

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, AICP, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 18, 2022

**SUBJECT:** BZA Case 20785, 1531 U Street SE, to permit the subdivision of one tax lot into three record lots and the construction of two row buildings and an addition to an existing semi-detached building in the R-3 zone

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle D § 302.5, Voluntary Inclusionary Development, pursuant to Subtitle D § 5206.2 and Subtitle X § 901.2 (Voluntary Inclusionary Development must opt in to the Inclusionary Zoning (IZ) program to use a reduced lot width (16-feet) and lot area 1,600 square feet).

OP notes that special exception relief may be necessary for the existing semi-detached building that is to remain at 1531 U Street, SE. Per Subtitle D § 304 a maximum lot occupancy of 40% is permitted for semi-detached buildings in the R-3 zone. The Applicant is proposing to subdivide the property, which would reduce the lot size for 1531 U Street, SE resulting in a lot occupancy of 51.8% where 19.4% exists today. The remaining two lots would be developed with row buildings, which are permitted a lot occupancy of 60% to which they would conform.

**II. LOCATION AND SITE DESCRIPTION**

Address	1531 U Street, SE
Applicant	Andy and Debbie Wilson, LLC
Legal Description	Square 5776, Lot 812
Ward / ANC	8 / 8A
Zone	R-3: allows for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings.
Historic District	Anacostia Historic District
Lot Characteristics	Rectangular lot measuring 56 feet in width and 90 feet in depth with a lot area of 5,040 square feet. The lot is bounded by U Street SE to the north and adjoining lots to the east, south, and west.
Existing Development	The property is improved with a semi-detached two-story building in single-household residential use.

Adjacent Properties	To the east at 1533 U Street SE is a row building in single-household residential use. To the west at 1523 U Street SE is a detached building in single-household residential use. To the south at 2011 16 <sup>th</sup> Street SE is an apartment house.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with neighborhood serving commercial at 1535 U Street SE. Ketcham Recreational Center and Elementary School are located to the west across 15 <sup>th</sup> Street SE.
Proposed Development	The Applicant proposes to subdivide the existing tax lot to three record lots. The Applicant would maintain the existing semi-detached building on Lot C and would construct two new row buildings on Lots A and B.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-3 Zone	Regulation	Existing	Proposed <sup>1</sup>			Relief
			Lot A, 1527 U ST SE	Lot B, 1529 U ST SE	Lot C, 1531 U ST SE	
Lot Width D § 302	30 ft. min. (semi-det) 20 ft. min (row)	56 ft.	17.12 ft.	17.12 ft.	21.75 ft.	None required
Lot Area D § 302	3,000 sq. ft. (semi-det) 2,000 sq. ft. (row)	5,040 sq. ft.	1,606 sq. ft.	1,603.7 sq. ft.	1,830 sq. ft.	None required
IZ Lot Width D § 302	16 ft. min.	N/A	17.12 ft.	17.12 ft.	21.75 ft.	<b>Special Exception</b>
IZ Lot Area D § 302	1,600 sq. ft. min	N/A	1,606 sq. ft.	1,603.7 sq. ft.	1,830 sq. ft.	<b>Special Exception</b>
Height D § 303	40 ft., 3 stories max.	26 ft. / 2 stories	26 ft. / 2 stories	28 ft. / 2 stories	28 ft. / 2 stories	None required
Lot Occ. D § 304	60% max. (row) 40% max. (all other structures)	19.4%	59.9% (60% permitted)	59.8% (60% permitted)	<b>51.8%</b> (40% permitted)	<b>Not requested</b>
Rear Yard D § 306	20 ft. min.	n/a	26.25 ft.	26.25 ft.	25.33 ft.	None required
Side Yard D § 206	None required, but 5 ft. min. if provided	0 ft. – east 25.3 ft. – west	0 ft.	0 ft.	0 ft. – east 5 ft. - west	None required
Front Setback D § 305	Within range of existing setbacks of residential buildings on blockface.	Within range	Within range	Within range	Within range	None required
Pervious Surface D § 308.3	20%	Not provided	Not provided	Not provided	Not provided	Not requested
Parking C § 701	1 space / du	3 spaces	None	None	None	None required

<sup>1</sup> Information provided by the Applicant. See Exhibits 4 and 6, dated April 27, 2022.

#### IV. OFFICE OF PLANNING ANALYSIS

### Special Exception Relief per Subtitle C §1001.2(b) and Subtitle E §5206.2 (IZ Opt-In) from Subtitle D §302.1, Minimum Lot Area and Width, Subject to Subtitle X, Chapter 9

#### Subtitle C § 1001.2(b)

1001.2 *Except as provided in Subtitle C § 1001.5, the requirements of this chapter shall apply to, and the modifications to certain development standards and bonus density of this chapter shall be available to, developments in zones in which this chapter is identified as applicable as specified in the individual subtitles of this title; provided the development falls into one of the following categories:*

- (b) *A “Voluntary Inclusionary Development” – any single household dwelling, row dwelling, flat, or multiple dwelling development not described in Subtitle C § 1001.2(a) if the owner voluntarily agrees to comply with the requirements of Subtitle C, Chapter 10, provided:*
  - (1) *The square footage set aside achieves a minimum of one (1) Inclusionary Unit;*
  - (2) *Modifications to development standards shall only be allowed as specified in the development standards of the individual zones pursuant to Subtitle C § 1002; and*
  - (3) *Any use of the modifications of development standards and bonus density authorized by Subtitle C § 1002 and in the development standards of the individual zones in the R-2, R-3, R-10, R-13, R-17, R-20, RF-1, RF-2, RF-3, RF-4, RF-5, or the RA-1 zones shall require special exception approval pursuant to Subtitle X, Chapter 9 and to Subtitle D § 5206, Subtitle E § 5206, or Subtitle F § 5206, as applicable.*

#### Subtitle C § 1002.2

1002.2 *An Inclusionary Development is eligible for modifications to certain development standards as indicated in the specific development standards of each zone; provided that a Voluntary Inclusionary Development may only utilize these modifications pursuant to Subtitle C § 1001.2(b) if applicable.*

#### Subtitle D § 302 Density – Lot Dimensions

302.5 *Voluntary Inclusionary Developments in the R-2 and R-3 zones shall require special exception relief pursuant to Subtitle D § 5206.2 to utilize the following IZ modifications, authorized by Subtitle C § 1002.2:*

<b>TABLE D § 302.5: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS FOR VOLUNTARY INCLUSIONARY DEVELOPMENTS</b>		
<b>Zone</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Lot Area (sq. ft.)</b>
R-2	32 (detached) 25 (semi-detached)	3,200 (detached) 2,500 (semi-detached)
R-3	16	1,600

## Subtitle D § 5206 Special Exceptions for Modifications for Inclusionary Developments

*5206.2 For Voluntary Inclusionary Developments in the R-2, R-3, R-10, R-13, R-17, and R-20 zones, the Board of Zoning Adjustment may grant special exception relief from minimum lot width and lot area requirements pursuant to Subtitle X, Chapter 9 as established by Subtitle D §§ 302.5, 502.5, 702.5, 1002.4, and 1202.5. Relief granted pursuant to this subsection shall not require additional relief pursuant to Subtitle D § 5206.1.*

The Applicant has requested special exception relief, which is available to a Voluntary Inclusionary Development. In exchange for the provision of an Inclusionary Zoning (IZ) unit, the Applicant can use the modified dimensional regulations for lot area and lot width outlined in Subtitle D § 302.5. The Voluntary Inclusionary Development provisions permit a 16-foot lot width and a 1,600 square foot lot area by special exception, subject to the general special exception relief standards of Subtitle X, Chapter 9.

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

The proposed infill development would support the general purpose of the R-3 zoning regulations. The proposal to reduce the minimum lot width and lot area is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because this reduction is directly related to the provision of an inclusionary zoning unit. Without this reduction, it would not be possible to subdivide the existing tax lot into three record lots to preserve and improve the existing semi-detached building at 1531 U Street, SE and to construct two new row buildings at 1527 and 1529 U Street, SE. The R-3 zone contemplates areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings; therefore, the development proposed by this application would be consistent with the Zoning Regulations.

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

The requested special exception relief should not affect adversely the use of neighboring property. The proposed row buildings at 1527 and 1529 U Street, SE would conform to the height, lot occupancy, and yard development standards for the R-3 zone. The row buildings would not have any windows on the side elevations facing 1523 and 1531 U Street, SE.

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

Comments from other District Agencies had not been filed to the record at the time OP drafted its report.

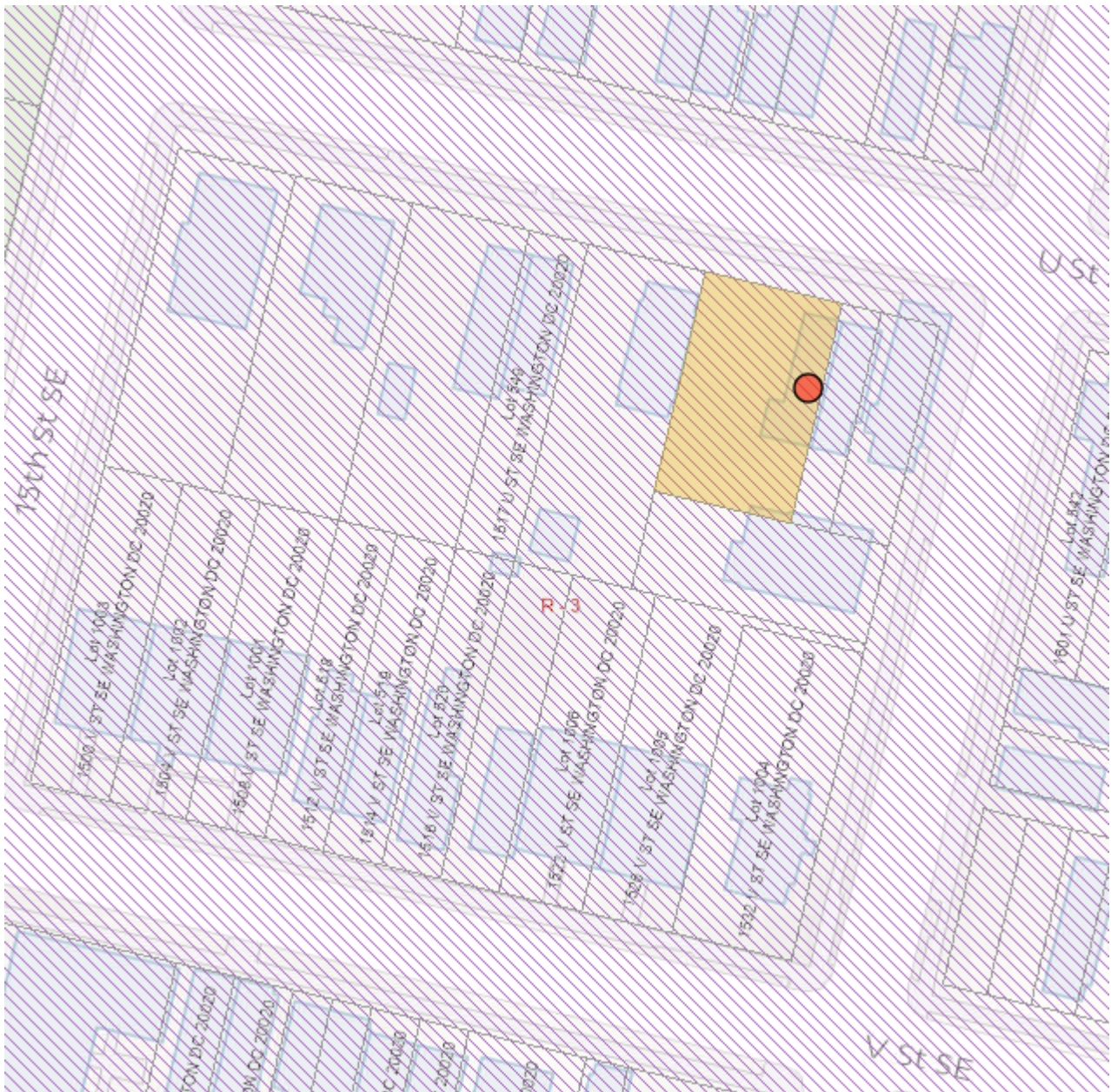
## **VI. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 8A had not filed comments to the record at the time OP drafted its report.

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

Community comments had not been filed to the record at the time OP drafted its report.

**Attachment:** Location Map



**Location Map: 1531 U Street, SE**