

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: March 9, 2018

SUBJECT: BZA #19683 – 260 Lincoln Court, SE – OP Supplemental Report
Request for relief in order to create new alley record lot and construct a new single-family dwelling on the alley lot

At the February 21 public hearing on this case, the Board asked the Office of Planning (OP) to provide two additional items:

- A summary of the rationale and analysis for case 19479, 1 Library Court, SE, an alley lot case for which OP recommended approval;
- Preliminary options for revising zoning text to address “historic tax lots on alleys” in the Zoning Regulations.

The requested information is provided below, with the caveat that each case is evaluated on its own merits, and OP does not consider any case to set a precedent for other cases.

19479 – 1 Library Court, SE

1 Library Court was an existing alley dwelling on a tax lot (Square 788, Lot 826). The owner requested a variety of relief to convert the tax lot to a record lot, and to construct a one story addition to the existing two story home.

The primary areas of relief, as with 260 Lincoln Court, were related to the creation of a record lot. In that case, the applicant applied for variance relief for lot width and lot area (Subtitle E § 201.1). The following is a summary of OP’s analysis of the three part variance test for those areas of relief.

1. Exceptional Situation Resulting in a Practical Difficulty

OP found that the property exhibited exceptional conditions because there was an existing house on the site, the house predated the 1958 Zoning Regulations, and also because the lot’s dimensions and the structure are now nonconforming and there is no land available to rectify the nonconformities of land and structure. OP found that these exceptional conditions created a practical difficulty because a building permit could not be obtained, even for home renovations.

2. No Substantial Detriment to the Public Good

OP found that granting relief for lot area and lot width would not result in a harm to the public good; The ability to obtain a building permit would allow for the preservation and maintenance of an historic residential structure, thus helping to maintain the character of the neighborhood.

3. No Substantial Harm to the Zoning Regulations

OP found that, although this was a tax lot being converted to a record lot, granting relief to allow the subdivision would meet the intent, stated in C § 301.1, that existing record lots with substandard dimensions may receive building permits and may be developed, as long as other development standards of the relevant zone are met. OP also noted that the application would meet a further intent stated in C § 301.1, that the nonconformities for lot area and lot width may not be increased.

Potential Text Amendment Addressing Alley Lots

OP is examining this issue but has not yet developed proposals or recommendations for text amendments. We will present options for action to the Zoning Commission once the analysis has progressed.