

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: *JL* Joel Lawson, Associate Director Development Review
DATE: June 21, 2023

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 new row buildings and an addition to an existing semi-detached building in the R-3 zone

I. BACKGROUND

At Exhibit 20 is an OP report recommending approval of the application as originally filed, to facilitate the subdivision of a lot into three lots by opting into the Inclusionary Zoning program.

At its May 10, 2023 public hearing, the BZA postponed the public hearing, due to notification issues and an indication from the applicant that an additional area of relief would be required, from lot occupancy requirements. The applicant has since amended the application to request special exception relief from lot occupancy for one of the three lots – Lot C which would have the existing semi-detached house.

The original OP report recommending approval of the Subtitle D § 302.5, Voluntary Inclusionary Development relief stands, and OP continues to recommend approval of that request. This supplemental report provides analysis of the requested lot occupancy relief, based on the applicant’s revised plans at Exhibit 28 and supplemental statement at Exhibit 33, filed June 20, 2023.

II. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle D § 304.2, Lot Occupancy (40% permitted by right for a semi-detached dwelling; 70% by special exception and 51.8% proposed for Lot “C”), pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2.

III. ZONING REQUIREMENTS and RELIEF REQUESTED for Lot C, 1531 U ST SE

R-3 Zone	Regulation	Existing	Proposed ¹	Relief
Lot Occupancy D § 304	40% max.; 70% by sp.ex.	19.4% (unsubdivided lot)	51.8% (subdivided Lot C)	Requested for Lot C

The row dwellings on the other two lots being created by this subdivision would conform to the lot occupancy requirement, because a lot occupancy of 60% is permitted for a row dwelling.

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

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief per Subtitle D §5201 and Subtitle X, Chapter 9 from Subtitle D § 304.1 Lot Occupancy

Subtitle D Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

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

Zone	Maximum Lot Occupancy
R-3...	70%

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

(c) *Pervious surface.*

The application includes the subdivision of an existing lot into three lots, one of which – Lot C – includes an existing semi-detached house which the Applicant intends to retain and renovate. As part of this, an existing rear addition would be removed and replaced, but it does not appear from the drawings that the footprint would expand significantly. The renovated building on the smaller lot would conform to all zoning requirements, other than lot occupancy, which the applicant has calculated at 51.8%, which is more than the amount permitted by-right (40%), but less than the amount permitted by special exception (70%).

5201.2 and 5201.3 Not applicable 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 existing house on this lot would be largely retained and removed. An existing rear addition would be removed and replaced, but generally to the depth of the existing. The existing house to the east is of a similar depth, as would the proposed new houses on the new lots that would be created by this subdivision to the west. The lot would provide a greater than required rear yard, and the house on 1531 U would provide a compliant side yard. The house would be well under the permitted height. Other houses on the block generally have a similar depth and height. As such, light and air available to neighboring properties should not be unduly affected by the requested lot occupancy relief.

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

Views into adjacent properties should be minimal. On the east side, the proposed house would be attached to another house of a similar size. To the west would be the two new houses on the new lots that would be created by the proposed subdivision. The revised plans at Exhibit 28 indicate that the west side wall of the subject house would have one window, and the applicant may wish to ensure that it does not directly align with a window on the adjacent house across the five foot side yard. Most windows would face the street or the rear yard of the property.

- (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 house would remain in scale and character with the pattern of houses on the street. The existing house is being largely retained, with the replacement of a portion of the house at the rear, which would not be highly visible from U Street. The existing house appears very much in character with the streetscape, and the property is within the Anacostia Historic District, so the modifications are subject to HP review.

- (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 updated plans, photographs, and elevations to sufficiently represent the relationship of the proposed addition to the adjacent properties and as seen for the adjacent street.

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 treatment for the proposal.

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 property would maintain its conforming residential use. The proposed lot occupancy would be within what is allowed by this Section, and the number of stories and total height of the existing and proposed addition would be within the limits allowed.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

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

The requested lot occupancy relief would not be inconsistent with the general purpose and intent of the Zoning Regulations and Maps. The relief is the result of a proposal to subdivide the lot

consistent with the IZ provisions. The retention of the building on the subject lot is supported, and it would conform to height and setback requirements.

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

As described below, the proposed addition should not have an undue impact on the use, light, air, or privacy of the neighboring properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

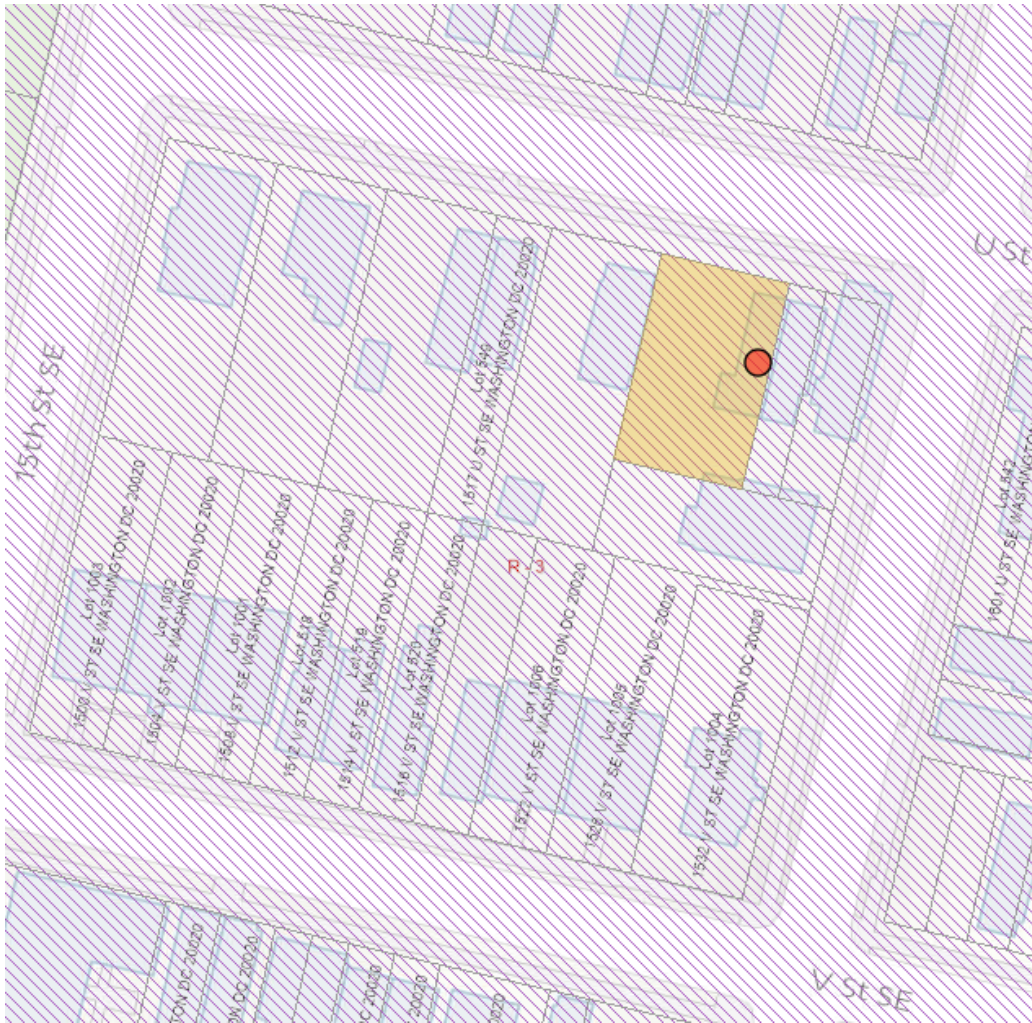
At Exhibit 21 is a report from DDOT indicating no objection to the proposed development.

VI. ADVISORY NEIGHBORHOOD COMMISSION

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

VII. COMMUNITY COMMENTS TO DATE

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



Location Map: 1531 U Street, SE