



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jennifer Steingasser, Deputy Director
DATE: February 1, 2011
SUBJECT: BZA Case 18166 – Request to construct a new flat on a nonconforming vacant lot at 501 Rhode Island Avenue, NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the necessary zoning relief. The following variances were requested by the applicant:

1. Lot Width of 17.75 feet (18 feet required - § 401);
2. Lot Occupancy of 78.7% (60% permitted - § 403);
3. A Rear Yard of 5 feet (20 feet required - § 404);

In addition, OP notes that the following relief is also required:

4. Lot Area of 909 sf (1,800 sf required - § 401);
5. Zero parking spaces (One required - § 2101).

II. LOCATION AND SITE DESCRIPTION

Address	501 Rhode Island Avenue, NW
Legal Description	Square 475, Lot 33
Ward and ANC	2C
Lot Characteristics	Small lot; Variable width with a narrow front; Also a three foot wide dog-leg panhandle connecting the bulk of the lot to a five foot wide alley stub.
Zoning	R-4 (Rowhouse Residential)
Existing Development	Vacant Lot
Adjacent Properties	Rowhouses
Surrounding Neighborhood Character	Mostly attached dwellings; a few small apartment buildings and commercial structures.



III. PROJECT DESCRIPTION IN BRIEF

Applicants	Paramount Development
Proposal	Construct a new market rate flat on a nonconforming vacant lot.
Relief Required	Lot Area, Lot Width, Lot Occupancy, Rear Yard, Parking

IV. ZONING REQUIREMENTS

Item	Section	R-4	Existing	Proposed	Relief
Height	400	40', 3 stories	N/A	37.5'	Conforming
Lot Area	401	1,800 sf	909 sf	No change	Existing – Required
Lot Width	401	18'	~17.75' (avg.)	No change	Existing – Requested
Lot Occupancy	403	60% (545 sf)	N/A	78.7% (715 sf)	Requested
Rear Yard	404	20'	N/A	5' (avg.)	Requested
Side Yard	405	None required	N/A	None	Conforming
Parking	2101	1 per flat	N/A	None	Required

V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how they and the property meet the three-part test described in §3103. The following analysis is based on the figures shown in the table above.

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

The subject property exhibits unique and exceptional features. At 909 square feet, the property is the second smallest lot on the square. The average size of lots on the square is 1,388 square feet, or 35% larger than the subject property. The property also has a very unusual, three foot wide dog-leg panhandle connecting the bulk of the lot to a five foot wide alley stub. There is no access to an alley suitable to provide vehicular access to the property. The property, in addition to generally being somewhat narrow at the front of the lot, also has non-parallel side lot lines.

- 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 Lot Area

The small and unusual dimensions of the lot create a practical difficulty for the applicant. The lot was created prior to the adoption of the current zoning regulations, and its width and area are smaller than would be permitted today. If relief is not granted for lot width and lot area, the lot would remain undevelopable, depriving the applicant reasonable economic use of the land and creating the burden of an unusable property.

Lot Occupancy and Rear Yard

The small size of the lot creates a practical difficulty for the applicant. The applicant seeks to construct a home of a size acceptable to homeowners and characteristic of the area. This leads to a footprint that would exceed the lot occupancy maximum in the R-4 district, and that would violate the rear yard requirement. Creating a home with a smaller footprint could make it more difficult to market the two units. The proposed footprint would be well below the maximum of 60% if the size of the lot met the minimum of 1,800 square feet.

Parking

There is no potential vehicular access to the lot from the alley. In order to maintain a positive pedestrian experience, the Office of Planning would not recommend a curb cut at the front of the site. DDOT would likely not approve a curb cut because Rhode Island Avenue is a major arterial. Also, this lot is very close to the intersection of 5th Street and a curb cut could decrease the safety of vehicular turning movements. Furthermore, a curb cut would eliminate at least one parking space on the street, resulting in no net gain in parking spaces for the neighborhood.

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?

Relief could be granted without detriment to the public good. The width of the subject lot is not out of character with nearby lots, and granting relief for lot area and lot width would allow rowhouse infill construction on a vacant lot, on what is otherwise a complete block face. Similarly, there are many rowhouses in the subject square and in the surrounding neighborhood that have very high lot occupancies and small rear yards. The proposed structure, therefore, would not be out of character with adjacent or nearby residential dwellings. The increased lot occupancy and decreased rear yard would not impair neighbors' access to light or air. Parking relief would not present a detriment to the public good. The site is approximately two blocks from a metro station, and the Florida Avenue and 7th Street corridors have significant bus service, so alternative modes of travel are plentiful. Also, by not creating a curb cut, a safe and positive pedestrian experience would be maintained along that portion of Rhode Island Avenue.

Granting the requested relief would not impair the intent of the Zoning Regulations. While the R-4 zone intends to promote a certain form of development, it did not intend to eliminate all viable use of a vacant but previously developed property. Relief would allow a matter-of-right use in a form not dissimilar to existing nearby development.

VI. HISTORIC PRESERVATION

The subject property is not located in an historic district.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

In an email communication, OP confirmed with DDOT that approval of a curb cut in this location would be highly unlikely. 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. ATTACHMENTS

1. Vicinity Maps

JS/mrj
Matt Jesick, Project Manager

Attachment 1 Vicinity Maps

