

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JS for*  
 Joel Lawson, Associate Director Development Review  
**DATE:** April 19, 2019

**SUBJECT:** BZA Case 19990, 919 47<sup>th</sup> Pl., N.E., to “opt into” Inclusionary Zoning and subdivide an existing record lot and construct two semi-detached principal dwelling units in the R-2 Zone at 919 47th Place, N.E. (Square 5151, Lot 105). **(Vacant to Vibrant)**

**I. OFFICE OF PLANNING RECOMMENDATION**

The applicant has opted into Inclusionary Zoning (IZ) and is applying the IZ minimum lot dimension standards to the development. Special exception relief is required to opt into the IZ program per Subtitle C § 1001.2; additional variance relief is required to provide lots smaller than these amounts.

The Office of Planning (OP) recommends approval of the following special exception relief:

- Subtitle C §§ 1001.2(e)(3) and 1002.2, IZ dimensional modifications, pursuant to Subtitle X § 900.2 (25-foot lot width and 2,500 square foot lot area by special exception);

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

- Lot Area, Subtitle D § 302.1, pursuant to Subtitle X § 1000 (2,500 (IZ)) sf minimum required; 3,582 existing; 1,791 sf proposed);
- Lot Width, Subtitle D § 302.1, pursuant to Subtitle X § 1000 (25 ft (IZ)) minimum required; 40 ft. existing; 20 ft. proposed); and
- Side Yard, Subtitle D § 206.3, pursuant to Subtitle X § 1000 (8 feet minimum required; 3 feet proposed).

The applicant has opted into IZ and is applying the IZ minimum lot dimension standards to the development. Special exception relief is required to opt into the IZ program, per Subtitle C, Section 1001.3 would

**II. LOCATION AND SITE DESCRIPTION**

Address	919 47 <sup>th</sup> Place, N.E.
Applicant	Thomas Houston, for Medici Road
Legal Description	Square 5151, Lot 105
Ward, ANC	7/ANC704
Zone	R-2 – permits detached and semi-detached residences
Historic District	N/A

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Lot Characteristics	The rear of the lot is at a higher elevation as it slopes gently to the north and to the front, where it is at its lowest elevation.
Existing Development	The lot is currently undeveloped.
Adjacent Properties	Adjacent lots are developed with single-story frame residences. The residence to the south fronts on 47 <sup>th</sup> Place and has a side yard of approximately 3 feet from the shared property line. The residence to the north, which fronts on Sheriff Road, has a rear yard abutting the subject lot and would be more than 15 feet from the north facing wall of the future semi-detached home.
Surrounding Neighborhood Character	The neighborhood is predominately detached single-family homes in close proximity to commercial properties in the abutting MU-3 zone.
Proposed Development	The applicant proposes to subdivide the 3,589-sf lot into two separate lots, each 20 feet in width and 1,791 sf in area. Each lot would be developed with a one-family semi-detached residence, each with a 3-foot side yard. A parking pad at the rear of each lot would be accessed from the 15-foot wide alley. The applicant is opting into IZ to utilize the IZ bonus for the lot dimensions, limiting one of the units to 80% median family income (MFI) for the life of the project. Lot area and lot width would be lower than the <a href="#">minimum permitted</a> under IZ in the lower density zones and variance relief would be required.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-2 (Semi-detached)</b>	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Area D § 302	2,500 sf (IZ)	3,582 sf	1,791 each lot	<b>Variance Relief Required</b>
Lot Width D § 302	25 ft (IZ)	40 ft	20 ft., each lot	<b>Variance Relief Required</b>
Height D § 303	40' 2 stories	n/a	27' 2 stories	None Required
Lot Occupancy D § 304	40%	n/a	31.4%	None Required
Front Setback D § 305	Within range of existing front setbacks	n/a	0 ft.	None Required
Rear Yard D § 306	20'	n/a	57'9"	None Required
Side Yard D § 206.3	8'	n/a	3 ft.	<b>Variance Relief Required</b>
IZ Bonus C § 1001.2 (e) (3)		n/a		<b>Special Exception</b>



**LOCATION and ZONING MAP**

**IV. OFFICE OF PLANNING ANALYSIS**

**SPECIAL EXCEPTION: Opt into IZ: Lot Area and Lot Width pursuant to X § 900**

- i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The proposed semi-detached structures are permitted in the zone and would satisfy the overall density and other area requirements of the regulations. The development would fill in a vacant gap on the block with new housing, consistent with the intent of the zone, including an IZ unit that would be made available under the regulations. The proposal is in harmony with the general purpose and intent of the Regulations and Map.

- ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

Use of neighboring property should not be adversely impacted, as light and air to abutting neighbors would be maintained and the proposed buildings would conform to all zoning requirements, except for side yard, for which relief was requested. On-site parking, consistent with the zoning, would be provided.

**AREA VARIANCES: Relief from Subtitle D § 302.1, Lot Width; § 302.1, Lot Area; and § 206.3, Side Yard**

In conformance with IZ area dimension permissions each building lot would need to be a minimum of 25 feet in width (20 feet proposed), have a lot area of at least 2,500 square feet (1,791 square feet proposed), and provide one eight-foot side yard (3 feet proposed).

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

Lot Area Dimensions

The exceptional situation in this case is the 15-year covenant restricting sale of market rate homes, making the sale of a single-family home on the existing lot unattractive to future buyers, as compared to any other home sale in the area unencumbered by such a covenant. This programmatic requirement presents an exceptional situation that would result in a practical difficulty for the applicant in developing the property with a single-family detached home.

The applicant entered into a contract agreement with the District of Columbia Housing and Community Development (DHCD) to construct two semi-detached, one-family homes through the District's Vacant to Vibrant program. One unit would be sold at 80% MFI and the other at 100% MFI.

Side Yard

The minimum required eight-foot side yard for each of the semi-detached buildings, in conjunction with the maximum permitted 40 percent lot occupancy, would result in a building footprint that would be narrow, undersized and inefficient for reasonably-sized homes, including desired family-sized homes.

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

The surrounding area is comprised of a variety of building typologies, including single-family detached homes and moderate density multi-family housing. The proposed subdivision would generally be in character with surrounding development. Construction of new homes on the subdivided lot would improve the residential streetscape by providing desired housing on a long-vacant lot, and the three-foot side yards would allow for open space and landscaping, softening the appearance of the development.

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

Minimum side yard, lot width and lot area requirements are, in part, to ensure adequate open-space on individual lots and to ensure sufficient space is provided between existing and proposed uses. The proposed development would satisfy this intent.

The Regulations generally support opportunities for "family-sized" housing. Granting the requested variances would allow the creation of two record lots and the provision of two contemporary and family-sized homes on lots that would not be entirely out of character with the neighborhood. The relief requested would ensure that the homes are a consistent size and not out scale with existing development on the square.

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

The District Department of Transportation submitted a memo noting no objection to the proposal (Exhibit 31). No comments from other District agencies were submitted to the file as of the date of the filing of this report.

## **VI. COMMUNITY COMMENTS TO DATE**

One request for party status was submitted to the file. (Exhibit 29).

One letter in opposition was submitted to the file. (Exhibit 30)

No comments from ANC 7C were submitted to the file.