

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen Gyor AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** March 8, 2016

**SUBJECT:** BZA Case 19208 – 1243 Alabama Ave SE - for a variance from the use requirements to allow a one-family dwelling, constructed as a flat, to be used as a flat in the R-2 District at 1243 Alabama Avenue S.E.

### **I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 300.3 R-2 District Provisions (single-family dwelling permitted; two-unit flat proposed)

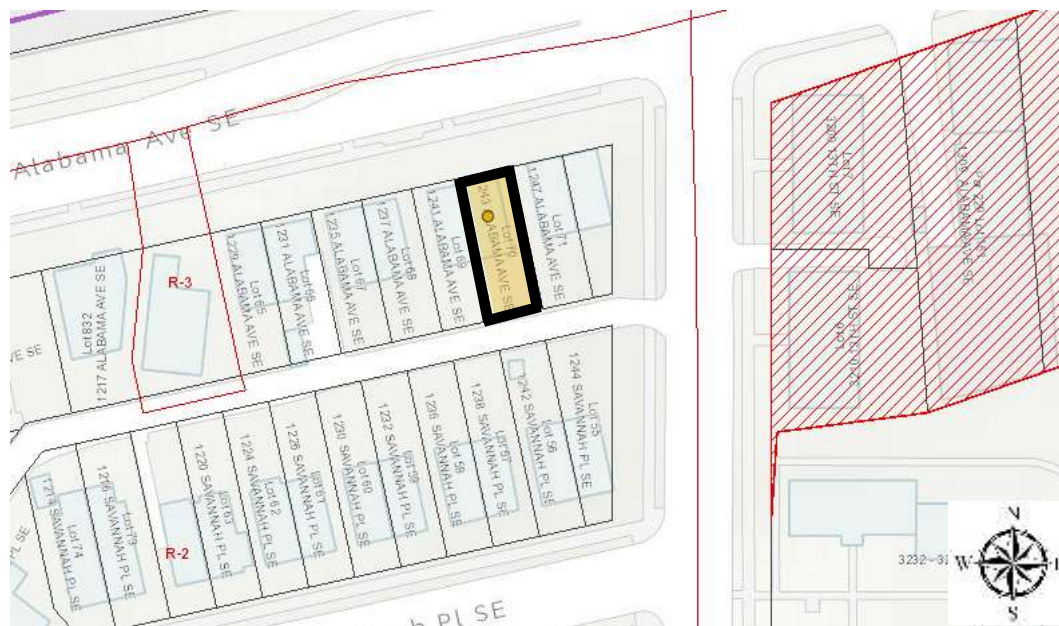
### **II. LOCATION AND SITE DESCRIPTION**

Address	1243 Alabama Avenue SE (the “Subject Property”)
Applicant:	James Shelton (the “Applicant”)
Legal Description	Square 5946, Lot 70
Ward / ANC	Ward 8; ANC 8E
Zone	R-2 – Permits matter-of-right development of single-family residential uses for detached and semi-detached structures.  Many Ward 8 area residents, through the Comprehensive Plan process and other neighborhood planning and development forums, indicated a desire to protect the lower density areas from infill apartment development. In 2008, the lot was rezoned from R-5-A to R-2 per Zoning Commission Order 08-12. A flat is a permitted use in R-5-A.
Historic District or Resource	NA
Lot Characteristics	The rectangular lot is 75 feet deep and 26.76 feet wide along the Alabama Ave SE frontage. A 16 foot wide alley is located to the rear.
Existing Development	Two-story single-family semi-detached structure, permitted in this zone.
Adjacent Properties	Adjacent properties primarily include two-story semi-detached structures.

Surrounding Neighborhood Character	The neighborhood is characterized by single-family detached and semi-detached structures. There are several multi-family buildings in the vicinity. St. Elizabeths Hospital is located to the north.
Proposed Development	The Applicant proposes to use an existing two-unit dwelling as a flat. The structure currently includes two entrances. No new construction is proposed. The existing entrance to the second unit is located on the ground level near the northeast corner of the structure.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – R-5-A	Regulation	Existing	Proposed	Relief
R-2 District Provisions § 300.3	Single-family dwelling	2-unit flat used as a one family dwelling	2-unit flat	<b>Relief required</b>
Lot Width § 401	40 ft.	26.76 ft.	26.76 ft.	None required
Lot Area § 401	4,000 sq. ft. min.	2,007 sq. ft.	2,007 sq. ft.	None required
Floor Area Ratio § 402	None prescribed	NA	NA	None required
Lot Occupancy § 403	40% max.	33.7%	33.7%	None required
Rear Yard § 404	20 ft. min.	35 ft.	35 ft.	None required
Side Yard § 405	8 ft. min.	8.46 ft.	8.46 ft.	None required
Court § 406	NA	NA	NA	None required





#### **IV. OFFICE OF PLANNING ANALYSIS**

##### **a. Variance Relief from §300.3 R-2 District Provisions**

###### **i. Exceptional Situation Resulting in a Practical Difficulty**

The Applicant indicated that the house was originally constructed as a flat, which is a permitted use in the R-5-A zone which existed at the time the building was constructed. The existing nonconforming two-unit configuration of the building is unique and contributes to the Applicant's practical difficulty. It would be an unnecessary expense for the Applicant to convert the property from a flat to a conforming single-family structure.

###### **ii. No Substantial Detriment to the Public Good**

The Office of Planning does not anticipate significant detriment to the public good. No additional construction is proposed and the relief would not intrude upon the character and scale of houses.

###### **iii. No Substantial Harm to the Zoning Regulations**

In 2008, the Subject Property was rezoned from R-5-A to R-2; the intent of the rezoning was to protect the low-density area from infill apartment development. The Applicant proposes a flat in an existing semi-detached dwelling. While the new construction of a flat in this zone would be contrary to the intent of the current R-2 zoning, the proposal is simply to utilize the building as it was originally constructed.

## **V. COMMUNITY COMMENTS**

Letters from the adjacent neighbors in support of the proposed relief were submitted to the record by the neighbors residing at 1241 and 1247 Alabama Avenue SE, respectively.

As of this writing, ANC 8E has not submitted a letter to the record regarding the proposed relief.