

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 12, 2018

**SUBJECT:** BZA Case 19832 (308 62<sup>nd</sup> Street NE): Request for area variance relief from D §§ 302 and 307 to permit construction of a new, semi-detached single-family dwelling on an existing lot of record in the R-2 zone.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval of area variance** relief of the following:

- D § 307.1, Side Yard, pursuant to Subtitle X § 1000(8 feet required on both sides, 3 ft. and 0 feet proposed)
- D § 307.4, Common Division Wall.

The Applicant also requested relief from Subtitle D § 302.1 for record lot width, which is not required for the development of an existing record lot.

**II. LOCATION AND SITE DESCRIPTION**

Address	308 62 <sup>nd</sup> Street NE
Applicant	Yasmine Sikder
Legal Description	Square 5267, Lot 44
Ward, ANC	7/ANC 7C05
Zone	R-2: The R-2 zone is intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.
Historic District	Not in a historic district.
Lot Characteristics	The rectangular lot is long and relatively flat, and is located at the end of a row, where it abuts a 10-foot wide alley at its west property line and a 20-foot wide alley at the rear.
Existing Development	The lot is currently undeveloped. However, historical records show that the last permitted use was a small church within a residential structure in the 1980's.
Adjacent Properties	The property fronts on 62 <sup>nd</sup> Street, with an abutting two-story apartment building to the north, a 15-foot wide alley to the south and a 20 feet wide alley at the rear/west property lines.

Surrounding Neighborhood Character	The neighborhood is predominantly developed with small apartment buildings with some single-family detached structures, small church uses, and schools.
Proposed Development	The applicant proposes to construct a two-story semi-detached single-family home set back 3 feet on the south property line but not on the north property line, where there is no common division wall.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone- R-2	Regulation	Existing	Proposed	Relief
Height (ft.) D § 303	40 ft. max.	undeveloped	25 ft.	None Required
Lot Width (ft.) D § 302.1	30 ft. min.	22 ft.	22ft.	Existing Nonconformity
Lot Area (sq. ft.) D § 302.1	3,000 sq. ft. min.	3,080 sf.	3,080 sf.	None Required
Lot Occupancy D § 304	40% max.	undeveloped	37.66 %	None Required
Rear Yard (ft.) D § 306	20 ft. min.	undeveloped	82 ft. 3ins.	None Required
Side Yard (ft.) D § 307.1; 307.4	8 feet min. Side yard required on each resulting freestanding side	undeveloped	3ft.; 0 ft.	<b>Variance Required</b>
Common Division Wall D § 307.4	8 ft. min. side yard for development not sharing a common division wall	undeveloped	No side yard proposed for the free-standing side of the house that does not share a common division wall	<b>Variance Required</b>
Parking C § 701	1 space per du	undeveloped	1 space	None Required

### IV. OFFICE OF PLANNING ANALYSIS

#### Variance Relief from Subtitle D § 307.1, Side Yard; and Subtitle D § 307.4, Common Division Wall

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

Historical data indicates that there was a structure on the property, which no longer exists today<sup>1</sup>. The adjoining property to the north is improved with an existing semi-detached apartment building and similar apartment dwellings north on the square that are not owned by, or under the control of, the Applicant.

Current zoning regulations require that a side yard be provided on each freestanding side for dwellings in the R-2 zone, and where there is no common division wall, a side yard should be

<sup>1</sup> A small church building – year built unknown. Last recorded data in 1985.

provided. Due to the lot's width, the side yard regulations would require 16 feet of the 22 feet available, leaving 6 feet remaining for construction of a dwelling. Thus, the applicant is proposing to develop a semi-detached house with one side yard, for which relief from the requirement for a common division wall on the north is needed, and one side yard, 3 feet in width to the south, adjacent to the alley, resulting in a 19 foot wide house.

As such, the existing lot area, and the applicant's inability to assemble lots to create a conforming lot width, would create a substandard layout, and the applicant states that such practical difficulty would prohibit any building on the lot.

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

Substantial detriment is not anticipated to the public good as the lot's development would fill in an undeveloped gap along a residential street. The proposal would therefore reinforce the residential character of the square and block. As proposed, the home would be similarly located as other residential buildings on the street, which typically do not have 8 feet side yards on both sides. Light and air to the adjacent apartment home would not be adversely impacted, as there is a side yard to the south of the adjacent property, providing adequate separation between the future residence and the apartment building.

The proposed home would comply with all other development standards, including height, front setback, rear yard setback, and parking and should not restrict light, air, or privacy to existing adjacent development. Therefore, there would be no substantial detriment to the public good.

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

The intent of the side yard development standard is to ensure that there is sufficient open space between proposed and adjacent uses. The proposed lack of side yard to the north and the 3-foot side yard to the south would be consistent with prior development, which had minimal to no side yard, and the R-2 zone permits semi-detached houses. The new single-family dwelling would provide a rear yard at 82-feet and lot occupancy at 37.66%, which would be well within the maximum permitted bulk requirement of the zone. There would be sufficient open space provided between the proposed home and the building to the north, which would not substantially harm the intent of the zoning regulations.

## **V. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments of other District agencies were not noted in the record at the time of this report's writing or filing.

## **VI. COMMUNITY COMMENTS**

Comments from ANC 7C have not been added to the record to date.

Neighborhood comments were not received to the record at the writing of this report.

LOCATON MAPS

