

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matt Jesick, Case Manager
JL Joel Lawson, Associate Director for Development Review

DATE: June 25, 2025

SUBJECT: BZA #21080 – 2017 Rear 2nd Street, NE – Request for relief to subdivide an existing alley record lot and construct two semi-detached units

I. BACKGROUND AND RECOMMENDATION

On June 12, 2024 the Board held a hearing on this application; OP had filed a report in support at Exhibit 22. At that time, the applicant requested a subdivision only, with no buildings proposed. The Board expressed a desire to see actual building proposals in order to better understand the potential impacts of any subdivision. The applicant has since worked to develop building plans (Exhibit 44) and obtain a revised Zoning Administrator memo (Exhibit 55A). This memo provides the Office of Planning’s (OP’s) analysis of those updated exhibits.

OP recommends **approval** of the following requested area variance relief:

- C § 306.1(a), pursuant to X § 1000 – Alley width for an alley lot subdivision (Alley width must be 24 feet at the lot; northern proposed lot abuts a 15 ft. wide alley);
- C § 306.1(b), pursuant to X § 1000 – Alley width for an alley lot subdivision (Alley must be 24 feet in width for the entire distance to the street; 15 and 16-foot-wide alleys existing);
- C § 306.1(c), pursuant to X § 1000 – Lot Area (3,000 sq. ft. minimum for semi-detached buildings in the RF-1 zone; 2,190 sq. ft. proposed for southern lot and 2,590 sq. ft. proposed for northern lot);

OP also recommends **approval** of the following requested special exception relief:

- E § 5100.1(d), pursuant to E § 5201.3 – Side yard (minimum of 5 feet from any lot line of all abutting non-Alley Lots; 3.9 feet provided on south side of southern lot).

II. LOCATION AND SITE DESCRIPTION

Address	2017 Rear 2 nd Street, NE
Applicant	Aulona Alia, owner
Legal Description	Square 3564, Lot 39
Ward / ANC	Ward 5, ANC 5F
Zone	RF-1 (Moderate Density Rowhouses and Flats)
Historic District or Resource	None

Lot Characteristics	Vacant, irregularly-shaped alley lot which slopes up from the alley to the west. The alley heading north from the property to the street is 15 ft. in width. The alley heading south from the property is 16 ft. in width, narrowing to 15 ft. at the south end of the square.
Existing Development	Vacant land
Adjacent Properties and Neighborhood Character	There are additional vacant alley lots to the north; Rowhouses to the west fronting on 2 nd Street; Small apartment buildings to the southwest, and to the east, across the alley; More rowhouses to the northeast fronting 3 rd Street; The greater neighborhood is a mix of rowhouses and small apartment buildings.
Previous Board Action	In BZA case #20177, the applicant applied for variance relief to create a new alley record lot from an existing alley tax lot. The Board granted the requested relief. In BZA case #20372, the applicant applied for variance relief for height for a then-proposed single family dwelling on the lot. The Board denied the requested relief.
Proposal	Subdivide the existing record lot into two record lots and construct two semi-detached single family dwellings.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests area variance relief for the width of the alley and lot area, and a special exception for side yard, in order to subdivide the existing record lot into two new record lots and construct two semi-detached buildings. The data in the table below is taken from the ZA memo, Exhibit 55A.

Item	Requirement	Existing	Proposed	Relief
Subdivision requirement: Alley width at lot C 306.1(a)	24 ft.	Variable width – some more than 24 ft.; most less than 24 ft.	Northern Lot – Less than 24 ft. Southern Lot – Abuts a portion of alley with width greater than 24 ft.	Requested Conforming
Subdivision requirement: Alley lot frontage width C 306.1(a)	14 ft.	44.9 ft.	Northern Lot – 22.5 ft. Southern Lot – 22.5 ft.	Conforming
Subdivision requirement: Alley width to street C 306.1(b)	Not less than 24 ft. at any point between the lot and the street	15 ft. min.	No change	Requested
Subdivision requirement: Lot area C 306.1(c)	Meet the lot area standards applicable for non-Alley Lots in the same zone (3,000 sq.ft. for semi-detached)	4,780 sq.ft.	Northern Lot – 2,590 sq.ft. Southern Lot – 2,190 sq.ft.	Requested
Height E 5100.1(a)	20 ft. and 2 stories	n/a	20 ft. and 2 stories	Conforming

Item	Requirement	Existing	Proposed	Relief
Lot Occupancy E 5100.1(b)	80% maximum	n/a	Northern Lot – 33% Southern Lot – 37%	Conforming
Rear Yard E 5100.1(c)	5 ft. from any lot line of all abutting non-Alley Lots	n/a	Northern Lot – Not provided Southern Lot – Not provided	Conforming
Side Yard E 5100.1(d)	5 ft. from any lot line of all abutting non-Alley Lots	n/a	Northern Lot – conforming Southern Lot – 3.9 ft. min.	Conforming Requested
Alley Centerline Setback E 5100.1(e)	7.5 ft. min.	n/a	7.5'	Conforming
Pervious Surface	10% min.	n/a	Northern Lot – 17% Southern Lot – 20%	Conforming

IV. ANALYSIS

Variances for Alley Width and Lot Area

The application requests variance relief for alley width and lot area, which the Board is authorized to grant pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

- i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner*
 - a. *Extraordinary or Exceptional Situation*

The subject property is encumbered by exceptional conditions:

- The property is located near the middle of a relatively long north-south alley system. The alley spans the distance approximately from T Street to V Street, a distance of as much as three typical blocks. This is exceptional because the surrounding city fabric tends to be divided into smaller blocks;
- The property currently has no access to utilities, there are no other existing alley buildings with utilities, nor are any utilities such as water and sewer present in the alley;
- The property has an unusual configuration with the side yard to the north abutting alley lots, but the side yard to the south partially abutting an extended street-facing lot.

- b. *Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties*

The applicant is impacted by a practical difficulty resulting from the exceptional conditions affecting the property. In order to develop the property, the applicant must extend utilities to the site. There is no existing water and sewer service in the alley, so they would be responsible for the entire cost of bringing the utilities from the street. This would be a long distance given the

location of the lot near the center of a long block. The applicant estimates that the cost of that construction could add up to \$500,000 to the cost of development. This added cost – a direct result of the exceptional conditions impacting the property – would make the use of the site for one single family home impractical as the sale price would be much lower than the estimated construction costs. Please refer to the cost break down on page 5 of Exhibit 31, the applicant’s June 2024 powerpoint presentation. The applicant therefore proposes to subdivide the lot into two lots, and develop two dwellings that would provide a home for the applicant and a for-sale unit that could help to offset the significant investment into the necessary infrastructure.

Regarding the lot area relief, the existing lot has enough area to be subdivided into two rowhouse lots. However, developing rowhouses would mean building lot-line to lot-line, which would require 100% side yard relief. The unusual lot configuration, therefore, results in a practical difficulty for the applicant, in that they are compelled to apply for relief no matter what form of development they propose on the southern lot – either 100% side yard relief or lot area relief. The applicant has chosen to provide more open space and proposes two semi-detached units. The extra open space would benefit neighbors as well as future residents of the subject property. This form of development, however, results in a higher lot area requirement – 3,000 square feet per lot for semi-detached buildings – which necessitates a lot area variance. The applicant also requests relief from side yard (see special exception analysis below), but that is a small degree of relief, and not the complete side yard relief contemplated in previous iterations of this project.

ii. No Substantial Detriment to the Public Good

Granting the requested relief should not result in a substantial detriment to the public good. The proposed lots would be more in keeping with the size and width of most of the other alley lots to the north as well as the rowhouse lots facing 2nd Street. And while there are no other alley buildings on this alley currently, the form of development facilitated by the relief would not be inconsistent with other alley dwellings throughout the District. Also, the reduced lot size should not result in impacts to light or air. The lot occupancy would remain very low, and OP estimates that the rear yard would be over 60 feet in depth. Furthermore, because of the slope of the land in this location, and the 20 foot height restriction for alley buildings, the proposed homes would tend to sit lower than buildings facing 2nd Street, minimizing light impacts.

iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The alley lot regulations seek to ensure adequate alley width for any development on alley lots. The subject alley is presently used for city services such as trash pick-up, and granting the proposed relief would not impede the use of the alley. DDOT also seeks to improve the usability of the alley by acquiring a small corner of the applicant’s property to enhance truck maneuverability. See further discussion below. Granting variances for alley width, therefore, should not impair the ability to use the alley.

Special Exception for Side Yard

The applicant requests special exception relief for side yard. The Board is authorized to grant the requested relief pursuant to the criteria of E § 5201 and X § 901, which are analyzed below.

5201.1 and 5201.2 Not applicable

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Yards, including alley centerline setback; and*
- (b) Pervious surface.*

The application requests special exception relief for side yard.

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

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

The light and air available to adjacent properties should not be unduly affected. The side yard dimension would be less than the required five feet for a small length of the building wall where it approaches the angled lot line. The building form would then step back to increase the distance from the property boundary. At its minimum, the side yard dimension would be 3.9 feet, 1.1 feet less than the requirement. This small deviation, for only a portion of the building wall, should not create a noticeable change in the degree of light and air available to nearby properties, and would mostly be realized on the subject site.

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

Granting the requested relief should not unduly impact the privacy available to neighboring properties. The small deviation from the required side yard would mean that any potential views onto nearby properties would be nearly identical to views from a matter of right proposal. Furthermore, most of the windows on the south side of the building face onto the alley, rather than an adjacent property. Those that are near the adjacent property to the south would primarily face onto the extreme rear yard of that property, rather than the dwelling itself.

- (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

Granting the relief should not impact the character of the proposed building. There are no existing alley buildings on this alley, and the surrounding street-facing lots present a highly varied appearance where they are visible from the alley. A 1.1-foot deviation from the required side yard would not change the character of the building in a noticeable way, and any change to the character of the alley would not be to a degree that would have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property in. (§ 5201.4).

(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 application materials include plans, elevations, photos, renderings and site plans.

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 recommends no special treatments.

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.

Granting relief would not result in the introduction of a nonconforming use. The subject lot, the proposed southern lot, would be used for a single family dwelling.

Subtitle X § 901.2

901.2 (a) [Granting the special exception] Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

Granting the requested side yard relief should not impair the intent of the Regulations – to ensure adequate separation between alley buildings and street-facing lots. The relief would only be for 1.1 feet, and only for a portion of the building façade. Furthermore, the relevant street-facing lot has a deep rear yard which would also add to the sense of open space in the vicinity. The proposed building would meet other zoning parameters, including maximum height. It would provide a very deep rear yard, and it would be well below the maximum allowable lot occupancy.

901.2(b) *[Granting the special exception] Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As addressed in the above analysis, the requested special exception for side yard would not appear to adversely affect the use neighboring property. There should be no undue impacts regarding factors such as light, air or privacy.

V. COMMENTS OF OTHER GOVERNMENT AGENCIES

At Exhibit 23 is a DDOT report recommending approval subject to a condition. DDOT requests that the applicant dedicate property to the alley right-of-way prior to issuance of a certificate of occupancy¹. While not directly related to the zoning relief, OP does not object to the request. That corner of the property had traditionally and informally been traversed by traffic negotiating the sharp jog in the alley. At some point in recent years, that portion of the applicant's property was paved. Should that corner of the property be transferred to District ownership, it should not impact zoning parameters such as lot width or lot area to a degree that would render them nonconforming or require additional relief.

As of this writing no other government agencies have responded to OZ's referral of the application. OP made an additional request for comments from FEMS, but has not received a response.

VI. ANC COMMENTS

Exhibit 53 is an ANC memo in support of the application.

VII. COMMUNITY COMMENTS

As of this writing there are no community comments in the record.

¹ OP notes that single family homes do not receive certificates of occupancy, but does not object to whatever appropriate trigger the applicant and DDOT agree to.

Attachment 1 – Vicinity Map

