MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 11, 2014

SUBJECT: BZA Case 18729 - area variance request to permit the construction of a semi-detached single family dwelling in the R-3 zone at 5316 9th Street NW.

I. OFFICE OF PLANNING RECOMMENDATION

With regards to this proposal to permit the construction of a single family dwelling in the R-3 zone, the Office of Planning (OP) recommends **approval** of the following requested relief:

Area Variance (pursuant to § 3103.2):

- § 401.3, minimum lot size (2,000 square feet required; 1,238 square feet provided).

II. LOCATION AND SITE DESCRIPTION

Address	5316 9th Street NW
Legal Description	Square 2998, Lot 0025
Ward/ANC	4D01
Lot Characteristics	One irregularly shaped, nonconforming lot.
Zoning	R-3 – detached, attached, semi-detached, and single family dwellings. A semi-detached single family dwelling is a permitted use in this residential zone.
Existing Development	The property is currently undeveloped.
Adjacent Properties	To the south of the subject property is a through lot developed with a semi-detached dwelling. To the north are six row dwellings. To the east is 9th Street NW. To the west is the terminus of a 12-foot alley.
Surrounding Neighborhood Character	The housing stock is predominantly semi-detached and row dwelling structures in the R-3 and R-4 zones. To the west is the Georgia Avenue commercial corridor in the C-2-A zone.

III. APPLICATION IN BRIEF

Applicant	Toye Bello, applicant, on behalf of Eva Volcikova Noone, owner.
Proposal	The Applicant is seeking area variance relief from the minimum lot area requirement (§ 401.3) to construct a semi-detached single family dwelling.

IV. ZONING REQUIREMENTS

The R-3 District is designed essentially for row dwellings, but there shall be included in an R-3 District areas within which row dwellings are mingled with one- family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwelling. In an R-3 zone, the minimum lot area is 2,000 square feet (§ 401.3).

R-3 Zone	Regulation	Existing	Proposed	Relief[1]
Lot Width (ft.) § 401	18 ft. min.	20 ft.	20 ft.	None required
Lot Area (sq. ft.) § 401	2,000 sq. ft. min.	1,238 sq. ft.	1,238 sq. ft.	762 sq. ft.
Floor Area Ratio § 401	None prescribed	N/A	N/A	None required
Lot Occupancy § 403	60% max.	N/A	60%	None required
Rear Yard (ft.) § 404	20 ft. min.	N/A	20 ft.	None required

V. OP ANALYSIS

AREA VARIANCE RELIEF PURSUANT TO § 3103.2

The proposal meets the requirements of the area variance as follows:

> ***The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;***

The property is unique in that it is irregular in shape. The property was subdivided prior to zoning; however, unlike the surrounding properties, it was not developed. The properties adjacent to the subject property are under separate ownership and have been developed, barring the property owner from acquiring additional land that would make the lot conform to current regulations. The properties to the north, which front on 9th Street NW, are developed with attached row dwellings. The properties to the south, through lots that front on Illinois Avenue NW, are developed with detached, semi-detached or accessory buildings. The proposed development would comply with zoning requirements, with the exception of the minimum required lot area. Therefore, the property's size presents a practical difficulty for the owner to develop in accordance with current zoning regulations. If relief is not granted, the property would remain undeveloped.

[1] Information provided by Applicant.

By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.

Due to the shape of the property and the fact that the surrounding properties are developed and in different ownership than the subject property, strict compliance with the Zoning Regulations would result in a practical difficulty to the applicant. The shape of the property and the existing development on the adjoining lots, which are owned by different owners, make it practically difficult for the applicant to implement an economically feasible development without minimum lot area relief.

The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The requested relief can be granted without substantial detriment to the public good or substantial impairment of the zone plan. The proposed development would result in the improvement of a vacant lot with a single family dwelling that meets applicable provisions of the zoning regulations, with the exception of minimum lot area.

OP notes; however, that the proposed development is not consistent with the architectural character of the surrounding neighborhood and would encourage the applicant to revisit the design as follows:

1. Employ red brick as the building material to better relate to the architectural character of the neighborhood; and
2. Revisit the south façade of the building to provide architectural interest on this highly visible portion of the building.

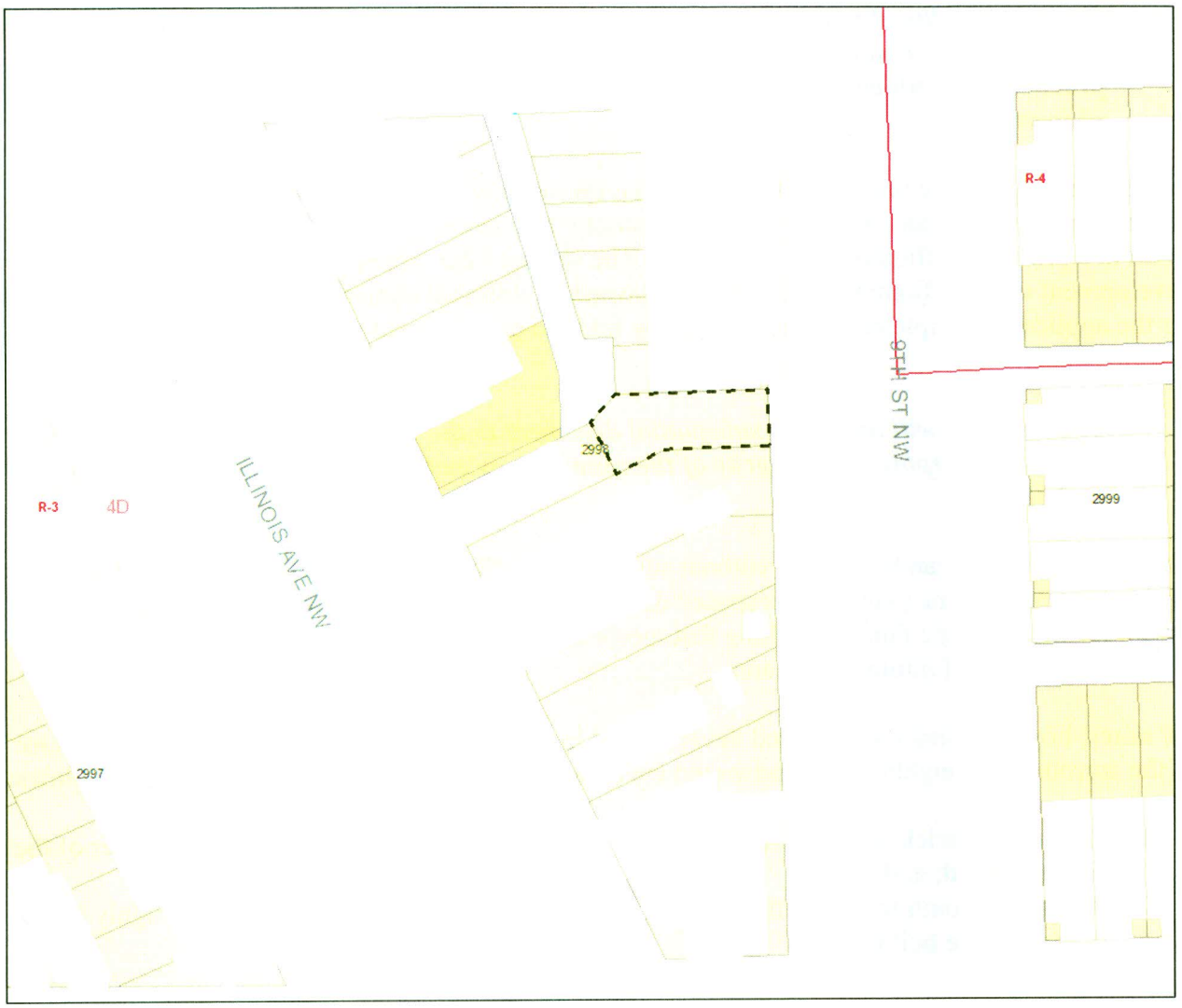
VI. COMMUNITY COMMENTS

Comments had not been received from ANC 4D at the time this report was written.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

Comments had not been received from other agencies at the time this report was written.

Attachment: Location and Zoning Map


R-4
9TH ST NW
2999
2998
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4D
2997