

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: June 15, 2018

SUBJECT: BZA #19768 – 1735-37 10th Street, NW
 Request for relief in order to construct two flats

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following requested variance relief:

- Pursuant to Subtitle X Chapter 10, E § 304 – Lot Occupancy (60% permitted, 70% proposed);
- Pursuant to Subtitle X Chapter 10, E § 306 – Rear Yard (20’ required, 18.29’ proposed);
- Pursuant to Subtitle X Chapter 10, E § 307.1 – Side Yard (Side yard must be provided when new construction does not share a common division wall, No side yard provided).

OP also recommends **approval** of the following requested special exception:

- Pursuant to Subtitle C § 703.2, C § 701.5 – Parking (1 per flat required¹, 0 full size spaces provided on the southern lot²).

II. LOCATION AND SITE DESCRIPTION

Applicant	CDDC 1735-37 10 th St. NW, LLC
Address	1735-37 10 th Street, NW
Legal Description	Square 363, Lots 105 and 106
Ward / ANC	6, 6E
Zone	RF-1, Moderate Density Single Family Rowhouses and Flats
Historic District or Resource	U Street Historic District
Lot Characteristics and Existing Development	Vacant, flat lots; 15 foot alley to the south; 4 foot alley to the east and a portion of the north.

¹ Because the southern lot has access to an alley at least ten feet wide, a parking space is required. Pursuant to C § 702.3, the northern lot does not have a parking requirement because the alley it abuts is only four feet wide.

² The design proposes on the southern lot a single vehicular parking space meeting the compact-space dimensional requirements. The applicant has chosen to ask for special exception relief to provide zero required parking spaces on the southern lot, rather than seek variance relief for the parking space dimensional requirements.

Adjacent Properties and Neighborhood Character	Rowhouses to the north and east; Rowhouses across 10 th Street; Across alley to the south is a park; Surrounding neighborhood is almost exclusively rowhouses, with a few apartment buildings and a scattering of schools and other institutional uses.
Proposed Development	Construct two flats on two existing record lots, for a total of four units.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The proposed use is permitted as a matter of right, but in order to build as proposed the applicant seeks relief as described in the following table.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width E § 201	18'	17'	No change	Existing Nonconforming
Lot Depth	n/a	61'	No change	Conforming
Lot Area E § 201	1,800 sf	1,037 sf	No change	Existing Nonconforming
Height E § 303	35', 3 stories	n/a	35', 3 stories	Conforming
Lot Occupancy E § 304	60%	n/a	70%	Requested
Front Setback E § 305	Within range of existing front setbacks on block – no other front setbacks existing	n/a	Built to property line	Conforming
Rear Yard E § 306	20'	n/a	18.29'	Requested
Side Yard E § 307.1	Side yard must be provided when new construction does not share a common division wall	n/a	0'	Requested
Vehicle Parking C § 701.5	1 per flat – required for southern lot only b/c it abuts a 15 foot alley	n/a	Zero conforming spaces [1 compact space proposed]	Requested

IV. ANALYSIS

In order to be granted a variance, the application must meet the three-part test of Subtitle X Chapter 10.

SUBTITLE X § 1000 VARIANCE CRITERIA

- (a) *Exceptional Situation Resulting in a Practical Difficulty*

The subject sites are exceptionally small. At 1,037 square feet, the lots are in the smallest 10% of developable street-facing lot in the square. The lots are also unusually shallow at 61 feet deep. Most of the lots in the square are 90 to 95 feet deep, including most of those fronting on R, S, French and 9th Streets. In terms of lot width, the lots are not unusually narrow at 17 feet wide.

The exceptional conditions lead to practical difficulties for the applicant. In order to achieve a useable building footprint for a family-sized residential unit, the applicant proposes a building depth of 42' 8.5". The building depth, because of the exceptionally small size of the lots, would result in a 70% lot occupancy and 18.3' rear yard.

Regarding the side yard, the 17 foot wide lots would have buildings with a 12 foot wide exterior dimension if the side yard requirement were applied. The resulting interior width would be approximately 11 feet, which in effect would be reduced to 8 feet or less with a staircase.

(b) No Substantial Detriment to the Public Good

There should be no detriment to the public good if the requested relief is granted. The lot occupancy and rear yard relief are a result of the proposed depth of the building of 42' 8.5". But this depth is less than all but four existing buildings in the square, according to GIS data, and the 70% lot occupancy appears to be lower than other rowhouses on small lots in the square. The new construction would certainly result in new shadow on the lots to the north, but the level of shadow for the proposal should not be significantly greater compared to the shadow for a matter of right building. The 1.7 ft. of rear yard relief should not result in undue extra impact to light levels. The lot occupancy relief equates to approximately 6 feet of extra length to the buildings. This differential could result in a noticeable impact to shadow, but not an undue impact.

Relief to the side yard requirements should not have an impact to the public good. In terms of building form, rowhouses typically are built lot line to lot line with no side yard. This is the case in a standard row of houses, but also in lot configurations that are similar to this one, both in this square and surrounding squares. For example, at the eastern end of the subject square, down the alley from the proposed development site, mirror-image lots are developed with rowhouses built to the property lines on the sides. See the aerial image below.

OP did ask the applicant's architect to address privacy concerns on the north wall, which faces the rear yards and rear façades of the adjacent rowhouses. The windows on the north face have been revised since the initial design and are now at clerestory height – 6'4" above the floor, according to the architect – and inoperable. The windows, therefore, should let in some light, but not impair the privacy of the adjacent homes.



(c) *No Substantial Harm to the Zoning Regulations*

Granting relief would not impair the intent of the Zoning Regulations. The Regulations intend to guide new development such that it would be compatible with existing development. In this case the buildings would be smaller in their footprints than nearly all other rowhouses in the square, and in their relationship to other rowhouses they would reflect similar lot configurations in this square and other nearby squares. Also, the Regulations have historically sought to maintain the RF-1 zone as a zone for family-sized dwellings, rather than allowing it to be an apartment zone. Allowing modest increases to the footprint of the building in order to accommodate two- and three-bedroom units would be in keeping with that intent.

SUBTITLE C § 703.2 RELIEF FROM NUMBER OF PARKING SPACES

703.2 *The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:*

- (a) *Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;*

Because the lot is only 17 feet wide, the minimum required parking depth of 18 feet cannot be accommodated on the property. This physical constraint satisfies the criterion of § 703.2(a). Granting the requested relief would also meet the criteria of X § 901.2, the general special exception criteria. Although the applicant seeks technical relief from the parking requirement, they would in reality provide a parking space on site which would meet the dimensional requirements for a compact space,

and therefore would meet the intent of the Regulations to provide adequate parking for the proposed use. Granting relief would also not have a negative impact on nearby properties, because the parking requirement would in effect be met and therefore no significant impacts to on-street parking should be expected.

V. HISTORIC PRESERVATION

The subject site is within the U Street Historic District. The Historic Preservation Review Board (HPRB) granted conceptual approval to the project, with final approval delegated to staff.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

Exhibit 28 is a DDOT report stating no objection to the application.

VII. COMMUNITY COMMENTS

As of this writing the record contains no comments from the ANC or the community.

VIII. ATTACHMENT – VICINITY MAP

Attachment – Vicinity Map

