



**MEMORANDUM**

**TO:** Board of Zoning Adjustment  
**FROM:** Jennifer Steingasser, Deputy Director  
**DATE:** January 5, 2010  
**SUBJECT:** BZA Application #18016 – 1514 23<sup>rd</sup> Street, SE  
Square 5577, Lot 27

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**I. OP RECOMMENDATION**

The Office of Planning (OP) **recommends conditional approval** of the required variance relief:

- (§401) Permit a lot area of 2,000 square feet where 3,000 square feet are required;
- (§401) Permit a lot width of 20 feet where 30 feet are required;
- (§403) Permit a lot occupancy of 57% where a maximum of 40% is permitted;
- (§405.3) Permit a single semi-detached unit to be constructed by itself;
- (§405.9) Permit a side yard of 3 feet where 8 feet are required.

OP recommends that the approval be conditioned on the following:

1. The front of the front porch shall be located at the west property line on 23<sup>rd</sup> Street, in conformance with the setbacks of other units on the street.
2. Any fencing along Park Place shall be 42” high cast iron or a similar material. No fencing along Park Place or anywhere in public space shall be a stockade fence.
3. The parking pad shall be located near the southern property line, and not the north property line.
4. The southern and eastern elevations shall utilize hardie plank or a similar material, and not vinyl siding.

**II. APPLICATION-IN-BRIEF**

<b>Applicant:</b>	District Properties	<b>Property:</b>	Square 5577, Lot 27
<b>ANC:</b>	8A	<b>Zoning:</b>	R-2
<b>Proposal:</b>	Construct a new residence on a vacant lot at the corner of 23 <sup>rd</sup> Street, SE and Park Place, SE.		

**III. SITE AND AREA DESCRIPTION**

The subject property is at the southeast corner of the intersection of 23<sup>rd</sup> Street, SE and Park Place, SE. The 20 foot wide vacant property faces 23<sup>rd</sup> Street, with 100 feet of frontage on Park Place. It is flat and surrounded on the north, east and west by a fence apparently installed by the

adjacent property owner to enclose a yard. The streetscape on 23<sup>rd</sup> Street is characterized by a mix of rowhouses and closely spaced semi-detached and detached homes. A majority of the homes have brick exteriors and are built at or near the front property line. The Park Place streetscape on the subject block has no rowhouses but otherwise continues the pattern of interspersed semi-detached and detached residences. The homes on Park Place have setbacks which vary from a few to several feet, though houses on the south side tend to have a larger setback than those on the north. Minnesota Avenue, one block to the north, has a mix of residential and commercial uses.



#### IV. ZONING

The site is zoned R-2. The table below lists the requirements of the R-2 zone and the parameters of the proposed development.

Item	Section	R-2	Proposed	Relief
Height	400	40' 3 Stories	27' 2 Stories	Conforming
Lot Area	401	3,000 sf	<b>2,000 sf</b>	<b>Requested</b>
Lot Width	401	30'	<b>20'</b>	<b>Requested</b>
Lot Occupancy	403	40% 800 sf	<b>57%</b> <b>1,136 sf</b> (Includes 3' side yard)	<b>Required</b>
Rear Yard	404	20'	Not provided	Assumed Conforming
Side Yard	405.3	No stand-alone semi-detached	<b>0' side yard on north side</b>	<b>Required</b>
Side Yard	405.9	8' min.	<b>3' south side</b>	<b>Requested</b>
Open Court	406	~9' min.	24'5"	Conforming

#### V. ANALYSIS

In order to be granted a variance, the applicant must demonstrate how they meet the three-part test described in §3103.

- 1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

One unusual feature of the property is its width. At twenty feet in width the subject lot is narrow for the construction of a de-facto detached unit. The size of lot is also smaller than what would be required of a lot created today. Another unique feature impacting the subject property is that the house on the adjacent property is constructed as if it were a detached unit, even though its northern wall is on the property line. The hipped roof of that house slopes toward its northern property line, and the eaves and gutters, as well as a water or electrical meter, extend into the subject property.

## Lot Area and Width Variances

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The small dimensions of the lot create a practical difficulty for the applicant. The lot was created prior to the adoption of the current zoning regulations, and its width and area are smaller than would be permitted today. If relief is not granted, the lot would remain undevelopable, depriving the applicant reasonable economic use of the land and creating the burden of an unusable property.

- 3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Relief for lot width and area can be granted without detriment to the public good and without impairing the intent of the Regulations. While the Zoning Regulations intend to promote a specific pattern of development in the R-2 district, they did not intend to entirely prohibit the construction of a residential use on an existing lot. Furthermore, this development will replicate a historical development pattern in the neighborhood that includes detached or semi-detached homes on relatively narrow lots. Allowing construction of a residence on a vacant property will benefit the public by improving the appearance of the neighborhood and creating more eyes on the street.

## Side Yard Variances

- 2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The small width of the lot and the situation of the adjacent house combine to create a practical difficulty for the applicant. An ideal condition would be to locate the new home on the southern property line to form a pair of semi-detached homes on adjoining properties. If the adjacent property is to ever redevelop, which seems possible given the condition of the house, it would most likely be repaired or rebuilt on its northern property line. This is because the next homes on the block, as seen on the vicinity map on page 2, are themselves a pair of semi-detached structures. Locating the proposed house on the southern property line would be beneficial in another respect. The homes to its east on Park Place tend to be set back from the street. While no rule mandates that the proposed structure also be set back, it could be more visually cohesive if the new house had a yard on its north side.

The configuration of the adjacent house, and its intrusions onto the subject property, make it very difficult for the applicant to construct on the common property line. The alternative, therefore, is to push the proposed house to the north and create a side yard on the southern property line. A full side yard of eight feet would result in a house with a maximum outside width of only 12 feet.

The applicant has therefore proposed a maximum exterior width of 17 feet and a three foot wide side yard.

**3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Side yard relief can be granted without detriment to the public good and without impairing the intent of the Zoning Regulations. As stated above, the ideal proposal would be to have the new house located on the southern property line. The Office of Planning (OP) explored with the applicant the possibilities of moving the house to the southern property line or making the house slightly more narrow to create a small yard on the north side. The revised floor plan generated after the discussion with OP makes the center section of the house more narrow but keeps the front and back 17 feet wide. OP also worked with the applicant to make the proposed house and site more attractive, especially on the Park Place and 23<sup>rd</sup> Street façades. The applicant has committed to use brick on the west and north building façades, has added windows to the north façade and added trim to all the windows.

OP also requested that the design use a 42" cast-iron or similar metal fence along Park Place, instead of a 6' stockade fence, and that the parking pad be located on the south side of the lot, away from Park Place. As of this writing a new landscape plan has yet to be submitted showing these changes. OP, therefore, recommends that the Board make those changes conditions of approval of the variances.

**Lot Occupancy Variance**

**2. Does the extraordinary or exceptional situation described in the first part of the variance test impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The small size of the lot creates a practical difficulty for the applicant. The applicant seeks to construct a home of a size acceptable to homeowners and characteristic of the area. This leads to a footprint that would exceed the lot occupancy maximum in the R-2 district. Creating a home with a smaller footprint could make it more difficult to market the house. The proposed footprint would be conforming if the size of the lot met the minimum of 3,000 square feet. Similarly, the lot occupancy would be reduced if the lot were wider and the side yard did not count towards building area.

**3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Relief can be granted without detriment to the public good and without impairing the intent of the Regulations. The Regulations intend to control the bulk of structures in residential neighborhoods by limiting lot occupancy. However, the Regulations do not intend to prohibit a usable footprint when that design does not impede light and air and privacy available to

neighboring properties. In this case, the house to the south has only two windows on its northern façade, so any decrease in light would be minimal, especially since the side in question is the north side. Also, because there are only two windows on that side of the existing structure, any potential impacts to air or privacy would be minimal.

Impacts to the public would be minimal with the proposed layout, and OP worked with the applicant to maximize the attractiveness of the proposed house. OP recommended using brick on the north and west façades, and hardie plank on the south and east façades. Most homes on the street use brick. OP appreciates the applicant's commitment to use brick on the two mentioned façades, but as of this writing, revised south and east elevation drawings have not been submitted. OP recommends that the use of hardie plank on the east and south elevations be made a condition of the approval. OP also recommended that the unit be pulled up to the 23<sup>rd</sup> Street property line, to match the setback of the other houses on the street. As of this writing, a revised site plan has not been submitted, so OP recommends that a condition of the approval be that the front of the porch is placed at the property line on 23<sup>rd</sup> Street. Other improvements made to the design include the use of wood railings and posts on the porch, alignment of the stairs with the front door, and reducing from three to one the number of attic vents.

## **VI. HISTORIC PRESERVATION**

The subject property is not located in an historic district.

## **VI. OTHER DISTRICT AGENCY REPORTS**

The Office of Planning has not received reports from any other District agency.

## **VII. COMMUNITY COMMENTS**

As of this writing, the Office of Planning has received no comments regarding the proposal from neighbors or from ANC 8A.

JS/mrj

Matt Jesick, Project Manager