

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
J Joel Lawson, Associate Director Development Review
DATE: June 28, 2016

SUBJECT: BZA Case 19311 (2200-2210 Hunter Place, S.E.) for a special exception and area variances to permit the development of twelve one-family row dwellings

I. APPLICATION

The applicant proposes to construct twelve row houses on a 23,023 square foot (0.53 acre) lot. Located at the corner of Hunter Place and Pomeroy Road, S.E., the lot is unimproved. A fifteen-foot wide building restriction line exists along the Pomeroy Road frontage. To the rear of the property is a fifteen-foot wide inaccessible unimproved public alley.

Vehicular access to the site is proposed to be via a common access drive that would divide the twelve proposed row houses into two parts; one a group of five and the other a group of seven. The drive would allow for the parking of twelve vehicles in the rear and provide truck access to a common dumpster site for the development. Two bioretention areas would be constructed; one to the rear of lots 3 through 9 and the other on Lot 1. No improvements would be made within the building restriction line. The sidewalk along Hunter Place would be widened to a width of six feet.

Each row house would be developed on its own theoretical lot; all would be family-sized units with three-bedrooms and two bathrooms. Two units would be available at fifty percent AMI (Area Median Income); eight at eighty percent AMI and two would be market rate. One unit would be handicapped accessible (Lot 12).

II. OFFICE OF PLANNING RECOMMENDATION

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

- § 353, New Residential Developments (R-5-A); and
- § 2516, Exceptions to Building Lot Control (theoretical lot subdivision) to permit twelve principal buildings on one lot.

OP recommends **approval** of the following area variances:

- § 402.4, FAR (0.9 permitted; maximum 1.32 proposed);
- § 403.2, Lot Occupancy (40 percent permitted, maximum 48.53 percent proposed); and
- § 404, Rear Yard (20 feet required, minimum 11.95 feet proposed).

Subject to the following conditions:

1. Provision of solar panels on the flat roofs of the row houses.
2. The applicant work with DC Water to resolve the issue of the proposed storm sewer extension across Pomeroy Road.

III. LOCATION AND SITE DESCRIPTION

Address	2200-2210 Hunter Place, S.E.
Applicant	Manna, Inc.
Legal Description	Square 5812, Lot 118
Ward, ANC	Ward 8, ANC 8A
Zone	R-5-A
Lot Characteristics	Large irregularly shaped corner lot adjacent lot abutting an unbuilt public alley to the rear and an unbuilt public street to the east
Existing Development	None
Adjacent Properties	Northwest: Across Hunter Place, three-story garden apartments, a church and a one-family detached dwelling Southwest: Row houses East: Across an unbuilt portion of Pomeroy Road and an unbuilt public alley and Fort Stanton Park
Surrounding Neighborhood Character	Moderate density residential, including churches and large parks
Proposed Development	Twelve three-story one-family attached dwellings

IV. ZONING REQUIREMENTS and RELIEF REQUESTED¹

R-5-A	Lot Area (sq.ft.)²	Lot Width (feet)³	Height: 40-foot max.	FAR: 0.9 max.⁴	Lot Occupancy: 40% max.⁵	Rear Yard: 20-foot min.	Relief?
Lot 1	2,275	18.00	31.9	0.71	24.30	11.95	Required
Lot 2	1,051	15.00	31.9	1.32	48.53	26.45	Required
Lot 3	1,249	15.00	33	1.11	40.83	43.84	Required
Lot 4	1,452	15.00	32	0.96	35.12	53.05	Required
Lot 5	1,655	15.00	33.9	0.84	30.82	70.44	Not required
Lot 6	1,254	15.00	32.3	1.11	40.67	39.90	Required
Lot 7	1,254	15.00	31.3	1.11	40.67	44.05	Required
Lot 8	1,254	15.00	32.1	1.11	40.67	44.05	Required
Lot 9	1,254	15.00	33.1	1.11	40.67	39.90	Required
Lot 10	1,254	15.00	32.6	1.11	40.67	44.05	Required
Lot 11	1,254	15.00	32.6	1.11	40.67	39.90	Required
Lot 12	1,881	18.67	31.6	0.94	41.69	44.05	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from §§ 402.4, Floor Area Ratio, 403.2, Lot Occupancy and 404, Rear Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is an unusually shaped corner lot abutting an unbuilt side street and an unbuilt public alley, with no viable rear yard access. Lack of alley access and the unimproved status of Pomeroy Road require that a common access drive be constructed on-site and from Hunter Place only. As a result the lot sizes are reduced and the percentage of lot occupancy and the FAR increase. The shape of the lot as impacted by the right-of-way of Pomeroy Road reduces the ability of the applicant to provide a twenty-foot deep rear yard for Lot 1 due to the angle of the intersection of Pomeroy Road and Hunter Place, resulting in a triangularly shaped lot.

¹ Bulk regulations requiring relief are shown in in bold.

² Pursuant to § 401.5, each row dwelling need not have a site of 1,800 square feet, and the difference between the site area and the gross land area may be accumulated into common spaces.

³ Pursuant to § 401.6, a row dwelling may not have a lot width less than 14 feet.

⁴ Overall FAR is 0.81.

⁵ Overall Lot Occupancy is 27.23 percent.

ii. No Substantial Detriment to the Public Good

The requested variances would allow the development of the site with three-bedroom row houses, generally consistent with other nearby development and increasing the supply of affordable family-sized homes within the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The overall lot occupancy is 27.23 percent, less than the permitted 40%, and the overall FAR is 0.81, less than the maximum 0.90 permitted. Therefore the overall density of the site is generally consistent with the bulk regulations of the R-5-A.

b. Special Exception Relief pursuant to § 353, New Residential Developments (R-5-A)

353.1 In R-5-A Districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards and requirements in this section.

The subject application is for an all new residential development comprising row dwellings, and therefore subject to this section.

353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.

The application was referred to DC Public Schools. No comments were received.

353.3 The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

DDOT informed OP that it had no comments as the site plan had been revised by the applicant pursuant to DDOT's comments. Department of Housing and Community Development (DHCD) submitted a note to the file indicating that it had no comments.

353.4 The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.

The site plan proposes the construction of twelve row houses along a street already developed with row houses to the southwest along Hunter Place. Access to parking, which would be provided in the rear, would be located away from the

existing driveway of a row house on the adjacent property to the southwest. Along the Hunter Place frontage the sidewalk would be widened to a width of six feet and with four tree planter boxes.

353.5 *In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.*

The application conforms to these filing requirements.

c. Special Exception Relief pursuant to § 2516, Exceptions to Building Lot Control (Residence Districts)

i. 2516.2 This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of, a Residence District.

The subject property is located within the R-5-A, a residence district.

2516.3 *In addition to other filing requirements, the applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:*

- (a) The applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and*
- (b) If the applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.*

The application contains the necessary filing requirements.

2516.4 *The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.*

The applicant submitted documentation that each of the principal buildings conforms to the requirements of the R-5-A, or that variance relief was requested. No principal buildings would be constructed on an alley lot.

2516.5 *If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:*

- (a) *The front of the building shall be the side upon which the principal entrance is located;*
- (b) *Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;*
- (c) *A rear yard shall be required; and*
- (d) *If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.*

Each row house, or principal building, would have street frontage.

2516.6 *In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*

- (a) *The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;*
- (b) *Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;*
- (c) *If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and*
- (d) *The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.*

The area of the common access drive was not included in the area of any of the theoretical lots.

Access to the parking and dumpster would be via a 15.80-foot wide common access drive, adequate to accommodate trucks used to empty the on-site dumpster for the development. The access drive would also serve to provide a visual separation between the rows of houses. Therefore, the reduced width access drive would be compatible with and not likely to have an adverse effect on the neighborhood.

2516.7 Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.)), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.

Complies.

2516.9 The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.

The proposed development complies generally with the zoning and would not likely have an adverse effect on the character and future development of the neighborhood. It would be consistent with row houses located to the southwest of the subject property, and conform generally to the mix of residential uses located across Hunter Place.

2516.10 Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:

- (a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:
 - (1) Public safety relating to police and fire concerns;*
 - (2) The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*
 - (3) Public education;*
 - (4) Recreation;*
 - (5) Parking, loading, and traffic;*
 - (6) Urban design; and*
 - (7) As appropriate, historic preservation and visual impacts on adjacent parkland;**
- (b) Considerations of site planning; the size, location, and bearing capacity of driveways; deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;*
- (c) Considerations of traffic to be generated and parking spaces to be provided, and their impacts;*

- (d) *The impact of the proposed development on neighboring properties; and*
- (e) *The findings, considerations, and recommendations of other District government agencies.*

Comments were requested from MPD, FEMS, DHCD, DC Public Schools, DDOT, DOEE and DC Water. DHCD responded that it had no comments. DDOT responded that the site plan addressed their concerns and had no other comments. DC Water found that water and sewer available to the site is adequate, but expressed concern regarding about a proposed storm sewer extension across Pomeroy Road, an unbuilt steep street. Therefore, the applicant should work with DC Water to resolve this issue.

Solid waste removal would be contracted out to a private hauler.

2516.11 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

OP recommends that the Board impose conditions relating to the proposed construction of a storm sewer extension across Pomeroy Road, and consider the installment of solar panels on the flat roofs of the row houses.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would provide for the construction of twelve three-bedroom residential row houses with off-street parking within a moderate density residential neighborhood, consistent with the zoning on the site.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed row houses would complement the existing mix of residential uses, including row houses, with twelve new housing units. There would be two bioretention areas to control stormwater and adequate off-street parking, while eliminating a vacant property from the neighborhood and adding a mix of affordable family-sized housing to the community.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DHCD submitted to file a note indicating no comments on June 3, 2016.

DOEE, in an email dated June 20, 2016, responded that it strongly recommends that the project incorporate solar panels.

DDOT, in an email to OP dated June 29, 2016, stated that the drawings were in compliance and that it had no comments.

DC Water, in an email to OP dated June 30, 2016, stated water and sewer is available and utility connections can be made. However, reservations were expressed concerning a proposed storm sewer connection across Pomeroy Road, a steep, unsurfaced paper street.

No other comments were received from District agencies.

VII. COMMUNITY COMMENTS

The applicant is scheduled to meet with ANC 8A on July 18, 2016.

No other community comments were received.

Attachment: Location Map

