

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: November 24, 2020

SUBJECT: BZA #20329 – 1138 51st Street, NE – Request for zoning relief to construct two new semi-detached dwellings

I. BACKGROUND

This application was originally for a variance for lot width and lot area in order to create two new record lots, and a variance for side yard width to accommodate the new dwellings. The Office of Planning (OP) discussed the application with the Zoning Administrator (ZA), who confirmed to OP that the existing record lots, Lots 64 and 65, which underlie Tax Lot 809, would allow for a matter of right subdivision process, and that zoning relief for lot area and lot width would not be necessary. The ZA further stated that Subtitle D § 5201 was the appropriate mechanism for seeking side yard relief in this case. In this report, therefore, OP is only analyzing the side yard relief, pursuant to D § 5201¹.

II. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201:

- D § 302 Side Yard (8’ required, 5’ proposed).

III. LOCATION AND SITE DESCRIPTION

Address	1138 51st Street, NE
Legal Description	Square 5201, Lot 809
Applicant	Ekop I. Graham, owner

¹ At Exhibit 35, the applicant’s representative submitted an email to the record reflecting a previous conversation he had with the ZA. In OP’s discussions with the ZA, the relationship of the record lots and tax lot was clarified, leading the ZA to his updated recommendation that no zoning relief is necessary for lot width and lot area, and that Section 5201 could be used for side yard relief. Also in Exhibit 35, the applicant states that the project is being redesigned to comply with maximum driveway slope. This report, therefore, does not address relief for that item. The applicant has verbally confirmed with OP that they intend to follow the ZA’s proposed path for subdivision and 5201 relief. As of the date of this report, however, the amendments to the application had not been filed to the record.

Ward / ANC	7C
Zone	R-2
Lot Characteristics	Rectangular lot (40' x 109') comprised of one single tax lot (Lot 809) overlaying two record lots (Lots 64 and 65). 16' alley in rear.
Historic District	None
Existing Development	Vacant lot
Adjacent Properties	Three story apartment building to the north; 1.5 story single family detached dwelling to the south.
Surrounding Neighborhood Character	Mix of detached and semi-detached homes, and small apartment buildings.
Proposed Development	Construct two semi-detached houses.

IV. ZONING REQUIREMENTS AND REQUIRED RELIEF

Item	Requirement	Existing	Proposed	Relief
Lot Width D 302	30' min. for semi-detached	40' (tax lot)	20' X 2 (record lots)	Existing non-conforming
Lot Depth	n/a	109'	No change	Conforming
Lot Area D 302	3,000 sf min. for semi-detached	4,360 sf (tax lot)	2,180 sf (record lots)	Existing non-conforming
Building Footprint	n/a	n/a	873 sf each	Conforming
Lot Occupancy D 304	40% max.	n/a	40% (873/2180)	Conforming
Height D 303	40' max. 3 stories	n/a	33' 2 stories + cellar	Conforming
Front Setback D 305	Within range of existing houses	n/a	20' / 25'	Believed to be conforming
Rear Yard D 306	20' min.	n/a	26' / 31'	Conforming
Side Yard D 206.3	8' min. for semi-detached	0'	5'	Required

V. ANALYSIS

SUBTITLE D SECTION 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS

5201.1 *For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

(a) *Lot occupancy subject to the following table:*

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

<i>Zone</i>	<i>Maximum Lot Occupancy</i>
<i>R-3, R-13, and R-17 R-20 - Row dwellings</i>	<i>70%</i>
<i>R-20 - Detached and semi-detached dwellings All other R zones</i>	<i>50%</i>

(b) *Yards, including alley centerline setback; and*

(c) *Pervious surface.*

The application requires special exception relief for side yard.

5201.2 & 5201.3 *not relevant to this application*

5201.4 *An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The light and air available to neighboring properties should not be unduly affected. While the side yard would be smaller than what the zone would typically require, the change in the amount of access to light or air from a conforming side yard should not be significant. The height of the buildings would be less than permitted, which would also reduce the possible amount of shadow. The property to the south should not be impacted as the shadow from the proposed houses would fall to the north. The distance between the proposed buildings and nearby buildings should be sufficient to allow air flow to the properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The project would have windows on the sides facing nearby properties. The views from those windows, however, would not be increased relative to windows on buildings with conforming side yards. Relief, therefore, would not result in an undue compromise of privacy.

(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and

The proposed buildings should not intrude on the character of the neighborhood, which features a variety of building types. The proposed semi-detached houses would be similar in scale to other semi-detached dwellings in the vicinity, and smaller in scale than the apartment building next door. The proposed side yard dimensions would seem to be consistent with many of the existing side yards in the neighborhood.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The application materials include plans, elevations, photos and site plans.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP recommends no special treatments.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The proposed single family dwellings would be conforming uses.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of this writing the record contains no comments from other District agencies.

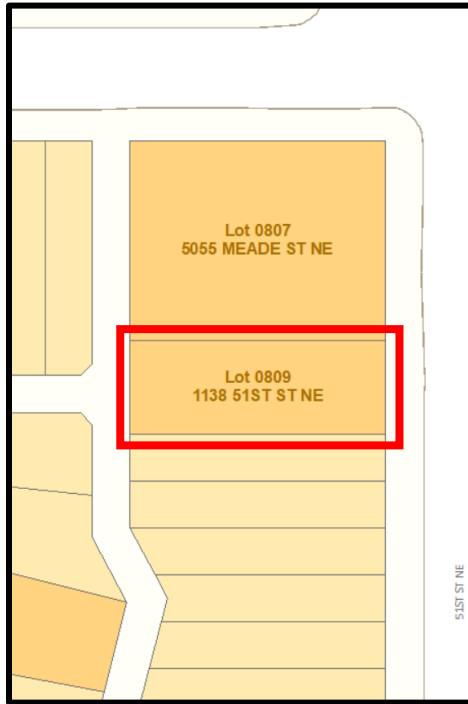
VII. ANC COMMENTS

As of this writing the record contains no comments from the ANC.

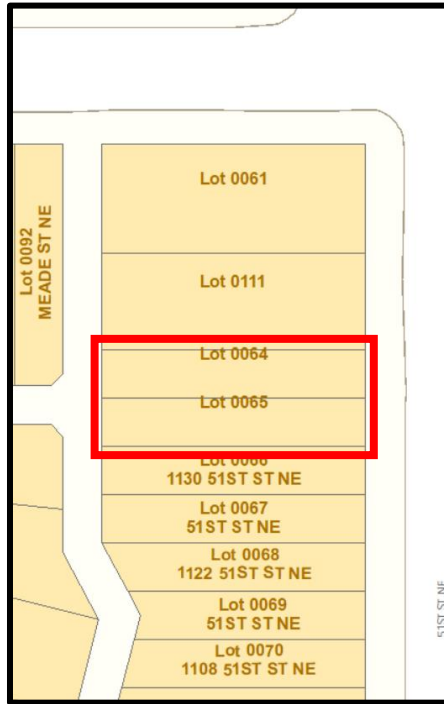
VIII. COMMUNITY COMMENTS

As of this writing the record contains no comments from the community.

IX. LOT BOUNDARIES AND VICINITY MAP



Lot Boundary with Tax Lot 809



Lot Boundaries with Record Lots 64 and 65

