

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: April 26, 2019

SUBJECT: BZA #19999 – 1920 17th Street, SE – Request for variance relief to create a lot intended to be used for an apartment building

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested variance pursuant to Subtitle X § 1000:

- C § 303.5 Lot Frontage (30 feet of street frontage required for the creation of a record lot to be used for an apartment building, 28.5 feet existing).

OP’s recommendation is subject to the following conditions. OP forwarded the conditions to the applicant, but as of this writing the applicant has not provided formal feedback on them.

1. Development of the portion of the site currently known as Lot 827 shall be limited to three stories and 35 feet in height;
2. Development of the portion of the site currently known as Lot 833 shall be limited to four stories and 45 feet in height;
3. Development on the portion of the site currently known as Lot 833 may extend directly back from the portion of the site currently known as Lot 827. However, any portion of a building must remain at least 10 feet away from the rear of Lots 24, 25 and 832, as measured perpendicularly from the rear lot lines of those lots.

II. LOCATION AND SITE DESCRIPTION

Address	1920 17 th Street, SE
Applicant	Citi Trends, LLC
Legal Description	Square 5612, Lots 827 and 833, facing 17 th Street and the public alley, respectively
Ward / ANC	Ward 8, ANC 8E
Zone	RA-2 (Lot 827) – Moderate density multifamily MU-4 (Lot 833) – Moderate density mixed use
Historic District or Resource	None

Lot Characteristics	The subject property consists of two lots, one, Lot 827, rectangular and fronting on 17 th Street, the other , Lot 833, an irregular quadrilateral located behind Lot 827 with frontage on the public alley.
Existing Development	Single family one story semi-detached home, and shed on alley lot.
Adjacent Properties and Neighborhood Character	Properties to the north and south are single family homes. The 1900 block of 17 th Street, which is zoned RA-2, consists mostly of single family homes, with at least one small apartment building. The surrounding neighborhood to the north is a mix of housing types, with many apartment buildings. To the south the Good Hope Road corridor is zoned MU-4 and has a variety of commercial uses.
Proposal	Combine two separate tax lots to create one new record lot, intended to be used in the future for the construction of an apartment building.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The application requires relief for lot frontage in order to create a new record lot that is intended to be used for an apartment building. All data in the table below is from the plat at Exhibit 12 of the record. Because this application is for lot frontage relief only, and the applicant has not yet designed the apartment building, there are no parameters for building height, FAR, lot occupancy, rear yard or side yard. But OP provides the regulations for those items for the Board’s reference.

	Requirement	Existing	Proposed	Relief
Lot Area	none	Lot 827 – 2,144 sf Lot 833 – 2,906 sf Combined Lot – 5,050 sf	No change	Conforming
Lot Width	none	Lot 827 – 28.5’ Lot 833 – 40.8’* Combined Lot – 49.5’**	No change	Conforming
Lot Depth	None	Lot 827 – 75’ Lot 833 – 70.5’*	No change	Conforming
Lot Frontage C 303.5	30’ required for the creation of lots to be used for an apartment building	28.5’	No change	Requested
FAR F 302 G 402	RA-2 – 1.8 (2.16 IZ) MU-4 – 2.5 (3.0 IZ)	n/a	n/a	n/a
Height F 303 G 1102.2	RA-2 – 50’ MU-4 – 20’, 2 stories (alley lot)	n/a	n/a	n/a

Lot Occupancy F 304 G 404	RA-2 – 60% MU-4 – 60% (75% IZ)	n/a	n/a	n/a
Rear Yard F 305 G 1103	RA-2 – 15’ min. MU-4 – 5’ from any non-alley lots	n/a	n/a	n/a
Side Yard F 306 G 1104	RA-2 – None req.; 4’ if provided MU-4 – 5’ from any non-alley lots	n/a	n/a	n/a

* Lot Width and Lot Depth for Lot 833 alone are measured as if the front of the lot faces the alley.
 ** Per Subtitle B § 100.2, OP calculated that the width of the combined lot would be the average of 28.5 and 70.45.

IV. ANALYSIS

In order to create the proposed lot to be used for an apartment building, the applicant requests relief from the lot frontage requirement of C § 303.5. In order to grant the variances, the Board must find that the relief would meet the three part test of Subtitle X § 1000, which is analyzed below.

a. Variance Relief from Subtitle C § 303.5, Lot Frontage

i. Exceptional Situation Resulting in a Practical Difficulty

The property exhibits exceptional conditions that lead to practical difficulties. One, it is currently comprised of two tax lots, and if not converted to record lots, an owner would not be able to obtain building permits for any development on either lot. Second, one of the lots is an alley lot, which, while not rendering its use impossible, would make it more problematic in terms of access and impacts to neighbors. Third, the street facing lot is more narrow than the Regulations require for the creation of a lot to be used for an apartment building and cannot be expanded on either side.

ii. No Substantial Detriment to the Public Good

While the present application is only concerned with lot frontage and subdivision of the new lot, and the applicant currently does not propose a building design, when assessing impacts to the public good it is important to consider what could be built as a result of the requested relief. OP therefore examined the nearby neighborhood context. While the RA-2 zone allows moderate density apartment development, the 1900 block of 17th Street is currently developed with a consistent pattern of two story homes. And the rear of the subject site, the current lot 833, while zoned MU-4, is adjacent to the back yards of some of the adjacent residential neighbors. Therefore, in order to ensure that the granting of the lot frontage variance does not result in a detriment to the public good, OP proposes the following conditions for any future development of the site.

1. Development of the portion of the site currently known as Lot 827 shall be limited to three stories and 35 feet in height;
2. Development of the portion of the site currently known as Lot 833 shall be limited to four stories and 45 feet in height;
3. Development on the portion of the site currently known as Lot 833 may extend directly back from the portion of the site currently known as Lot 827. However, any portion of a building must remain at least 10 feet away from the rear of Lots 24, 25 and 832, as measured perpendicularly from the rear lot lines of those lots.

With these conditions any future development, while located on a lot with somewhat less frontage than typically required for an apartment building, should generally be in keeping with the streetscape character of 17th Street and should not have undue impacts on the light and air available to adjacent properties. It is appropriate, on a lot that is smaller in size than that contemplated by the Regulations, to have a building that is somewhat limited in size compared to what would normally be allowed in the zone.

iii. No Substantial Harm to the Zoning Regulations

The Regulations seek to ensure that newly created lots to be used for apartment buildings have sufficient street frontage. The subject site is slightly deficient in that parameter, but because of the small degree of deviation, 1.5 feet, combined with the proposed conditions of approval to help match future development to the neighborhood's existing character, granting relief should not result in harm to the Regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing no other District agencies have submitted comments to the record.

VI. COMMUNITY COMMENTS

As of this writing the record contains an email from the ANC requesting a postponement of the hearing on this case (Exhibit 27).

VII. VICINITY MAPS

