

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 24, 2022

**SUBJECT:** BZA Case 20645 (212 57<sup>th</sup> Street, NE) to permit a new three-story semi-detached single household dwelling on a vacant lot.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Side Yard, Subtitle D § 206.3, pursuant to Subtitle D § 5201 (one eight-foot minimum side yard required; one four-foot side yard proposed); and
- Lot Occupancy, Subtitle D § 304.1, pursuant to Subtitle D § 5201 (40% maximum permitted; 43.2% proposed).

**II. LOCATION AND SITE DESCRIPTION**

Address	212 57 <sup>th</sup> Street, NE
Applicant	Equity Trust Company
Legal Description	Square 5248, Lot 23
Ward, ANC	7/7C
Zone	R-2
Lot Characteristics	Rectangular interior lot measuring 20 feet by 100 feet. The lot is bounded by 57 <sup>th</sup> Street, NE to the east and houses to the north, south, and west.
Existing Development	Vacant lot.
Adjacent Properties	Detached houses.
Surrounding Neighborhood Character	Detached houses, semi-detached houses, row houses, and apartment houses.
Proposed Development	The applicant proposes to construct a new three-story semi-detached single household dwelling on a lot that is currently vacant and substandard for lot width and lot area requirements.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>R-2 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width D § 302	30 ft. min.	20 ft.	No change	None Required
Lot Area D § 302	3,000 sq. ft. min.	2,000 sq. ft.	No change	None Required
Height D § 303	40 ft. max./ 3 stories	N.A.	40 ft.	None Required
Lot Occupancy D § 304	40% max.; 50% max. by special exception	N.A.	43.2%	<b>Special Exception: 3.2%</b>
Rear Yard D § 306	20 ft. min.	N.A.	21 ft.	None Required
Front Setback D § 305	Setback must be in range of existing front setbacks	N.A.	Front setback is in range of existing front setbacks	None Required
Side Yard D § 206	One side yard at 8 ft. min.	N/A	4 ft.	<b>Special Exception</b>
Parking C § 702.4(a)	Parking is not required for a single household dwelling that does not have access to a public alley	Subject square does not have a public alley system	No parking	None Required

**IV. OFFICE OF PLANNING ANALYSIS**

**Subtitle D Chapter 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**

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

(b) Yards, including alley centerline setback; and

(c) Pervious surface.

The applicant has requested special exception relief from the side yard and lot occupancy development standards, consistent with this section, for a new principal residential building on a substandard non-alley record lot described by Subtitle C § 301.1.

*5201.2 & 5201.3 not relevant to this application*

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

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

The provision of light or air to the house to the south (210 ½ 57<sup>th</sup> Street, NE) should not be unduly affected because it is located to the south of the subject property. The applicant states that the house to the south is set back approximately seven feet from this shared property line.

The provision of light or air to the house to the north (214 57<sup>th</sup> Street, NW) should not be unduly affected. The applicant states there would be approximately 19 feet of separation between the new house on the subject property and the house to the north. Shadows cast by the new dwelling should not be excessive or unreasonable for a new dwelling in a built-out area that is developed with a range of different building typologies. The proposed house would comply with the rear yard, front yard, and height requirements for the zone.

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

Privacy and enjoyment of neighboring properties should not be unduly compromised. The proposed house would not have any windows facing the property to the south. While the proposed house would have windows on its north wall, there should be adequate separation (approximately 19 feet) between the subject property and the house to the north.

*(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 new house should not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. The proposed house would comply with the height, front yard, and rear yard requirements. The proposed height, scale, and design as viewed from the street are generally in keeping with the intent of the zoning. It is also in keeping with the prevailing residential character of this block, which has a range of building typologies, including detached and semi-detached houses and apartment houses. There is no public alley system on the subject square.

*(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 applicant has provided plans, photographs, and elevations to sufficiently represent the

relationship of the proposed semi-detached building from public ways.

*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 does not recommend any special treatments, but notes that there is an existing tree in the front yard of this lot, approximately on the north lot line. OP supports the preservation of this tree, assuming it is healthy and able to be preserved, as it would help to provide screening and maintain streetscape greenery and character. The applicant may wish to consult with the Urban Forestry Division in DDOT to ensure that this tree is adequately protected from damage during the construction process.

*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 applicant proposes to construct a new single household dwelling in the R-2 zone, which is a permitted use. It would comply with the height/number of stories requirement.

#### **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The zone is intended to provide the development of detached and semi-detached houses, including infill development on existing vacant lots. The proposed house generally conforms to the height and bulk standards for the zone, with the requested relief related to the existing sub-standard size of the lot. The relief would not result in a house that is inconsistent with the intent of the zone, and would help to fulfill its purpose by allowing the construction of a new dwelling on an existing vacant lot.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As noted in the analysis above, the proposed new dwelling is designed and sited to minimize any potential undue impacts on the use of neighboring property.

- (c) Subject in specific cases to the special conditions specified in this title.*

As noted in the analysis above, the proposed new building addresses the relevant criteria for special exception review.

#### **V. OTHER DISTRICT AGENCIES**

To date, no comments from other district agencies had been filed to the record.

## VI. ADVISORY NEIGHBORHOOD COMMISSION

To date, no comments from the ANC had been filed to the record.

## VII. COMMUNITY COMMENTS TO DATE

To date, no comments from the community had been filed to the record.

Attachment: Location Map

