

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 5, 2021

**SUBJECT:** BZA Case 20568: 1801 Maryland Ave NE - to permit extension of zone boundary line from the portion of the less restrictive use zone (MU-7) by thirty-five feet into the RA-2 zone, to construct a residential apartment building.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Zone Boundary Line Extension, Subtitle A § 207.2, pursuant to Subtitle X § 901.1 (35 ft maximum permitted by special exception; 35 ft proposed from MU-7 zone into the RA-2 zone)

The applicant revised its initial plan submission and no longer requests relief from the court requirement as shown in Exhibit 39A

**II. LOCATION AND SITE DESCRIPTION**

Address	1801 Maryland Avenue N.E.
Applicant	1801 Maryland Ave LLC
Legal Description	Square 4488, Lot 36, 37
Ward, ANC	Ward 5, ANC 5D
Zone	Lot 36 is split-zoned MU-7 and RA2, while Lot 37 is zoned RA-2.
Historic District	None
Lot Characteristics	The lots are irregularly shaped at the rear and abut a 20 feet wide alley at the rear and west of Lot 36.
Existing Development	Both lots are currently developed with a two-story apartment building with 12 units in total.
Adjacent Properties	To the east is a three-story apartment building; to the west is an Aldi grocery store across a 20-foot alley; to the south at the rear is a 20 feet alley. The property fronts Maryland Avenue to the north.
Surrounding Neighborhood Character	The neighborhood is a mix of small apartment buildings, semi-detached and attached homes with moderate density neighborhood commercial uses.

Proposed Development	The applicant is proposing a 30-unit apartment building, including IZ units, on lots 36 and 37. Lot 36 is split-zoned MU-7 and RA2, while Lot 37 is zoned RA-2. The applicant requests a 35 feet extension of the MU-7 boundary line into the RA-2 portion of Lot 36 (1,517 sq.ft. in area).
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### III. ZONING REQUIREMENTS and RELIEF REQUESTED

	Regulation	Existing	Proposed	Relief
<b>Height</b> G§403.1 F§303.1	MU-7: 65 ft. max. RA-2: 50 ft. max	35 feet both lots	MU-7: Lot 36: 63 ft RA-2: Lot 37:47.2 ft	None Required
<b>Lot Area</b>	N/A	8,206 sq.ft. (MU-7; 2,508 sq.ft. (RA-2; 5,698 sq.ft.)	8,206 sq.ft. MU-7; 4,025 sq.ft. RA-2; 4,181 sq.ft.	None Required
<b>FAR:</b> G § 402 F § 302.3	MU-7: 4.8 (IZ) max. RA-2: 2.16 (IZ)	Not provided	MU-7: Lot 36: 4.0 RA-2: Lot 37: 2.16	None Required
<b>Lot Occupancy</b> G§ 404 F§ 304.1	MU-7: 80% max. RA-2: 60% max	Lot 36: 42% Lot 37: 41%	MU-7: Lot 36: 75% RA-2: Lot 37 - 52%	None Required
<b>Rear Yard</b> G § 405 F § 305	MU-7: 2.5"/ft ht. 12 ft (min.) RA-2: 4"/ft. ht. 15 ft. (min.)	Not provided	MU-7: Lot 36-13.7ft RA-2: Lot 37-53.6 ft	None Required
<b>Side Yard</b>	N/A	Not provided	Not provided	None Required
<b>Parking C § 702.1</b>	1 space / 3 du in excess of 4. Reduced by 50% if located within 0.25 mi of streetcar route)	Not provided	30 units = 9 spaces/2= 4.5 5 spaces required 1space to be car sharing = 3 sp. 3 spaces provided, Equating to 5 parking spaces	None Required
<b>Penthouse Height</b>	MU-7: 12'-0" habitable 18'-5" mechanical RA-2: 12'-0" habitable 3 ft. mechanical	Not provided	12 ft. both lots/zones	None Required
<b>Zone Boundary Line Extension</b> A§ 207.2	Zone boundary line can be extended a max of 35 ft into more restrictive zone	RA-2 portion of Lot 36	MU-7 boundary 35 feet into RA-2 portion of Lot 36	<b>Relief Requested</b>

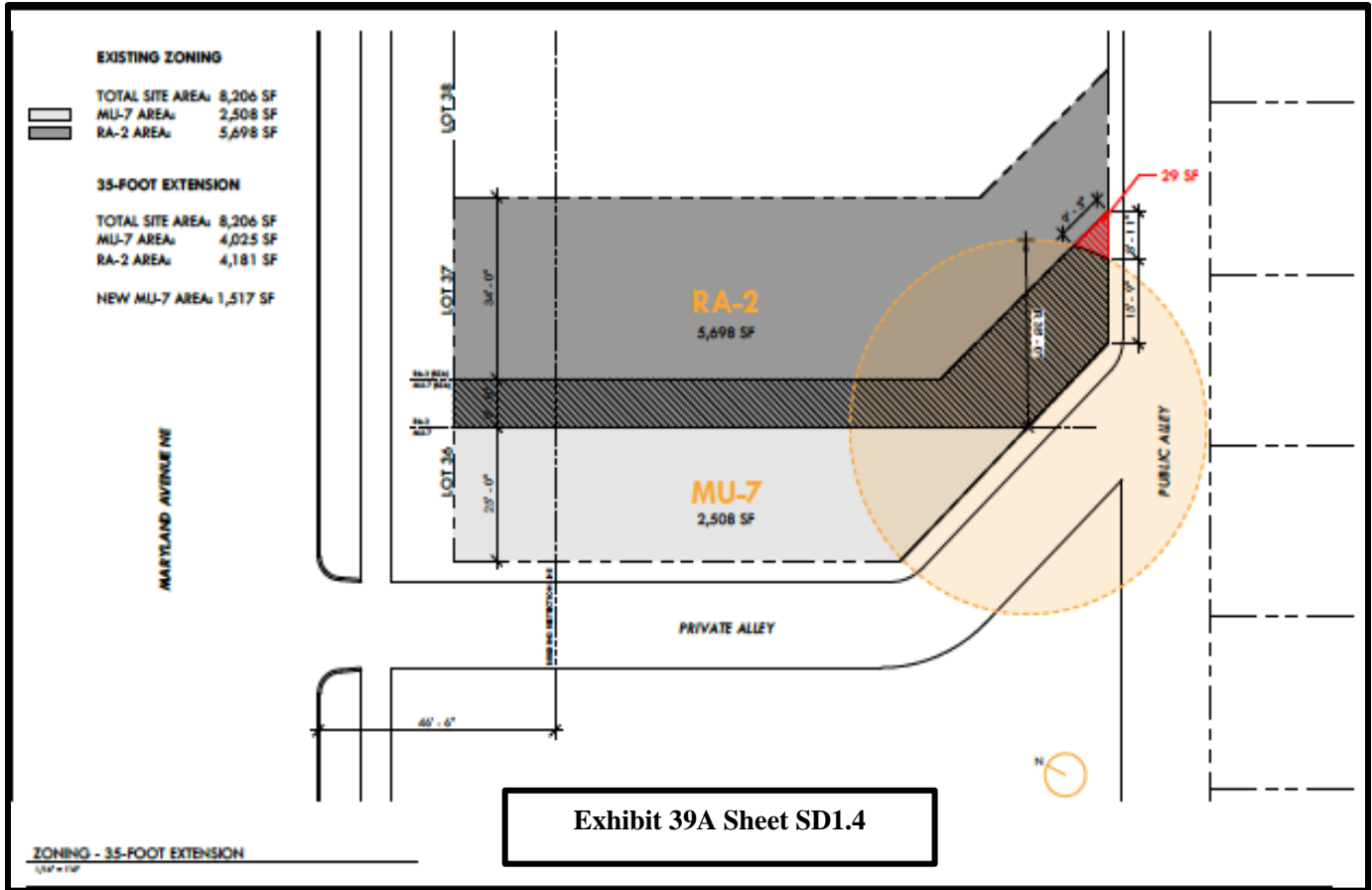


Exhibit 39A Sheet SD1.4

#### IV. OFFICE OF PLANNING ANALYSIS

##### Zone Boundary Extension

##### **Special Exception Relief from Subtitle A § 207.2**

**A § 207.2** *If approved by the Board of Zoning Adjustment as a special exception under Subtitle X, the regulations applicable to that portion of a lot located in a lesser restrictive use zone that control the use, height, and bulk of structures and the use of land may be extended to that portion of the lot in a more restrictive use zone; provided:*

- (a) *The extension shall be limited to that portion of the lot in the more restrictive use zone but not exceeding thirty-five feet (35 ft.);*

As shown in the sheet referenced above (Exhibit 39A, Sheet SD1.4) the extension request is for a 35 feet extension from the MU-7 zone within the split-zone Lot 36 into the RA-2 portion of the lot, for an area of 1,517 square feet.

- (b) *In authorizing an extension, the Board of Zoning Adjustment shall require compliance with Subtitle A § 207.1(d);*

This section references low density residential zones which do not otherwise have an established FAR. In this case, no portion of the lots are located in these zones so this section is not relevant

- (c) The extension shall have no adverse effect upon the present character and future development of the neighborhood; and*

The proposed extension of the zone boundary line within Lot 36 should not have an adverse effect on the present character of the neighborhood as there are new residential apartments constructed similar to the proposed in the immediate neighborhood and surroundings. The project is proposed within the constraints of height, bulk and setbacks consistent with the respective requirements of the RA-2 and MU-7 zones, as noted in the applicant submission Exhibit 39A, SD1.6.

Land immediately to the west of the site is anticipated under the Future Land Use Map (FLUM) to be developed as mixed-use medium density development in the commercial and residential category. This project which would be well below the density anticipated under medium density, so the proposed development could represent a transition between the medium density development anticipated to the west and the more moderate density residential character to the east.

- (d) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, screening, location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.*

OP does not suggest any other requirement or treatment to protect adjacent property.

## **V. OTHER DISTRICT AGENCIES**

The District Department of Transportation comments were not included at the writing of this report.

## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

The ANC5D's comments were not included in the record at the writing of this report.

## **VII. COMMUNITY COMMENTS TO DATE**

The record includes Exhibits 36 and 37 as letters in opposition.

**LOCATION and ZONING MAP**

