



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: June 14, 2011

SUBJECT: BZA Case 18229 - request for variance relief to reconstruct a one-family detached dwelling at 1510 Kearney St. NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this application pursuant to §3103, to permit a three story one-family detached dwelling, with basement, at 1510 Kearney St. NE, requiring variance relief as follows:

- § 401, to allow a lot area of 4,480 sf (5,000 sf. required) and lot width of 35ft. (50 ft. required).
- § 405.9, to allow a side-yard of 3 ft., 2 inches and 7 ft., 2 inches (8 ft. required).

II. LOCATION AND SITE DESCRIPTION

Address:	1510 Kearney St. NE
Legal Description:	Square 4010, Lot 44
Ward:	5
Lot Characteristics:	The lot is rectangular in shape, with a north-south orientation. The lot is existing and non-conforming to lot width and area.
Zoning:	R-1-B – one-family detached dwellings – low density.
Existing Development:	One-family detached dwelling, permitted in this zone.
Adjacent Properties:	The adjacent properties are consistent in their shape and size, but vary in their improvements. Both adjacent dwellings are one-family detached dwellings; but the dwelling to the west is 2 ½ stories, while the dwelling to the east is a 1 ½ story building.
Surrounding Neighborhood Character:	The surrounding neighborhood is entirely made up of one-family detached dwellings, with a high degree of variety, with respect to building heights, roof types and general building bulk. There is a large degree of variability with respect to topography in the neighborhood.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	John K. Burke AIA, acting as Agent for Jason Lefebure
Proposal:	To rebuild a three story single-family detached residence, with basement.
Relief Sought:	Variance relief from the lot area, lot width and side-yard requirements.

IV. BACKGROUND

The applicant sought and was granted the Board's approval (BZA 18039) in March 2010, to add a rear addition per Section 223 and renovate the existing home, with a nonconforming 3-ft wide side yard. The renovation work included

rebuilding in kind where necessary and plans were subsequently revised and provided to the Zoning Administrator (ZA) to show that all foundations were to remain per the issued building permit dated September 30, 2010.

However, due to the discovery of substandard footings during the renovation, the building was substantially removed. The ZA subsequently determined that variance relief would be necessary in order to reconstruct the identical home, including the previously approved addition, on the substandard lot. The lot is substandard as it does not meet the lot area and lot width requirements of the R-1-B District. The former residence was non-conforming to side yard requirements, having 3ft and 7 ft.-wide side yards.

V. ZONING REQUIREMENTS

R-1-B Zone	Regulation	Existing¹	Proposed²	Relief:
Height (ft.) § 400	40 ft. max.	30 ft. 10 inches	33 ft. 10 inches	None required
Lot Width (ft.) § 401	50 ft. min.	35 ft.	35 ft.	Existing Non-Conforming
Lot Area (sq.ft.) § 401	5,000 sq. ft. min.	4,480 sq. ft.	4,480 sq. ft.	Existing Non-Conforming
Floor Area Ratio § 401	None prescribed	-	-	None required
Lot Occupancy § 403	40 % max.	24 %	32 %	None required
Rear Yard (ft.) § 404	25 ft. min.	83 ft. 10 inches	72 ft. 2 inches	None required
Side Yard - Western (ft.) § 405	8 ft. min.	3 ft. 2 inches	3 ft. 2 inches	4 ft. 10 inches
Side Yard - Eastern (ft.) § 405	8 ft. min.	7 ft. 2 inches	7 ft. 2 inches	7 ft. 2 inches
Court § 406	-	-	-	None required

VI. OP ANALYSIS:

In order to be granted a variance, the applicant must demonstrate how the property meets the 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 subject property became encumbered with an exceptional situation. Subsequent to the Board's approval of BZA 18039 and issuance of a building permit by DCRA for the property's renovation and addition to the existing home, a substantial portion of the building's foundation was deemed substandard by DCRA's inspectors. The ZA determined the substantial removal of the foundation was in effect a reconstruction of the home, which was a nonconforming structure on a substandard lot. The lot was created prior to establishment of the 1958 Zoning Regulations and its width and area, at 35 feet and 4,480 square feet, respectively, are less than what would now be 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?*

The confluence of factors, including the lot's dimensions and the exceptional circumstance of the original's building's foundation create a practical difficulty for the applicant to rebuild the home as a matter-of-right. The lot which was created prior to the adoption of the current zoning regulations is smaller than would be permitted today for the R-1-B District. The lot is bounded to the west and the east by existing development, eliminating any opportunity for re-subdivision to create a conforming lot.

¹ This information is provided to show the dimensions that existed on the property prior to the home's demolition.

² Information provided by applicant.

The applicant seeks to reconstruct the residence in a manner characteristic of the area and one which the applicant desired prior to renovation. The original home was constructed at 24 feet in width. The residence with eight foot side yards would be only nineteen feet wide. This would require reorganization of the floor plate of the home and the result would be ultimately out of character with the original home in this neighborhood's setting.

If relief is not granted, the lot would remain undevelopable, depriving the applicant reasonable economic use of the land, creating the burden of an unusable property, and potentially resulting in a derelict, unbuildable lot in the middle of a developed 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 can be granted without impairing the intent of the Regulations. The proposed reconstruction of the home would replicate the long-standing side yards without adverse impact to abutting neighbors.

While the Zoning Regulations intend to promote a specific pattern of development in the R-1 district, they did not intend to entirely prohibit the construction of a residential use on an existing lot. A 1927 Sanborn insurance map (Figure 1) provides a plan of the block and identifies the location of the building footprints in relation to the property lines, along the subject street frontage. It demonstrates the existing pattern of side-yards and building separation on the block, and the consistency of the subject's proposal with this pattern. The proposed redevelopment intends to replicate an historical development pattern in the neighborhood that includes detached homes on varied lot sizes. The subject property's side-yard, like others on the block is non-conforming with the 8 ft. minimum requirement, and in many cases the 5 ft. allowance permitted through § 405.8. The western side yard (the subject of the special exception in BZA 18039), although limited to 3 ft. 2 inches, may not be the smallest side yard on the block and would be consistent with that of the former dwelling.

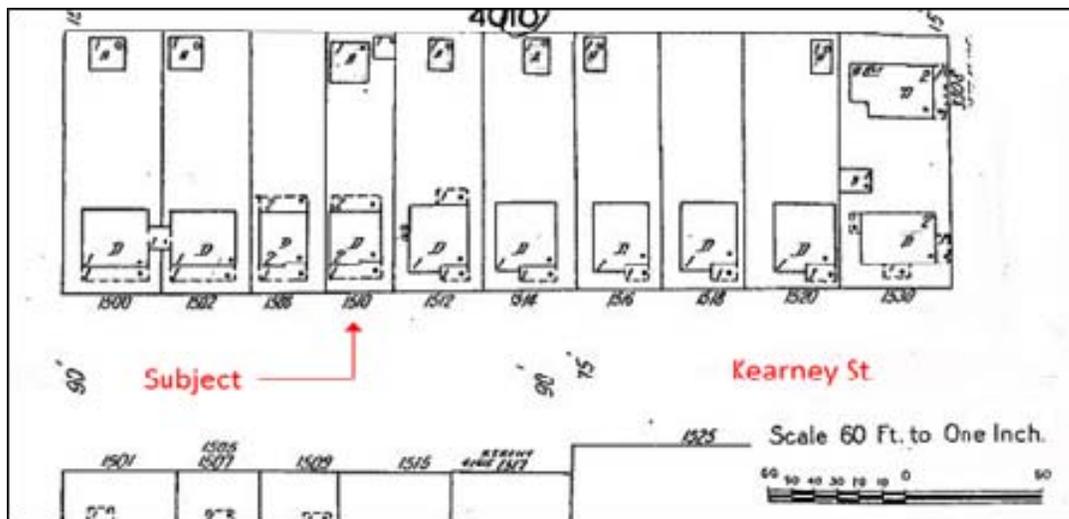


Figure 1: 1927 Sanborn Plan of Subject Street Frontage

The resulting separation between the former subject dwelling and the residence to the west is approximately 9 ft., which should minimize impact on access to light or air of the western neighbor. Privacy would also not be an issue as the renovated home would not have significant windows which would overlook the neighboring property as could be seen in the proposal's west elevation.

The side yard regulations are intended to control the availability of light and air to structures in residential neighborhoods. However, the Regulations do not intend to prohibit a usable footprint when that design does not impede light and air and privacy available to neighboring properties.



Figure 2: Building Separation on West Face of Subject Property

VII. COMMUNITY COMMENTS

The application was presented to the ANC 5A at its regularly scheduled meeting on March 23, 2011. The ANC voted unanimously to approve the application. The adjacent property owner to the east also provided a letter in support of the reconstructed home.

VIII. CONCLUSION

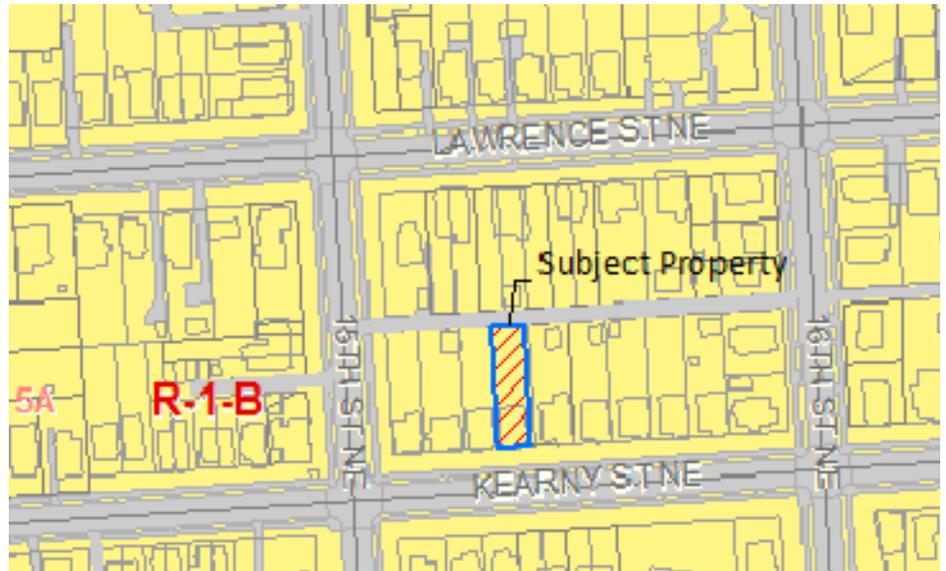
The proposal to reconstruct the residence due to unforeseen circumstances would not impair the intent of the Zoning Regulations, nor would it have an adverse impact on neighboring properties. The home would be structurally improved through its reconstruction and with an approved addition per BZA Order 18039. If the lot were vacant any development on the lot would require variance relief due to the lot's existing dimensions, which do not conform to the present Zoning Regulations. Therefore, OP recommends approval of the requested variance relief to permit reconstruction of the home as proposed in submitted plans to the Board and the Zoning Administrator.

JS/kt

Attachments: Location map

Location Map:

City-wide Key Map



Legend

-  Zoning Districts
-  Residential-Low Density

