

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 6, 2018  
**SUBJECT:** BZA Case 19735, 1528 W Street, SE, Variances from D §§ 302 and 307 to allow construction of a new semi-detached, single-family dwelling in the R-3 zone not meeting the minimum lot area and side yard requirement.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following variances pursuant to X § 1000.1:

- D § 302.1, minimum lot dimensions (30 feet minimum lot width and 3,000 square feet minimum lot area required; 24 feet lot width and 2,760 square feet lot area provided)<sup>1</sup>; and
- D § 307.4, side yard (8 feet minimum required; 0 to 6 feet provided).

**II. LOCATION AND SITE DESCRIPTION**

Address	1528 W Street, SE
Applicant	Cozen O'Connor, attorney, on behalf of Mi Casa, Inc., owner
Legal Description	Square 5779, Lot 824
Ward, ANC	Ward 8 / ANC 8A
Zone	R-3 - The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings. The R-3 zone is intended to permit attached rowhouses on small lots.
Historic District	Anacostia Historic District
Lot Characteristics	The Property is a rectangular, corner tax lot that measures 24 feet in width and 115 feet in length. The Property is bound by a 30-foot improved public alley to the north; adjacent lot to the west; W Street, SE to the south; and 16 <sup>th</sup> Street, SE to the east.
Existing Development	The Property is currently unimproved.

<sup>1</sup> Under ZR-16, relief is not required from lot area or width for a non-conforming record lot; however, in this case the subject lot is a tax lot, and relief is required to convert it to a record lot which is needed to obtain building permits.

Adjacent Properties	The adjacent property to the west is improved with a 2-story semi-detached single-family dwelling.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with properties in the R-3 zone and in the RA-1 zone to the south across W Street, SE.
Proposed Development	The Applicant proposes to convert the tax lot to a record lot, and construct a semi-detached single-family dwelling.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

Zone – R-3	Regulation	Existing	Proposed	Relief
Height (ft.) D § 303	40 ft./3 stories	N/A	26 ft. 6 in.	None Required
Lot Width (ft.) D § 302	30 ft.	N/A	24 ft.	<b>REQUIRED</b>
Lot Area (sq. ft.) D § 302	3,000 sq. ft.	N/A	2,760 sq. ft.	<b>REQUIRED</b>
Lot Occupancy D § 304	40 %	N/A	27%	None Required
Rear Yard (ft.) D § 306	20 ft.	N/A	61 ft. 6 in.	None Required
Side Yard (ft.) D § 307	8 ft.	N/A	0 ft. – 6 ft.	<b>REQUIRED</b>
Parking C § 701	1 sp./dwelling unit	N/A	1 space	None Required

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from U § 302.1 and 307.4**

**i. Exceptional Situation Resulting in a Practical Difficulty**

The Property exhibits an exceptional situation that results in a practical difficulty. Lot 824 is an existing nonconforming tax lot. Historical data indicate that there was a semi-detached dwelling on the property, which no longer exists today. The adjoining properties to the west are improved with existing, semi-detached dwellings that are not owned by, or under the control of, the Applicant.

Furthermore, the zoning regulations require that a side yard be provided on each freestanding side for dwellings in the R-3 zone. The Applicant would be required to dedicate 16 of the 24 feet available to side yard, leaving 8 feet remaining for construction of a dwelling. The resulting developable area would not be suitable to residential construction.

The existing subdivision of Square 5779, 24-foot width of Lot 824, and inability to assemble lots to create a conforming lot width, create an exceptional situation that results in a practical difficulty.

**ii. No Substantial Detriment to the Public Good**

The Applicant is proposing a semi-detached, single-family dwelling that would be compatible and consistent with the surrounding residential neighborhood. The Applicant has sited the proposed dwelling at the eastern property line, providing a 6-foot setback adjacent to the property at 1526 W Street, SE. The Historic Preservation Review Board (HPRB) reviewed the project and provided

conceptual approval at its October 26, 2017 meeting, with the condition that further review was delegated to staff and the project return to the HPRB on consent. Granting the requested lot dimension and side yard relief should not result in substantial detriment to the public good.

**iii. No Substantial Harm to the Zoning Regulations**

The R-3 zone permits row dwellings, as well as detached dwellings and semi-detached dwellings. The Applicant is proposing to construct a semi-detached dwelling, which is permitted in the R-3 zone. Allowing the construction of a semi-detached dwelling, on a lot that was previously improved, should not cause harm to the intent and integrity of the Zoning Regulations.

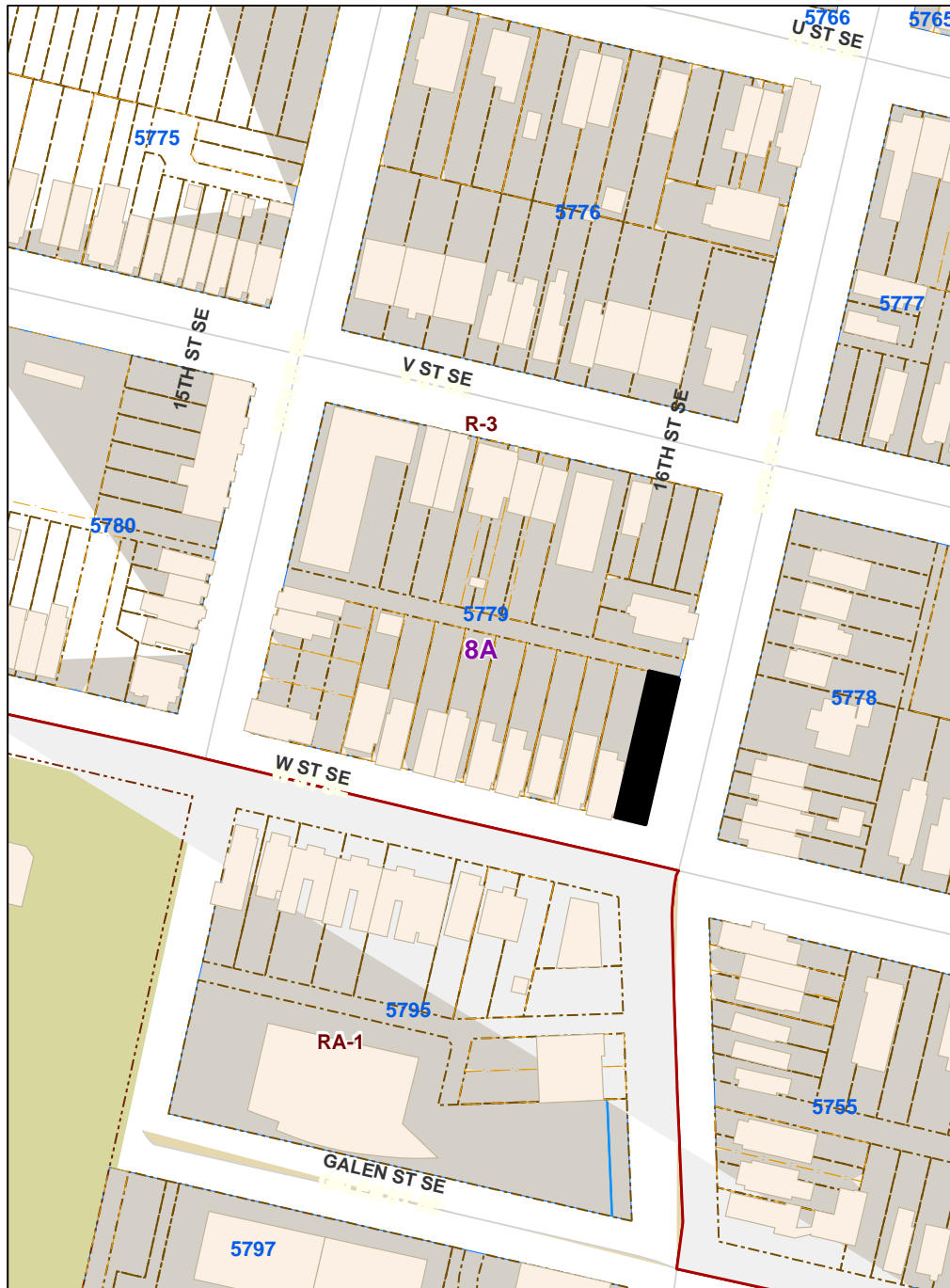
**V. COMMENTS OF OTHER DISTRICT AGENCIES**

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

**VI. COMMUNITY COMMENTS**

Comments from community members, including ANC 8A, had not been received at the time this report was written.

Attachment: Location Map



Attachment: Location Map, 1528 W Street, SE