

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: May 3, 2016

SUBJECT: BZA Case 19249, request for variance relief pursuant to DCMR 11 § 3103.2 to construct a new flat at 1850 5th Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the following requested variance relief pursuant to DCMR 11 § 3103.2 to construct a new flat at 1850 5th Street, NW:

- § 400.1, height (35 feet maximum permitted, feet existing; and feet proposed);
- § 403.2, lot occupancy (60% maximum permitted and 87.7% proposed);
- § 404.1, rear yard (20 feet minimum required and 0 to 15 feet proposed); and
- § 2101.1, parking (1 space required and 0 spaces proposed).

OP notes that the lot is nonconforming with respect to lot area (1,800 square feet minimum required and 702 square feet existing) and lot width (18 feet minimum required and 15 feet existing).

II. LOCATION AND SITE DESCRIPTION

Address	1850 5 th Street NW
Applicant	Jonathan Kuhn, Architect, agent on behalf of Jennifer Wisdom, owner
Legal Description	Square 3093, Lot 46
Ward/ANC	1/1B
Lot Characteristics	Trapezoidal lot bounded to the east by 5 th Street NW; to the west by a 12-foot improved public alley; and to the north and south by adjacent row dwellings. The lot is 702 square feet in area.
Zoning	R-4 – detached, attached, semi-detached, single-family dwellings and flats.
Existing Development	The lot is currently vacant. Approximately 15 years ago, a fire destroyed an existing four-story row dwelling on the lot.
Adjacent Properties	Residential row dwellings in the R-4 zone.

Surrounding Neighborhood Character	The surrounding neighborhood character is predominantly low and moderate density residential, consisting of single-family row dwellings and flats. Florida Avenue is to the south of the property and the Georgia Avenue commercial corridor, including the Shaw-Howard Metro Station is to the west. Properties in Square 3093 that front on Florida Avenue are in the C-2-A Zone District.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-4	Regulation	Existing	Proposed	Relief
Height § 400	35 ft. max./ 3 stories	N/A	42 ft. 4 in./ 4 stories	7 ft. 2 in./ 1 story
Lot Width § 401	18 ft.	15 ft.	15 ft.	Existing nonconforming
Lot Area § 401	1,800 sq. ft. min.	702 sq. ft.	702 sq. ft.	Existing nonconforming
Floor Area Ratio § 402	None prescribed	N/A	N/A	N/A
Lot Occupancy § 403	60% max.	N/A	87.7%	27.7%
Rear Yard § 404	20 ft. min.	N/A	0 - 15 ft.	20 ft.
Parking § 2101.1	1 space	N/A	0 spaces	1 space

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief Pursuant to § 3103.2 from §§ 400.1, 403.2, 404.1, and 2101.1

The Board of Zoning Adjustment may grant a variance under § 3103.2 upon a showing that:

i. Exceptional Situation Resulting in a Practical Difficulty

The property is affected by its exceptional narrowness, shallowness, size and shape. The property measures 15 feet in width, which does not meet the minimum 18-foot width required for the R-4 Zone District and is narrow for Square 3093. Furthermore, the property is shallow with the depth ranging from 38 to 57 feet. The adjoining triangular lot to the south is the only shallower lot in Square 3093. The narrow lot width and shallow lot depth result in an unusually small lot area of 702 square feet. The average lot area in Square 3093 is 1,326 square feet. While the average lot area for the Square falls short of the minimum lot area of 1,800 square feet required for the R-4 Zone District, the subject property is well below (by approximately half) the average in Square 3093. Finally, the adjoining property at 1848 5th Street NW encroaches on to the subject property by 1-foot, further restricting the developable area.

The exceptional narrowness, shallowness, size and shape result in a practical difficulty to the Applicant. Development of a flat on the property that would conform to the lot occupancy and rear yard requirements would not result in a dwelling that would meet the needs of a tenant.

The property is located in the LeDroit Park Historic District and the adjacent row dwellings are four stories in height. A flat conforming to the height and stories requirement of the R-4 Zone District would not be in character with the surrounding neighborhood.

The size and shape of the lot create a practical difficulty to the Applicant with respect to providing the required parking. The lot does not have sufficient width to accommodate a parking space that would be oriented parallel to the alley (lot measures 15 feet in width and 19 feet is required for a standard parking space). The depth of the lot is such that locating the parking space perpendicular to the alley would take valuable square footage from the building footprint. Turning movements also would be limited based on the width and angle of the alley.

ii. No Substantial Detriment to the Public Good

Lot Occupancy and Rear Yard

The Applicant has consulted historic records and determined that a four story row dwelling existed on the property.¹ The Applicant is proposing a building footprint that is consistent with the original building that occupied the property.

Height

The proposed flat would be in keeping with the character of the surrounding neighborhood. While the R-4 Zone District limits properties to 35 feet in height and three stories, the Applicant is proposing a four-story dwelling that measures 42 feet and 4 inches in height. The surrounding properties, which pre-date zoning, are four stories in height and the proposed dwelling would be consistent with the adjacent row dwellings.

The Historic Preservation Review Board found at its February 25, 2016 meeting that the concept was compatible with the character of the LeDroit Park historic district and delegated final approval to staff.²

Parking

The property is located in a transportation-rich area in close proximity to the Shaw-Howard Metro station, numerous bus lines, and Capital Bikeshare stations.

The project as proposed should not result in a substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The Applicant is proposing to construct a flat in the R-4 Zone District. A flat is a permitted use and should not result in substantial harm to the Zoning Regulations.

V. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date this report was drafted, comments from other District Agencies had not been received.

VI. COMMUNITY COMMENTS

The LeDroit Park Civic Association voted to support the application for zoning relief at its February 23, 2016, regular meeting.³ The Applicant submitted a petition in support of the application containing 10 signatures from residents of neighboring properties.⁴

¹ See Exhibit 12.

² See Exhibit 17.

³ See Exhibit 16.

⁴ See Exhibits 14 and 15.

ANC 1B had not submitted comments in the record at the time this report was drafted.

Location Map

