



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Matt Jesick, Case Manager  
*mef for* Joel Lawson, Associate Director Development Review  
**DATE:** January 26, 2016  
**SUBJECT:** BZA #19171 – 12 Rear Logan Circle, NW

**I. RECOMMENDATION**

With regard to this proposal to construct a parking and storage building on an alley lot, the Office of Planning (OP) recommends **approval** of the following variance relief:

- § 403 Lot Occupancy (60% maximum, 94% proposed);
- § 404 Rear Yard (15’ minimum, 0’ proposed);
- § 406 Court Width (10’ minimum, 5.7’ proposed);
- § 2300.4 Garage Setback (12’ setback from centerline required, 7.5’ setback provided on west side of building); and
- § 3202.3 Record Lot Requirements (One principal building per record lot; two buildings proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	12 Rear Logan Circle, NW
Legal Description	Square 241, Lot 837
Zoning	R-5-B
Ward and ANC	2, 2F
Historic District	Logan Circle Historic District
Lot Characteristics and Existing Development	Vacant rectangular tax lot, paved and used for parking, 27.1’ X 33’. Shares an underlying record lot with Tax Lot 836, 12 Logan Circle. Fronts on a 20 foot alley to the north and a 15 foot alley to the west.
Adjacent Properties and Neighborhood Character	Garage to the east; Two story non-residential structure to the west; Other two story structures on the alley; Rowhouse structures to the south fronting on Logan Circle; Rowhouse structures to the north facing Q Street. Surrounding neighborhood a mix of rowhouses and moderate to medium sized apartment buildings; Commercial development to the west on 14 <sup>th</sup> Street.



### III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to construct a two story building to house parking and storage uses. Parking and some storage space would be on the ground floor, and the second floor would be used entirely for storage.



### IV. ZONING REQUIREMENTS AND REQUESTED RELIEF

The subject site is zoned R-5-B. The application seeks zoning relief as noted in the table below.

Item	Requirement	Proposed	Relief
§ 2507.4 Height	22' max.	22'	Conforming
§ 401 Lot Area	No requirement	895 sf	Conforming
§ 401 Lot Width	No requirement	27.1'	Conforming
§ 402 FAR	1.8	1.8	Conforming
§ 403 Lot Occupancy	60%	94%	Requested

Item	Requirement	Proposed	Relief
§ 404 Rear Yard	15'	0'	Requested
§ 405 Side Yard	None required	None	Conforming
§ 406 Court Width	10' min.	5.7'	Requested
§ 2300.4 Garage Setback	Setback 12' from centerline	12' setback to garage doors on north side; 7.5' setback to western wall without garage doors	Requested
§ 3202.3 Record Lot Requirements	One principal structure per record lot	Two principal structures	Requested

## V. ANALYSIS

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

### Lot Occupancy, Rear Yard, Court Width and Garage Setback

#### 1. Exceptional Situation Resulting in a Practical Difficulty

The subject site is exceptionally small and full compliance with the lot occupancy, rear yard and court regulations would result in a practical difficulty to the applicant. The lot is only 895 square feet in size, and with a depth of only 33 feet, a rear yard setback of 15 feet would render almost half the lot unusable. Lot occupancy limits would similarly limit the development potential of the lot. On the second floor, the design incorporates a court, but providing the entire required 10 foot court would use more than a third of the width of the lot.

Regarding the setback requirement of § 2300.4, that section states that “A private garage constructed on an alley lot shall be set back at least twelve feet (12 ft.) from the center line of the alley on which the lot abuts.” While that section typically applies to garage entrances, this property is adjacent to two alleys, and the language of the section does not exempt the western wall, although there are no garage entrances on that side. The applicant therefore seeks relief to provide a 7.5 foot setback from the centerline on that side. The north side provides the required 12 foot setback. Providing the entire setback on the west would add to the practical difficulty of developing the lot. Together with lot occupancy, rear yard and court requirements, if all required setbacks were applied, the developable space on the lot would be so minimal as to render the property practically unbuildable.

#### 2. No Substantial Detriment to the Public Good

Constructing the building as proposed would not have a substantial detriment to the public good. Two story structures are typical on this alley, so the construction of a new one would not be out

of keeping with the historical development pattern in this area. The building would cast some new shadow, but because it is at the corner of two alleys, most of that shadow would fall on public space. The building should not impact the air available to nearby properties, and without windows on the east and south sides, privacy should not be unduly impacted. The applicant intends to use the property for non-required parking for residences they own on the north side of the alley. Providing these parking spaces would be a benefit to the neighborhood.

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

Although this area is developed with a significant number of rowhouses, the R-5-B zoning reflects the slightly more dense character of the Logan Circle neighborhood. Building an alley building would not be out of character with the historical building patterns or the general density seen in the vicinity. While the Zoning Regulations generally seek to provide certain open spaces on lots, they do not aim to prevent all development on a lot. In this case full compliance with the required setbacks would result in an unbuildable, vacant property.

## **Record Lot Requirements**

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

The subject tax lot, Lot 837, is exceptional in that it shares an underlying record lot with the adjacent tax lot to the south, Lot 836. The two lots are under separate ownership, and no one owns the underlying record lot. Tax Lot 837, created in 1939, would not normally be permitted to have a principal structure, since it is not a lot of record. But the lot does meet the definition of "Lot, alley" under the Regulations.

Section 3202.3 states that no building permit shall be issued for a principal structure unless each principal structure has a separate record lot. In this case, compliance with that provision would mean the subject property could not be built upon, even though it is in separate ownership from the lot to the south. In other words, the presence of a building on an adjacent lot would prevent the owner of this site from using their own property, which would result in a practical difficulty.

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

Allowing development of this property would be in keeping with the historical development patterns of this alley. An examination of historic records shows that at some point in the past a building did exist on this site. The building would provide parking for nearby residents, which would be a benefit for the community. The building would also improve the visual appearance of the alley.

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

Granting the requested variance would not impair the intent of the Zoning Regulations. Development on this site would be in keeping with the general character of the neighborhood. The R-5-B zoning on the property anticipates a form of development slightly more dense than

rowhouse neighborhoods zoned R-3 or R-4, and recognizes the way that this particular neighborhood has developed. Granting the variance would allow construction of a building similar to others in the alley.

## **VI. HISTORIC PRESERVATION**

This property is located in the Logan Circle Historic District and the project has received conceptual approval from the Historic Preservation Review Board. Final approval has been delegated to staff.

## **VII. COMMUNITY COMMENTS**

As of this writing OP has received no comments from the community. Although there is no letter yet in the record, OP understands that the ANC has voted to support approval of the project. The applicant reported that they have had generally positive conversations with neighboring residents, and OP asked the applicant to continue that dialogue and provide the Board with any updates.