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Sent: Friday, May 26, 2017 4:14 PM
Subject: Question about the side yards for detached buildings FW: B1707642 1844 Monroe St and 1842 Monroe St

Matt and Max, I have a question about that pesky side yard provision in E-307.1

“When a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.”

I have a project with two 25-foot wide flats, being constructed together and attached to each other, on the south side of Monroe St. Attached is a plat. The building to be located at 1842 Monroe will be adjacent to the existing row structure at 1840. On the other side, the building to be located at 1844 Monroe will be on the west property line, but will not be attached to the building to the west.

If I read the zoning comment correctly, the reviewer is saying that the 1842 building will not need a side yard because it is attached to a building on both sides, but that 1844 will need a side yard because it is not attached on the west side. It is only attached (or will be) to 1842 on the east.

A critical read of 307.1, I think, requires that a building meet the prerequisite condition (does not share a common division wall with an existing building or a building being construction together...) before it can be subject to the requirement at the end of the provision. The new flat being erected at 1844 does indeed share a common division wall with a building being constructed together with it (the 1842 building). Therefore, it cannot be subject to the resulting requirement, as it does NOT meet the prerequisite condition.

Both 1842 and 1844 will indeed share **A** common division wall with **AN** existing building or **A** building being constructed together with them. Therefore, neither one can be subject to the resulting side yard requirement. In other words, there is no requirement that the new building share a common division wall with TWO buildings. The plain language provides that it need only be attached to **a** single building. And if it is attached to A building, then it is simply not subject to this provision at all.

I would welcome the opportunity to discuss this question further, if necessary. I believe these buildings are already approved by HPRB, by the way.

Have a great weekend!

Regards,
Marty

Board of Zoning Adjustment
District of Columbia
CASE NO.19613
EXHIBIT NO.4A

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