

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 19, 2018
SUBJECT: BZA Case 19843, 2853 Belair Place NE, to permit subdivision of a property to two lots, expansion of an existing dwelling, and construction of a new dwelling.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following area variance relief requested pursuant to Subtitle X § 1002.1:

- Lot Width for a new subdivision, Subtitle C § 302.1, (50 feet minimum required; 62.5 feet existing; Lot A 50 feet proposed and Lot B 12.5 feet proposed); and
- Front Setback, Subtitle D § 305.1, (within the range of existing front setbacks required; 0 to 20 feet existing; 108 feet proposed for Lot B).

The Applicant did not request relief from Subtitle C § 303.4, Lot Frontage, which states the following:

303.4 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).

In the R-1-B zone, a new lot would be required to have a minimum frontage of 20 feet. The Applicant is proposing a 12.5-foot frontage, which would require 7.5 feet of relief.

The Applicant also should provide pervious surface calculations to demonstrate compliance with Subtitle D § 308.1. OP would be unlikely to support such relief.

II. LOCATION AND SITE DESCRIPTION

Address	2853 Belair Place NE
Applicant	Valerie Sanderlin, Agent on behalf of Penny Boyd, Owner.
Legal Description	Square 4287, Lot 816
Ward, ANC	5 / 5C
Zone	R-1-B – The R-1-B zone is intended to provide for areas predominately developed with detached houses on large lots.
Lot Characteristics	The existing lot is rectangular in shape and measures 62.5 feet in width and 173.48 feet in depth. The lot is bounded by Belair Place NE to the west and adjoining lots in the R-1-B zone to the north, east, and south.

Existing Development	The property is improved with a detached, two-story, single-family dwelling.
Adjacent Properties	The adjacent properties are improved with detached dwellings in residential use.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character. Langdon Park is to the west, across Mills Avenue NE.
Proposed Development	The Applicant is proposing to subdivide the existing property to create two lots (Lots A and B), one of which (Lot B) would be a “pan-handle” or flag lot. The existing dwelling on Lot A would be expanded and a new dwelling would be constructed on Lot B.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-1-B	Regulation	Existing	Proposed ¹	Relief
Height D § 303.1	40 ft. max./ 3 stories	23.67 ft.	Lot A 27.54 ft. Lot B 31.44 ft.	None Required
Lot Width D § 302.1	50 ft.	62.5 ft.	Lot A 50 ft. Lot B 12.5 ft.	Lot B Required
Lot Area D § 302.1	5,000 sq. ft. min.	10,842.5 sq. ft.	Lot A 5,000 sq. ft. Lot B 5,842.5 sq. ft.	None Required
Lot Occupancy D § 304.1	40 % max.	9 %	Lot A 31 % Lot B 29 %	None Required
Rear Yard D § 306.1	25 ft. min.	105.83 ft.	Lot A 25 ft. Lot B 25 ft.	None Required
Front Setback D § 305.1	Existing range of blockface	0-20 ft. 15.44 ft. Lot A	Lot A 15.44 ft. Lot B 108 ft.	Lot B Required
Side Yard D § 307.1	8 ft. min.	11.98 ft.	Lot A 8.4 ft. Lot B 8 ft.	None Required
Pervious Surface D § 308.1	50 % minimum	Not provided	Not provided	Not provided
Parking C § 701	1 space/ dwelling unit	1 space	Lot A 1 space Lot B 1 space	None Required

¹ Information provided by the Applicant, Exhibit 10, July 27, 2018.

IV. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from Subtitles C § 302.1 and D § 305.1

i. Exceptional Situation Resulting in a Practical Difficulty

The Applicant has not demonstrated that the property exhibits an exceptional situation that results in a practical difficulty to the property owner. While Lot 816 measures 62.5 feet in width, the minimum lot width required in the R-1-B zone is 50 feet. The property is not sufficiently wide to create two conforming lots. Although the Subdivision regulations in Subtitle C § 303.4 would permit the subdivision provided that the resulting street frontage was at least 40% of the required minimum lot width, or 20 feet in the R-1-B zone, the proposed subdivision falls short providing a 12.5-foot wide lot at the street. Furthermore, OP does not support the creation of a flag lot through a new subdivision.

Additionally, the proposed subdivision and subsequent creation of a flag lot, results in the need for front setback relief.

ii. No Substantial Detriment to the Public Good

The construction of a new detached dwelling in the R-1-B zone would not typically result in a substantial detriment to the public good. However, the proposed configuration of Lots A and B would result in the new principal dwelling on Lot B being placed at the rear of the property in closer than anticipated proximity to other dwellings fronting on Hamlin Street NE to the north, and the rear yards of properties to the south – see Location Map.

iii. No Substantial Harm to the Zoning Regulations

The creation of a substandard lot that does not meet the minimum lot width requirements would not be consistent with the purpose and intent of the Zoning Regulations. The regulations are intended to discourage the creation of new non-conforming lots, and particularly the creation of new flag, or pan-handle lots, as would be proposed in this case.

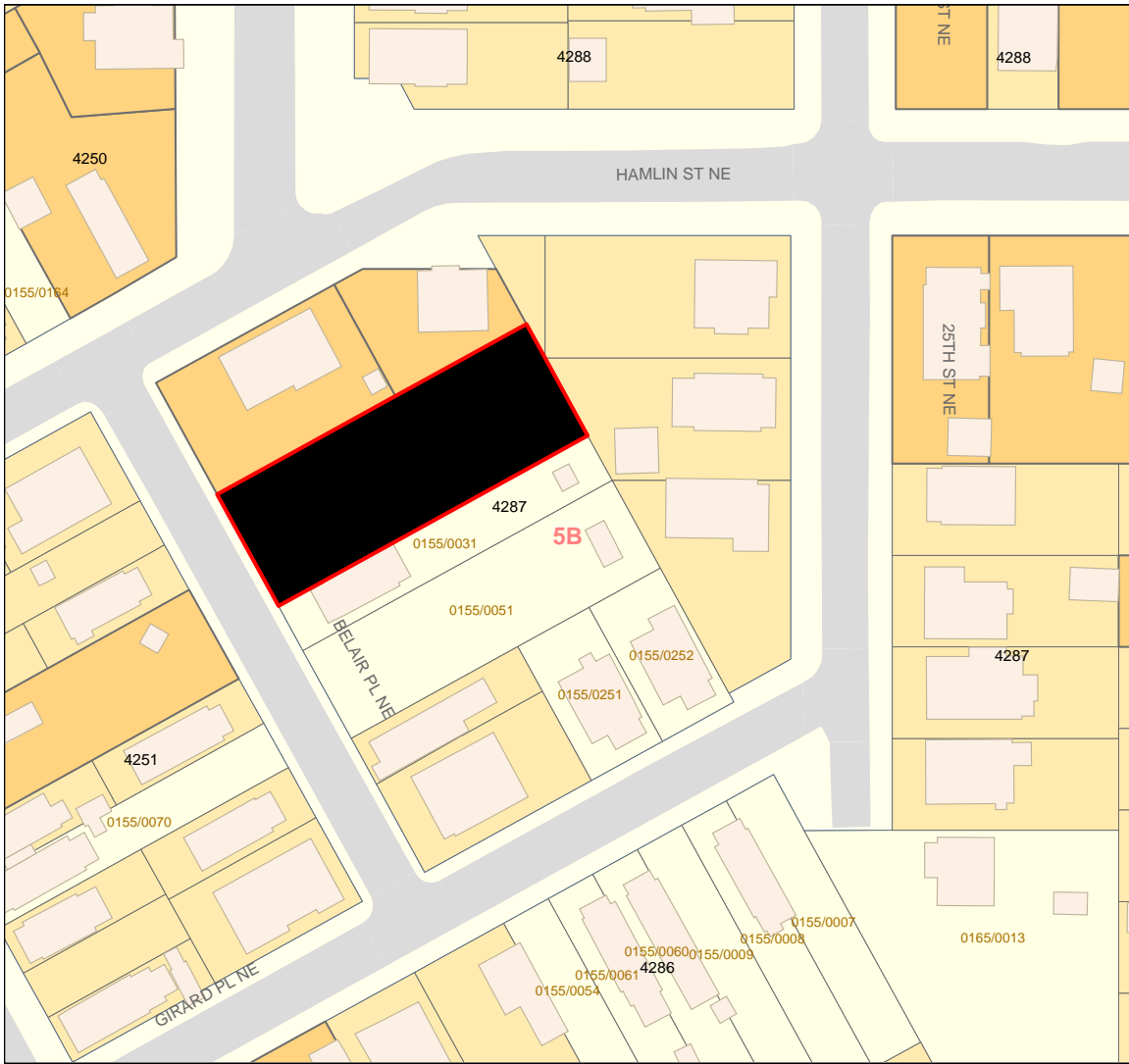
V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has no objection to the approval of the requested variances, but notes that the Applicant would need to property apply for the curb cut on Belair Place NE via the District’s public space permitting process (Exhibit 33).

VI. COMMUNITY COMMENTS TO DATE

Comments from ANC 5C had not been received at the time this report was written.

Attachment: Location Map



Location Map – 2853 Belair Place NE