



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director

DATE: May 3, 2011

SUBJECT: BZA Case 18204 – Request for variances to construct a single-family home on a nonconforming lot at 5815 Foote Street, NE

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of variance relief to construct a single-family home on a nonconforming lot at 5815 Foote Street NE, including relief from the following:

- Minimum lot area and lot width (§ 401); and
- Minimum side yard (§ 405)

II. LOCATION AND SITE DESCRIPTION

Address	5815 Foote Street, NE
Legal Description	Square 5259, Lot 19
Ward/ ANC	Ward 7/ ANC 7C
Lot Characteristics	Undeveloped, gently sloping lot with no paved alley access. Real property maps indicate a paper alley at the rear. This alley is not developed.
Zoning	R-2 (Semi-detached Residential)
Adjacent Properties	Single-family detached houses to the west and detached vacant house to the east.
Surrounding Neighborhood Character	Mix of detached, semi-detached and small apartment buildings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Mohammed Sikder, property owner.
Proposal	Construction of a new single-family residence.
Relief Required	The existing non-conforming vacant property requires relief from the lot area and lot width to permit construction on the property. Additional relief from the side yard requirement is also required due to proposed construction of a single-family residence.



IV. ZONING REQUIREMENTS

Item	Section	R-2 (detached)	Proposed	Relief
Height	400	40' 3 Stories	29' 6" 3 Stories	Conforming
Lot Area	401	4,000 sf	2,500 sf	Requested
Lot Width	401	40'	25'	Requested
Lot Occupancy	403	40%	40%¹	Conforming
Rear Yard	404	20'	45'	Conforming
Side Yard	405	8'	3'	Requested
Parking	2101	1 space per du	1 space (garage)	Conforming

V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how the property meets the variance three-part test described in §3103.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The lot was created prior to adoption of the current zoning regulations, and its width and area are less than what would be now required.

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

Lot Width and Area:

The subject property’s existing non-conforming lot area and lot width create an exceptional situation for the property to be developed in accordance with the R-2 District requirements. No other option is available to the applicant to acquire property on either side of the lot, as these lots are under separate ownership. Since there do not appear to be any opportunities to purchase enough land to sufficiently enlarge the subject property to meet the minimum lot width and area requirements, the lot would not be developable without relief from current standards.

Side Yard:

The subject property’s exceptional situation creates a practical difficulty in developing the lot in conformance with the R-2 District requirements, including the provision of the minimum eight foot-wide side yards. Provision of the required side yards on the 25-ft wide lot, would result in a nine foot-wide residential structure, which would not be in character with the surrounding neighborhood and would be

¹ The applicant calculated the lot occupancy at 32%, without including the side yard area as required per Section 199, under the definition of Building Area. OP’s recalculation including the side yards yields a lot occupancy at 40%.

impractical for a contemporary home. This requirement does present a practical difficulty for development of any allowable residential use on this lot and would not be developable without relief from current standards.

3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

The adjacent residence to the west is located at least eight feet from the west property line. The three-foot setback would provide at least eleven feet separation between both structures, ensuring that light, air and privacy are not adversely affected.

The building to the east is vacant and a portion of its west elevation is built with no side yard setback on the common property line. Windows along the west elevation of this structure are also boarded up. The applicant's proposed windows on the second and third floors of the east elevation do not align with the existing windows of the structure to the east. Therefore, privacy concerns should be mitigated by the non-alignment of the windows of the proposed dwelling. The applicant has also included a six-foot high stockade fence along the property line to ensure privacy to both abutting properties.

The proposed structure would conform to the use and bulk requirements of the R-2 District and the necessity for the requested relief was established consistent with these regulations. Therefore, granting relief would not be detrimental to the intent of the Zoning Regulations and Map.

VI. HISTORIC PRESERVATION

The subject property is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the Office of Planning has received no comments on this application from other District agencies.

VIII. COMMUNITY COMMENTS

As of this writing, the Office of Planning has received no comments regarding the proposal from the ANC or from the community.

IX. CONCLUSION

The applicant has met the burden of proof for the requested variances pursuant to 11 DCMR 3103.1. The variance requests can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zoning Regulations.

ATTACHMENTS

1. Vicinity Map and Aerial Photo

Attachment 1 Vicinity Map and Aerial Photo

