

## SUPPLEMENTAL REPORT

**TO:** District of Columbia Board of Zoning Adjustment

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

**DATE:** May 18, 2018

**SUBJECT:** BZA Case 19736, 1928 15<sup>th</sup> Street, SE, Variances from D §§ 302 and 307 to allow construction of a new detached single-family dwelling in the R-3 zone not meeting the minimum lot width and area and side yard requirements.

### I. BACKGROUND

In its report dated April 6, 2018 (Exhibit 41), OP recommended approval of lot dimension and side yard variance relief to allow construction of a new semi-detached dwelling on this vacant lot, by Mi Casa, Inc. (the applicant), a non-profit housing provider. The applicant subsequently postponed the hearing from April 18, 2018 to May 30, 2018. On May 9, 2018, the applicant submitted a supplemental statement (Exhibit 46) that included revised relief to include a detached dwelling that would be located four inches (4 in.) from the northern property line.

### II. RECOMMENDATION

The Office of Planning (OP) continues to **recommend approval** of the requested minimum lot dimension relief:

- D § 302.1, minimum lot dimensions (40 feet minimum lot width and 4,000 square feet minimum lot area required; 28 feet lot width and 2,688 square feet lot area provided)<sup>1</sup>.

However, OP **cannot make a recommendation** for the new side yard variance relief:

- D § 307.2, side yard (8 feet minimum required; 4 inches provided at northern property line and 8 feet provided at southern property line).

The applicant states that the revision to provide a four-inch (4 in.) side yard, instead of the original proposal to locate the building on the property line or provide no side yard, was made at the request of the adjacent neighbor. In shifting the building off the property line, the nature of the building changes and the regulations pertaining to the lot and yards also change. In the R-3 zone, a detached building is subject to the side yard requirements of the R-1-B zone, or a minimum of eight feet (8 ft.). The zoning regulations also contemplate a larger lot width and lot area for a detached building in the R-3 zone.

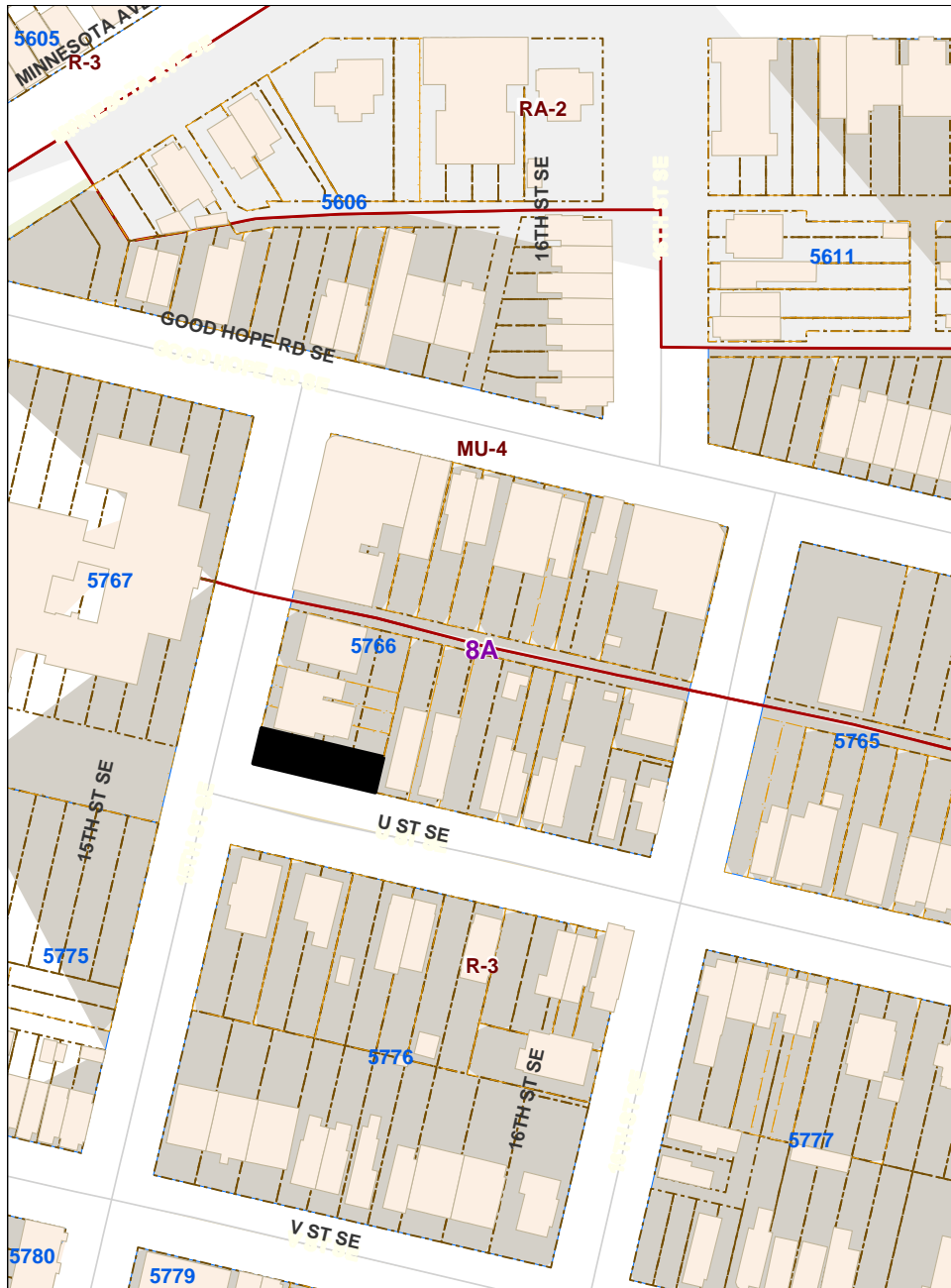
While the R-3 zone anticipates semi-detached properties with no side yard on one side, the provision of an unusable and potentially problematic four-inch (4 in.) side yard is not anticipated;

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<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.

on the contrary, the regulations (D § 307.3) anticipate that if a side yard is provided, it shall be no less than five feet (5 ft.), which would be enough to permit proper maintenance and potential use.

While OP has had meaningful discussions with the applicant, at this point the Applicant has not provided sufficient justification to demonstrate that the strict application of the side yard regulations would result in peculiar and exceptional practical difficulties to the owner of property as a result of the attributes of the property, or that the proposed four-inch (4 in.) side yard would be consistent with the intent of the zoning regulations. As such, while OP remains supportive of this applicant and the goal of providing new infill housing opportunities on vacant lots, the variance test has not been adequately addressed and OP is not able to make a recommendation at this time.



Attachment: Location Map, 1928 15<sup>th</sup> Street, SE