



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** October 22, 2012

**SUBJECT:** BZA Case 18422 – proposed subdivision to combine tax lots 812 and 826 into one lot of record at 1531 A Street SE, requiring variance relief under § 3103.2.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following requests for area variance relief pursuant to § 3103.2 to allow the combination of two non-conforming tax lots, including one 40 square foot lot created to rectify an odd lot line configuration, to create one lot of record:

- § 401.3, lot width (18 feet required, 12.7 feet existing and proposed);
- § 401.3, lot area (1,800 feet required, 667 existing, 707 feet proposed);
- § 401.6, street frontage (14 feet required, 12.7 feet existing and proposed);
- § 403.2, lot occupancy (40 % permitted, 93 % existing, 89 % proposed); and
- § 404.1, rear yard (20 feet required, 6 feet existing and proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	1531 A Street SE
Legal Description	Square 1071, Lots 812 and 826
Ward	6B
Lot Characteristics	Generally rectangular lot with jagged west edge.
Zoning	R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Existing Development	Row dwelling, permitted in this zone.
Adjacent Properties	Attached row dwellings.
Surrounding Neighborhood Character	Mix of attached and semi-detached row dwellings.

**III. APPLICATION IN BRIEF**

Applicant	Andrew Defler, property owner
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Proposal	The applicant proposes to combine two non-conforming tax lots to create a lot of record. The two lots are 667 and 39.9 square feet. No changes to the building are proposed.
Relief Sought	Area variance relief pursuant to 11 DCMR § 3103.2 from the following: § 401.3 substandard lot width; § 401.3 substandard lot area; § 401.6 substandard street frontage; § 403.2 excessive lot occupancy; and § 404.1 substandard rear yard. Of these, only two areas of relief are directly impacted by this proposal – lot area would slightly increase and lot occupancy would slightly decrease but both would still be non-conforming.

**IV. ZONING REQUIREMENTS AND REQUESTED RELIEF**

R-4 Zone	Regulation	Existing	Proposed <sup>1</sup>	Relief
Lot Width § 401	18 ft. min.	12.7 ft.	12.7 ft.	5.3 ft.
Lot Area § 401	1,800 sq. ft. min.	667 sq. ft.	706.9 sq. ft.	1,093.1 sq. ft.
Street Frontage § 401	14 ft. min.	12.7 ft.	12.7 ft.	1.3 ft.
Lot Occupancy § 403	40 % max.	93.3 %	89 %	49 %
Rear Yard § 404	20 ft. min.	6 ft.	6 ft.	14 ft.

**V. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from § 401.3, 401.6, 403.2, and 404.1**

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

The applicant is requesting area variance relief pursuant to § 3103.2 to allow the combination of two non-conforming tax lots to create one lot of record. The applicant purchased the subject property at 1531 A Street SE in April 2004. The property was improved with a blighted, two-story row dwelling at the time of purchase. The applicant did not conduct any exterior renovations that resulted in a modification to the footprint of the building. In 2007, the applicant attempted to sell the property, but learned that he could not convey clear title because a 39.9 square foot portion of the row dwelling encroached on the neighboring property at 1529 A Street SE, which was and remains unimproved. The adjoining property owner assisted in the creation of a tax lot (Tax Lot 826) that was comprised of the 39.9 square feet upon which the applicant’s row dwelling encroached. The adjoining property owner conveyed Tax Lot 826 to the applicant through a Quitclaim Deed. The remainder of the adjoining property owner’s lot is now Lot 827.

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

Lot 812, which was created prior to establishment of the 1958 zoning regulations, exhibits an exceptional situation due to its irregular shape. The lot width and area, at 12.7 feet and 667 square feet, respectively, are less than what would now be required. The size of the lot is limited, in part,

<sup>1</sup> Information provided by the applicant.

due to its exceptional shape. The western property line is jagged in nature and narrows the width of the lot at the southwest corner.

**ii. 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?**

The unique dimensions of the lot create a practical difficulty for the applicant. It would be a practical difficulty to bring the dwelling into compliance. The house cannot be reconstructed to match the existing jagged lot line, and the existing dwelling crosses the current jagged lot line.

Although the combination of Tax Lots 812 and 826 would create a lot that fails to conform to the zoning regulations, it would bring the subject property slightly more in conformance with the zoning regulations and rationalize the irregular lot line. The subject property and the adjacent unimproved Tax Lot 827 are in fact small and have always been non-conforming.

**iii. 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?**

Relief can be granted without impairing the intent of the Regulations. The applicant is not proposing to complete any exterior renovations to the dwelling that would result in a change to the building footprint.

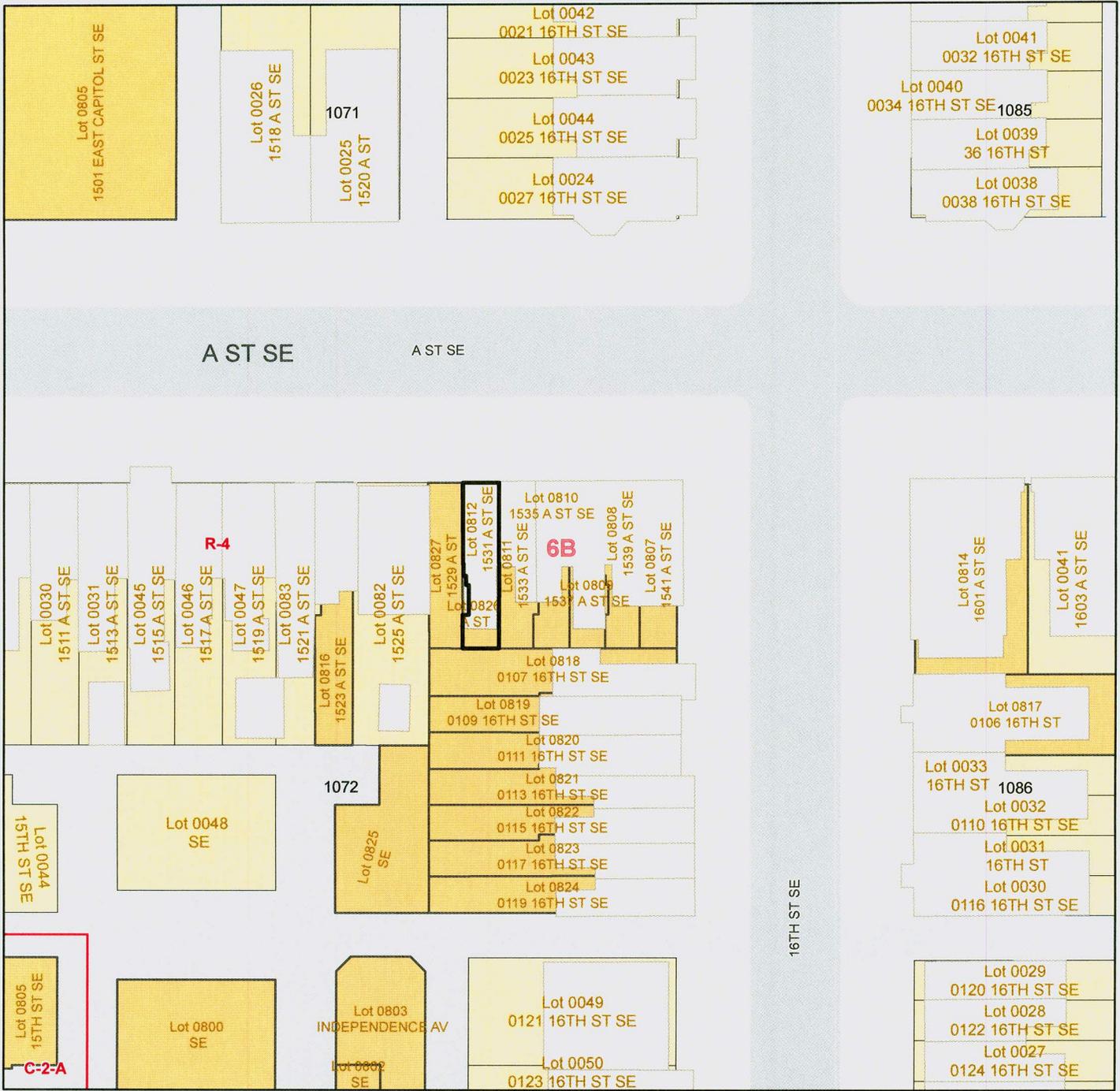
**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments had been received from other District agencies at the time this report was drafted.

**VII. COMMUNITY COMMENTS**

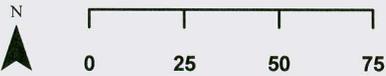
Comments had not been received from ANC6B or adjacent neighbors at the time this report was drafted.

Attachment: Location Map



CPID0022528

Feet



Government of the District of Columbia  
Office of Planning ~ October 4, 2012

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

## Development Review

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