they elected to locate a parking space at the rear of their lots. Excavation and retaining walls would be difficult and expensive to execute and install. It would also likely mean the loss of at least two large, mature trees at the rear of 1740.



Image showing the rear slope of the subject properties, with the alley in the foreground.

ii. No Substantial Detriment to the Public Good

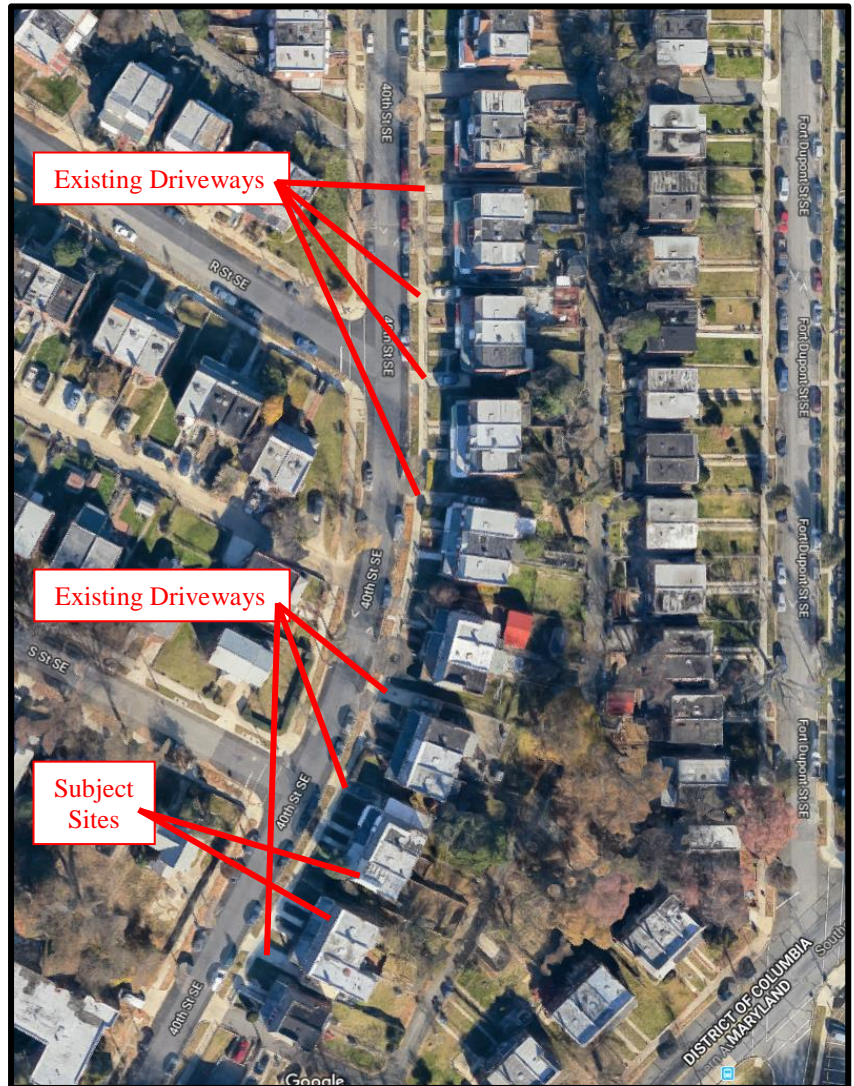
The proposal should not result in a substantial detriment to the public good. The proposed construction would not increase the volumes of the houses. A small retaining wall would be located at the end of the driveways, but that would have no impact on adjacent properties. The driveways would require a single new curb cut that is shown on the plat as being about 25 feet wide at the curb. That distance would eliminate up to two on-street parking spaces, but those would be replaced by two parking spaces on the subject site. OP has discussed with the applicant

at 1740 40th Street the potential for narrowing the curb cut to minimize the impact on street parking, and the owner seemed amenable to that idea; OP has noted these comments to members of the Public Space Committee. OP further expects the Public Space Committee to assess potential impacts on pedestrian and vehicular movement in the right of way, resulting from additional cars backing onto or from the site to the street.

iii. No Substantial Harm to the Zoning Regulations

Subtitle C § 700.1 lists the purposes of the vehicle parking regulations, including § 700.1(a) which states that the regulations are intended to “Ensure that vehicular parking areas are located, accessed, and designed to minimize negative impacts on adjacent property, urban design, the pedestrian environment, and public spaces...”. The proposed parking pads are largely within the side yard, so vehicles would not dominate the streetscape character.

The proposed curb cut would result in vehicles crossing a sidewalk. But given that only one parking space would be provided on each lot, the level of vehicular traffic crossing the sidewalk be limited. The driveways on each lot are not long enough to permit parking a second vehicle, which would extend well into the Building Restriction Line area and potentially the sidewalk – private parking is typically not permitted in either the BLR area or public space. There are also up to seven existing driveways on that face of 40th Street, presumably created for the same reason – that the slope from the alley made parking impractical. Please refer to the image on this page. Given the extreme topography of the lots, particularly adjacent to the alley, and the location of the proposed parking pads largely within the side yard where a parking pad is permitted by right, the parking pads should not substantially harm the intent of the zoning regulations.



V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

VI. COMMUNITY COMMENTS TO DATE

As of this writing the record contains no comments from the ANC or the community.