

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review

DATE: February 28, 2020

SUBJECT: BZA Case 20222, to subdivide a single record lot into two record lots to reestablish two semi-detached dwelling units at 5104-5106 Jay Street, NE.

I. OFFICE OF PLANNING RECOMMENDATION

Jack Spicer Properties LLC, applicant, requests variance relief to subdivide a single record lot into two record lots to reestablish two semi-detached dwelling units at 5104-5106 Jay Street, NE. Upon consultation with the Zoning Administrator, it was determined that special exception relief is also required from the parking requirements; the applicant has also been advised of this and, although the application to date has not been amended accordingly, analysis for parking relief is provided in this report.

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

- Subtitle D § 302.1, Lot Area (3,000 sq. ft. minimum required; 5,758 sq. ft. existing; 5104 Jay St. - 2868 sq. ft. and 5106 Jay St. - 2,890 sq. ft. proposed); and
- Subtitle D § 302.1, Lot Width, (30 ft. minimum required; 45 ft. existing; 22.5 ft. each proposed).

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to Subtitle C § 703.2:

- Subtitle, parking requirements (2 space required, 1 space existing, 0 spaces proposed).

OP supports the following District Department of Transportation (DDOT) recommended conditions:

- The applicant must close and remove the existing curb cut and driveway within the public parking area; and
- The applicant must restore the grade of the public parking area to its original height and slope.

Removing the curb-cut and restoring the grade and front yard would help to restore the properties to their original condition and would result in a public space area that would be similar to other houses on the block which do not have vehicular parking in the front yard. The applicant has been notified of these recommendations and has agreed to provide plans demonstrating compliance with the recommended conditions.

II. LOCATION AND SITE DESCRIPTION

| | |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address | 5104-5106 Jay Street, NE |
| Applicant | Jack Spicer Properties LLC |
| Legal Description | Square 5176, Lot 369 |
| Ward/ANC | 7/ANC-7C |
| Zone | R-2 – permits detached and semi-detached residences |
| Historic District | N/A |
| Lot Characteristics | The first 15-feet of the lot slopes up from Jay Street and then levels out to a plateau then slopes down towards the 16-foot wide alley to the rear. |
| Existing Development | The lot is developed with a single family detached house which somewhat reads as two semi-detached houses on the exterior. |
| Adjacent Properties | Adjacent lots in all directions are developed with two-story, single-family, semi-detached houses in the R-2 zone. |
| Surrounding Neighborhood Character | The neighborhood is predominately semi-detached single-family homes in the R-2 zone. |
| Proposed Development | The applicant proposes to subdivide the 5,758 square feet lot into two separate lots; 5104 Jay St. - 2868 sq. ft. and 5106 Jay St. - 2,890 sq. ft. and each having a width of 22.5 feet. Each lot would have a one-family, semi-detached residence. |

Location and Zoning Map and Photograph of the property





III. ZONING REQUIREMENTS and RELIEF REQUESTED

| R-2 (Semi-detached units) | Requirement | Existing | Proposed | Relief |
|--------------------------------------|---------------------------------------------------------|-------------------------------|---------------------------------------------------------------------|------------------------------|
| Lot Area D § 302 | 3,000 sf. | 5,758 sf. | 5104 - 2868 sq. ft. 5106 - 2,890 sq. ft. | Variance Required |
| Lot Width D § 302 | 30 ft. | 40 ft. | 22.5 ft. each lot | Variance Required |
| Height D § 303 | 40 ft./2 stories | 26 ft./2 stories | 26 ft./2 stories on each lot | None Required |
| Lot Occupancy D § 304 | 40% | 15.87% | 5104 -15.99% 5106 – 15.81% | None Required |
| Front Setback D § 305 | Within range of existing front setbacks | 15 ft. | 15 ft. | None Required |
| Rear Yard D § 306 | 20 ft. | 76.96 ft. | 76.96 ft. on both lots. | None Required |
| Side Yard D § 206.3 | 8 ft. or 5 ft. for existing non- conforming lots. | East 7.33 ft. West:7.5 ft. | 5104 – East 7.4 West: N/A 5106 - East N/A West:7.5 ft. | None Required |
| Parking C § 701.1 | 1 space per unit (2 total) | 1 space | 0 spaces | SE Required |

IV. OFFICE OF PLANNING ANALYSIS

1. Area variance relief from Subtitle D § 302.1, lot area and lot width;

i. Exceptional Situation Resulting in a Practical Difficulty

The existing house was originally built as two semi-detached houses on individual lots similar to all the houses within and surrounding the square in 1944. The lots at the time of creation were conforming but today none meet the lot area and lot width requirements of either the 1958 or the

2016 Zoning Regulations and are therefore considered existing non-conforming. The request to revert the subject lot to its original state of two lots with half of the duplex on each, to be similar to the surrounding lots, has a practical difficulty in meeting today's requirements as there is no additional land to make the lots larger.

ii. No Substantial Detriment to the Public Good

The surrounding area is comprised of semi-detached buildings. Viewed from the street, the house still reads like other semi-detached houses except that 5016 Jay Street has a front garage, driveway garage and a curb cut. The current size of the lot is nearly double those of the other lots in the square and adjacent squares (small rectangular lots of 22.5 ft. width and 2,630 ft. to 2,900 ft. in lot area). Only one other lot within 700-feet of the property is not a semi-detached.

Reverting to the original record lots would more closely match the sizes and width of the surrounding houses. On 5106 Jay Street, the applicant has committed to closing and removing the existing curb cut and driveway and would restore the grade to its original height and slope to match that on 5104 Jay Street, thus making that lot compatible with the surrounding houses. The subdivision would be in character with the surrounding development in size and character with the semi-detached residences and therefore should not be a detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

Semi-detached units are permitted in the R-2 zone. The proposed development would satisfy the intent of the zoning to regulate building form and density. No external additions are proposed, only interior updates and renovations and improvements which would be more consistent with the semi-detached street frontage.

2. SE from the requirements of C § 701.1 pursuant to C § 703.2 for the full reduction in the 2 required parking space

703.2 The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the in accordance with Subtitle C § 701.8;*
- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;*
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;*
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;*
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;*
- (f) All or a significant proportion of dwelling units are dedicated as affordable housing units;*

- (g) *Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;*
- (h) *The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*
 - (1) *A curb cut permit for the property has been denied by the District Department of Transportation; or*
 - (2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*
- (i) *The presence of healthy and mature canopy trees on or directly adjacent to the property; or*
- (j) *The nature or location of a historic resource precludes the provision of parking spaces; or providing the required parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.*

The property does abut an alley but due to the steepness of the topography, it would require substantial grading to accommodate parking spaces on the site. The existing curb cut on 5106 Jay Street is the only one on the block and is to be removed. The curb cut gives access to a parking space in the front yard which is currently not permitted. Therefore, OP is supportive of not having parking on site. The removal of the parking space will allow the original grade in front of the house to be reinstated similar to the reinstatement of the two units, and removal of the curb cut would increase space available for street parking.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) submitted a report (Exhibit 30) stating no objection to the proposed subdivision with the following conditions.

- The Applicant must close and remove the existing curb cut and driveway within the public parking area; and
- The Applicant must restore the grade of the public parking area to its original height and slope.

VI. ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

The property is within ANC-7C. At the time of this report, no comments from ANC 7C had been submitted to the record.

VII. COMMUNITY COMMENTS

At the time of this report, no comments from the community has been submitted to the file.