



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: July 20, 2010

SUBJECT: BZA Case No. 18089, 4417 Grant Street, N.E.
Square 5130, Lot 36

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **APPROVAL** of **area variances to §§ 401, 403 and 405 of Title 11 DCMR** to permit the development of an existing substandard lot requiring relief from:

- Section 401
 - Lot Area: Minimum 4,000 square feet required; 2,513 square feet existing; and
 - Lot Width: Minimum 40 feet required; 25 feet existing.
- Section 403
 - Lot Occupancy: Maximum 40 percent permitted; 45.8 percent proposed.
- Section 405
 - Side Yards: Minimum eight feet required; three feet proposed.

II. AREA AND SITE DESCRIPTION

Address	4417 Grant Street, N.E.
Legal Description	Square 5130, Lot 36
Ward	7
Lot Characteristics	Nonconforming rectangular lot with rear alley access
Existing Development	Vacant
Zoning	R-2– one-family semi-detached dwellings district
Adjacent Properties	North: Across Grant Street, Watts Branch Park South: Detached and semi-detached dwellings East & West: One family dwellings
Surrounding Neighborhood Character	Residential, including one-family, semi-detached and community houses.

III. APPLICATION IN BRIEF

The applicant proposes to construct a one-family detached dwelling on the subject property. The subject property is a vacant lot that is non-conforming for lot area and lot width. The proposed dwelling on the lot would require relief for each of the two side yards to reduce them from a minimum width of eight feet to three feet, and from the maximum percentage of lot occupancy permitted for detached dwellings in the R-2 from 40 percent to 45.8 percent, partly due to the narrow side yards and a large rear deck being included in

the lot occupancy. Access to on-site parking would be from the alley. The application is in conformance with all other applicable zoning regulations.

IV. OFFICE OF PLANNING ANALYSIS

Area Variance to § 401.3 – Minimum Lot Dimensions

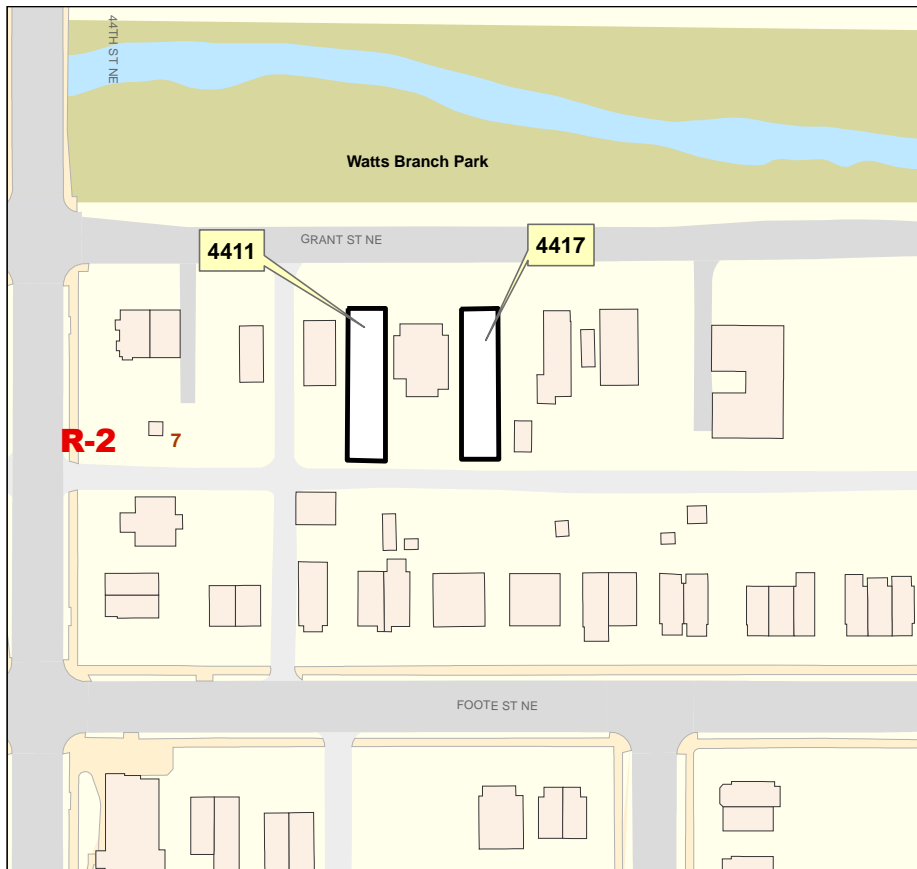
Section 401.3 sets the minimum lot area within the R-2 district for a detached dwelling at 4,000 square feet and the minimum lot width at forty feet. The proposed development is on a lot with an existing area of 2,513 square feet and width of 25 feet, less than the minimums required.

Area Variance to § 403.2 – Percentage of Lot Occupancy

Section 405.9 sets the maximum lot occupancy for a detached dwelling within the R-2 at 40 percent. The subject application proposes a lot occupancy of 45.8 percent, in excess of the maximum permitted.

Area Variance to § 405.9 – Side Yards

Section 405.9 sets the minimum side yard width for a detached dwelling within the R-2 district at eight feet. The subject application proposes that each side yard would be three feet in width.



Zoning and Vicinity Map

Uniqueness

The subject property is a legally existing lot that does not conform to the current bulk regulations of the R-2 District. It is both narrow and small in size. It is not possible to expand either the width or the area of the subject property as adjoining properties on either side have been developed. Other properties within the

square with similar size lots were either developed prior to the adoption of the Zoning Regulations in 1958, or are the result of the consolidation of two or more substandard lots, so as to achieve the minimum required lot width and lot area. In this case it is not possible to combine the subject property with an adjacent undeveloped property in order to increase the lot area and lot width.

Practical Difficulty

Without the ability to expand either the width or the area of the lot to conform to the minimum requirements of the R-2 district, the applicant is unable to develop the property. The narrow width of the lot also results in the inability of the applicant to design a viable residential structure in conformance with the minimum required eight-foot side yards, as the dwelling would be nine feet in width. It also adversely impacts the lot occupancy, as three-foot wide side yards count toward lot occupancy, increasing it to 45.8 percent. Eight-foot wide side yards do not count toward lot occupancy.

Intent of the Zone Plan

The Office of Planning contacted the applicant concerning reducing the proposed lot occupancy. A 120 square-foot deck at the rear of the dwelling would count toward lot occupancy because it would be ten feet above grade. If a patio were to be provided instead of the deck, or the height of the deck lower to no more than four feet above grade, the proposed lot occupancy would decrease to 41 percent, or 26 square feet over the threshold of lot occupancy. This slight deviation from the standard is acceptable given the lot size and that homes in the neighborhood are of a similar size. With a reduction in lot occupancy to 41 percent, the requested variances would not substantially impair the intent, purpose and integrity of the zone plan. They would allow for infill development on a vacant lot in conformance with all other provisions of the Zoning Regulations and consistent with the policies of the Comprehensive Plan. The granting of these variances would permit the construction of a one-family detached dwelling on a legally existing lot.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

ANC 7D did not respond to a request for comments from the Office of Planning.

VII. CONCLUSION AND RECOMMENDATION

The Office of Planning finds the subject application to be in conformance with the provisions of the requirements for the granting of the following:

1. Area variance to § 401.3, to reduce the minimum lot area from 4,000 to 2,513 square feet; and to reduce the minimum lot width from 40 to 25 feet;
2. Area variance to § 403.2 to increase the lot occupancy from 40 to 41 percent; and
3. Area variance to § 405.9, to reduce the minimum side yard width from 8 feet to 3 feet for each of the two side yards.

Subject to the following condition:

That the rear deck be eliminated or reduced in height to no more than four feet above grade.