

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: September 25, 2012
SUBJECT: BZA Case 18411, 451 S Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following variances:

- § 403.2 Lot Occupancy (0% existing, 60% maximum permitted, 70% proposed); and
- § 2101.1 Parking (1 parking space required, 0 parking spaces proposed).

OP notes that the existing lot is nonconforming for § 401 lot width (18 ft. minimum required, 12.22 ft. proposed), and § 401 lot area (1,800 sf. required, 844 sf. proposed); however, the lot preexists the 1958 zoning regulations and therefore, no relief is necessary.

II. LOCATION AND SITE DESCRIPTION

Address	451 S Street NW
Legal Description	Square 0475E, Lot 22
Ward	6
Lot Characteristics	The rectangular lot has an area of 844 square feet. It is 12.22 feet wide along the S Street frontage and along the rear. The lot is 95 feet deep. The property is bounded by two story row dwellings to the east and north, by S Street to the south, and 5 th Street to the west.
Zoning	R-4 – detached and semi detached single family dwellings.
Existing Development	The lot is currently vacant. The property was previously the site of a corner store.
Historic District	NA
Adjacent Properties	Predominantly semi-detached two story single family row dwellings.
Surrounding Neighborhood Character	The neighborhood is characterized by two-story rowhouses.



III. APPLICATION IN BRIEF

The applicant proposes to build a 2,352 sf. two-unit flat on an 828 sf. vacant lot at the northeast corner of the intersection of 5th and S Streets NW. The applicant proposes to construct a flat: one three-story unit and one basement unit. The applicant has revised the initial application by changing the material to be used on the exterior of the third floor from an Exterior Insulation and Finishing System (EIFS) to brick, removed the rooftop arbor, and relocated the entrance to the basement unit from 5th Street to S Street. The proposal would not be in compliance with percentage of lot occupancy limitations or parking requirements.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	0 ft.	40 ft.	None required
Lot Width § 401	18 ft. min.	12.22 ft.	12.22 ft.	None required
Lot Area § 401	1,800 sf. min.	844 sf.	844 sf.	None required
Lot Occupancy § 403	60% max.	0%	70%	Relief required
Rear Yard § 404	20 ft. min.	NA	20 ft.	None required
Side Yard § 405	NA	NA	0 ft.	None required
Parking § 2101.1	1 required	NA	0	Relief required

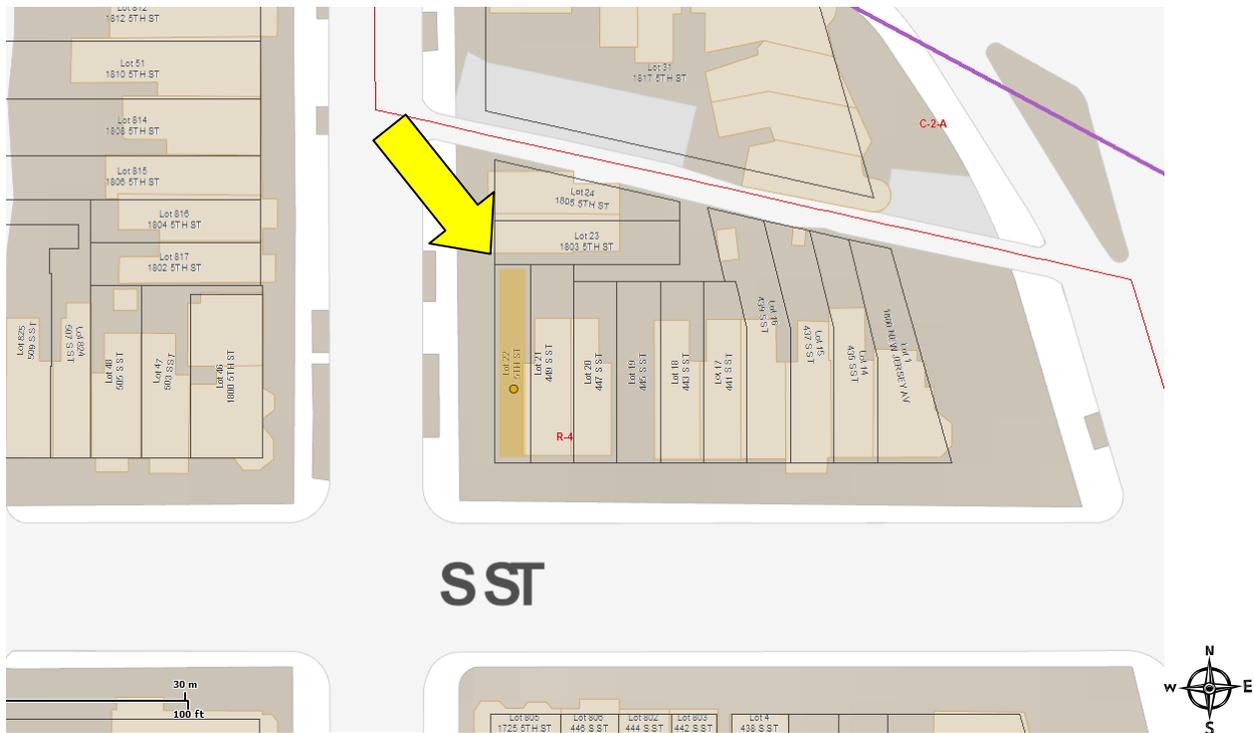


Figure 1: Subject Property



Figure 2: Subject Property

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 403.2 Lot Occupancy and § 2101.1 Parking

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot has exceptional conditions that lead to practical difficulties. The property has a narrow width (12.22 ft.) and is narrower than all other properties in Square 475E. The lot's narrow width severely limits the design of the structure and the lot's ability to accommodate a parking space. OP notes that a single family dwelling on the same lot, also a permitted use in the R-4 zone, would not require a variance and instead would require a Special Exception under § 223.3; however, the applicant stated that the construction of a flat would be necessary to make an economically viable project. The applicant stated that the narrow lot necessitates a nonconforming solution because reasonably marketable units could not be constructed without an increase in lot occupancy to 70%, 10% more than is permitted by right in an R-4 zone.¹

ii. No Substantial Detriment to the Public Good

The construction of the two-unit flat would not result in a substantial detriment to the public good. Flats are a common housing type in the immediate vicinity of the subject property. The proposed structure's 40' height is permitted in the R-4 zone; while this

¹ In R-4, a lot occupancy of 70% is permitted by Special Exception pursuant to § 223, but only for an addition to an existing structure, not for new construction.

would be taller than the immediately adjacent structures, it would not be out of scale or character with other rowhouses in the neighborhood. The rooftop structure would be set back from S Street and should be minimally visible from that street. In addition, the rooftop arbor included in the original application was removed by the applicant.

Privacy of use and enjoyment of neighboring properties should not be unduly compromised. As proposed, the structure would allow access to direct sunlight and air for the adjacent properties at various points during the day and should not unduly impact the available light and air to any of the neighboring properties. The structure would extend into the rear yard approximately the same distance as structures on neighboring properties. The rear of the structure would align with the property immediately adjacent to the south (449 S Street) and would provide the 20 ft. rear yard required in the R-4 zone. According to the applicant, the chain-link fence currently surrounding the property would be removed.

The applicant revised the building design so that the entrance to the basement unit would be on S Street. OP notes that the revised proposal depicts the stairwell leading to the basement unit intruding on public space along 5th Street, which would require permission from the Public Space Committee. OP understands the difficulty in designing a stairwell in such a small area; however, OP supports the redesigning of this stairwell so that it would not intrude upon public space. Additionally, the proposed window wells located on the west side of the structure along 5th Street would also be located in public space and would also require permission from the Public Space Committee.

The applicant requests relief from the parking requirement of § 2101.1. DDOT would typically not permit the retention of the existing curb cut from 5th Street, and the applicant has indicated their intention to remove it. While the parking space to the rear of the proposed structure would be removed, one additional parking space on the street would be provided, resulting in no net-change in the total number of parking spaces. Additionally, the neighborhood is served by public transit.

Construction of the structure would impact an existing street tree on 5th Street NW. If healthy, this tree should be protected and preserved. A permit from the Urban Forestry Administration at DDOT would be required to prune or remove the tree. If it would be necessary to remove the tree, compensation would potentially be required depending on the health of the tree and would be based on the tree's size (diameter). A new street tree may need to be planted upon completion of the project.

iii. No Substantial Harm to the Zoning Regulations

The requested variances will not cause substantial harm to the zoning regulations. The proposed development is not inconsistent with the Comprehensive Plan and the intent of the R-4 zone. The additional lot coverage requested would not adversely impact the neighborhood's character.

VI. COMMUNITY COMMENTS

According to the applicant, the ANC supports the applicant's proposal and request for relief. To date, OP has not received information regarding neighbor support.