

BOARD OF ZONING ADJUSTMENT

Applicant's Statement / Burden of Proof

2017 REAR 2nd Street NE (Square 3564 Lot 0039)

Case 21080

I. INTRODUCTION

This Statement is submitted in support of the application to the Board of Zoning Adjustment (BZA) for area variances and a special exception to allow for the subdivision of Square 3564, Lot 0039—an existing record alley lot located in the RF-1 zone—into two alley record lots, each to be improved with a two-story, single-family row dwelling.

Relief is specifically requested from:

- C-306.1(a) – Alley width requirement (24 feet minimum);
- C-306.1(b) – Lack of access to a public street via an alley of compliant width;
- C-306.1(c) – Minimum lot area for newly created alley lots;
- E-5100.1(d) & E-5201.3 – Required 5-foot side yard from a non-alley lot (Lot 1 provides 3.9 feet).

The proposed dwellings will otherwise comply with all zoning standards applicable in the RF-1 zone.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested variance and special exception relief pursuant to Subtitle X §§ 1000.1, 1002.1 (variance relief) and Subtitle X § 901.2 (special exception).

III. BACKGROUND

A. Site Description and Context

The Subject Property is a 4,518 sq. ft. record lot situated entirely within an alley system bounded by 2nd Street NE, 3rd Street NE, T Street NE, and V Street NE. It is the only undeveloped alley lot in the square and does not have direct street frontage. The surrounding neighborhood is characterized by traditional rowhouses and mid-size multifamily buildings, with a paved alley network that is actively used for vehicle circulation, trash collection, and access to rear parking pads.

The Property is bordered to the south by a non-alley lot and to the north by another alley lot. While portions of the alley measure up to 20 feet, other segments narrow to 15 or 16 feet—below the 24-foot minimum required for alley lot subdivision under Subtitle C.

The lot has also become a frequent dumping ground, posing sanitation and safety concerns that could be resolved by appropriate development.

B. Proposed Project

The Applicant seeks to subdivide the existing lot into two alley record lots, each approximately 2,259 sq. ft. (exceeding the 1,800 sq. ft. minimum for RF-1 alley lots). Each would be improved with a matter-of-right, two-story single-family row dwelling.

IV. BURDEN OF PROOF

A. Extraordinary or Exceptional Conditions

As required under *Monaco v. BZA*, 407 A.2d 1091 (D.C. 1979) and *Gilmartin v. BZA*, 579 A.2d 1164 (D.C. 1990), the Property is subject to a confluence of exceptional conditions:

- It is the only undeveloped alley lot in the square with no possibility of street frontage;
- It lies over 260 feet from the nearest public water/sewer lines (per communication with DC Water's Acting Director, Brian McDermott);
- Bringing utilities to the site would cost \$250,000–\$500,000, making development of a single home economically infeasible;
- The surrounding alleys cannot be widened, and the lot shape and access are fixed by historic platting;
- To qualify as a row dwelling under zoning regulations, the homes must abut the property line, making a 5-foot side yard physically impossible without significantly altering the design.

These factors are outside the Applicant's control and render compliance with the above-cited provisions impractical without relief.

B. Practical Difficulty

- C-306.1(a) & (b): The alley does not and cannot meet the 24-foot width requirement. Without relief, no subdivision is possible, rendering the site permanently underutilized.
- C-306.1(c): Although each new lot meets the width and use requirements, Lot 2 falls slightly under the area threshold. Denial of relief based on this alone would be overly rigid and ignore broader site constraints.
- E-5100.1(d): Requiring a 5-foot side yard from the abutting non-alley lot would undermine the rowhouse typology required in RF-1 and introduce inconsistencies with neighboring developments.

Increased costs, design limitations, and utility complications together create a practical difficulty justifying variance relief under X § 1002.1.

C. No Substantial Detriment to Public Good or Zone Plan

Approval will enhance public safety and welfare by activating an underused and unsanitary alley parcel, bringing it into productive residential use. The proposed homes are consistent with the RF-1 zone's intended character of moderate-density residential use, and no

additional height, mass, or intensity is sought beyond what the zoning allows by right.

Moreover, both lots significantly exceed the minimum lot area normally required for RF-1 alley record lots. The development will:

- Reduce illegal dumping and blight;
- Preserve neighborhood character;
- Deliver context-sensitive infill housing.

Accordingly, relief can be granted without impairing the intent, purpose, or integrity of the Zoning Regulations.

D. Compliance with Subtitle E § 5201.3 (Special Exception Criteria)

Subtitle E § 5201.3 sets four specific criteria for the Board to grant special-exception relief for side-yard dimensional requirements. The proposed 3.9-foot side yard on Lot 1 meets each criterion, as demonstrated below:

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

The adjacent non-alley lot to the south already contains a full-height masonry party wall; the proposed row dwelling on Lot 1 will align with that wall and remain at the RF-1 height limit (20 ft./2 stories). The modest 1.1-foot reduction in side-yard width will therefore have no discernible impact on light or air reaching that property or any other nearby dwelling.

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

All windows on the south façade will be high clerestory or frosted, preventing sight-lines into the abutting rear yard. A 6-foot wooden privacy fence will also be installed along the property line. These design measures ensure that the requested relief will not compromise the privacy of adjacent residents.

(c) The addition or new construction, 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.

Row dwellings throughout this square commonly occupy the full width of their lots with zero side yard. Providing a 3.9-foot setback actually introduces more separation than is typical, softening the building edge while maintaining the historic alley-house rhythm. Consequently, the project is fully compatible with the established character and pattern of development in the RF-1 alley context.

(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 construction to adjacent buildings and views from public ways.

Scaled site plans, elevations, and contextual alley-view renderings are included in the record, illustrating the minimal massing impact and the compatibility of materials and height with neighboring structures.

Because the proposal satisfies all elements of § 5201.3, the Board may grant the requested side-yard relief as a special exception pursuant to Subtitle X § 901.2.

V. CONCLUSION

In light of the extraordinary site constraints, practical development barriers, and alignment with city planning goals, the requested variances and special exception are both necessary and justified. The Applicant respectfully requests that the BZA grant the relief outlined above.

Respectfully submitted,

Aulona Alia (Owner)

Date: June 18, 2025