



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation
DATE: June 7, 2011
SUBJECT: **BZA Case 18217** – 1222 Randolph Street NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **cannot support** variances requested from § 401.3 to reduce the minimum required width of abutting lots 821 and 822 on Square 3923 from 30 feet to the existing 25 feet, and from § 405.9 to reduce the required side yard setbacks from 8 feet to 5 feet, for the semi-detached dwellings proposed on the subject properties. The application does not adequately explain how these current requirements present a practical difficulty.

II. AREA AND SITE DESCRIPTION

Address:	1222 Randolph Street NE
Legal Description:	Square 3923 Lots 0821(no street number) and 0822
Ward:	5A
Lot Characteristics:	Each lot is rectangular with an area of 3,550 square feet (0.08 acre) and has frontages along Randolph Street and a 16-foot wide alley.
Existing Development:	One-family detached and semi-detached dwellings to the north and west, and the Metropolitan Day School building to the east (refer to Figure 1).
Zoning:	<i>R-2</i> – one-family semi-detached dwellings are allowed as a matter of right.
Historic District:	None
Adjacent Properties:	One-family detached and semi-detached dwellings to the north and west, and the Metropolitan Day School immediately east in the <i>R-2</i> district; and one-family dwellings to the south across Randolph Street in an <i>R-1-B</i> district.
Surrounding Neighborhood Character:	Predominantly low density residential uses.

III. APPLICATION IN BRIEF

Applicant: Brookland Homes LLC although Christopher Dietz is the owner of record.

Proposal: To construct semi-detached dwellings on two adjoining lots with 5-foot setbacks along the side facades that do not share a common wall. Both dwellings would have two-car garages on the ground level. Vehicles would access these garages

via “grasspave” driveways from the alley.

The subject lots predate the adoption of the current Zoning Regulations. Lot areas exceed the minimum 3,000 square feet required for semi-detached dwellings in an R-2 district under § 401.3. However, the lot widths are less than the required 30 feet. Section 401.2 also states:

“401.2 Except as provided in § 401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has a lot area or width of lot less than that specified in § 401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3; provided, that the structure shall comply with all other provisions of this title.”
(underlining added for emphasis)

This provision provides that a structure may be erected on a nonconforming lot if the irregular dimension is at least 80% of the requirement. The lot widths of 25 feet equal 83% of the minimum requirement, and the lot areas exceed the required minimum. However, the abutting non-conforming lots were and continue to be under common ownership so it appears that the Zoning Regulations do not allow by right construction on either vacant lot. This question was referred to the Zoning Administrator for an interpretation, but to date no response has been received.

Dwelling placements on the submitted plans would position the front facades well behind the facades of neighboring dwellings to west. When asked about this placement, the applicant stated that the intent was for the front facades of the proposed dwellings to generally line up with the neighboring dwellings. Planning staff recommended that the applicant submit revised plans to indicate this and clarify the property ownership because they are not listed as the owner of record.

Relief and Zoning: Section 405.9 requires a minimum side yard setback of 8 feet in the R-2 district. The applicant requested variance relief to reduce this requirement to 5 feet. They also requested relief from § 401.3 because the subject lots are 25 feet wide instead of the required 30 feet. No additional zoning relief was requested.

IV. OFFICE OF PLANNING ANALYSIS

Compliance with §3103.2

- **Unique conditions or circumstances:** The subject properties are among the narrowest of the 24 lots on the square. Although the 25-foot widths make them somewhat unique, all four lots exceed the minimum land area required in this zone district. Four other lots on the square with frontages along 12th Street NE are much smaller in area.

- **Exceptional or practical difficulty:**

Side yard setback: The application did not explain why the side yard setback requirement presents a practical difficulty. While the dwellings would be narrower, the widths of the resulting structures would be consistent with other semi-detached dwellings on this block along Randolph and 12th Streets. The applicant noted that adhering to the regulations would reduce the dwelling widths to 17 feet, so garages in these narrower dwellings would not be wide enough to accommodate two vehicles. Free-standing garages could be erected in the rear yards that would be wide enough for one or two vehicles.

Minimum lot width: The minimum width requirement does not present a practical difficulty because the adjacent properties are under common ownership. Combining both properties into one lot 50-feet wide would exceed the minimum width required for all residential uses allowed in the R-2 district, and the additional width would presumably eliminate the need for side yard variances.

In light of the available options, the application failed to demonstrate that there is any exceptional or practical difficulty associated with the subject properties.

- **Detriment to the Public Good:** Reducing the required side yard setbacks on the existing lots would bring the proposed dwelling on lot 822 closer the neighboring dwelling at 1218 Randolph Street. A wider dwelling on lot 821 would not impact the adjacent parking area beside the Metropolitan Day School to the east or the properties across Randolph Street and the alley. However, approval of the required relief would not be consistent with the intent of the Zoning Regulations.



The intent of the regulations appears to be to encourage the creation of conforming lots where the opportunity exists. OP supports the infill of vacant properties in character with the surrounding neighborhood, and rowhouses with conforming side yards would not be out of character with the neighborhood. OP, therefore, cannot support the requested relief because the application has not adequately addressed the variance tests.

V. COMMUNITY COMMENTS

This application was forwarded to Advisory Neighborhood Commission (ANC) 5A for review and comment. To date no final ANC resolution has been added to the case record file.