



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matthew R. Jesick, Development Review Specialist

JL Joel Lawson, Associate Director Development Review

DATE: January 2, 2025

SUBJECT: BZA #21149 – Request for relief to construct two new dwellings on a vacant lot

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance relief:

- E § 206.2, pursuant to X § 1000 – Front setback (Within the range of existing residential buildings on the block required; 14 ft.10in. in front of the uniform main façades of houses on the block proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1801 D Street, NE
Applicant	James B. Briley Sr. Trustee, owner; and Dila Construction, LLC, contract purchaser
Legal Description	Square 4560, Lot 152
Ward, ANC	7, 7D
Zone	RF-1 – single-family dwellings and flats
Lot Characteristics and Existing Development	The site is nearly rectangular and presently used for surface parking. A DC Water easement cuts diagonally across the site from northwest to southeast, which prevents construction on approximately 75% of the site. A 16 ft. public alley abuts the property to the east.
Adjacent Properties	The only abutting property is the rowhouse to the south. Rowhouse-type flats are located to the east across the alley.
Surrounding Neighborhood Character	Commercial uses across D Street. The surrounding neighborhood is a mix of rowhouses and small scale apartment buildings.
Proposed Development	Construct two new dwellings – one rowhouse and one semi-detached

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 202	18 ft.	75 ft.3.5 in.	Lot 1 – 37 ft.3.5 in. Lot 2 – 18 ft.	Conforming
Lot Area E § 202	3,000 sq.ft. (semi-detached) 1,800 sq.ft. (rowhouse)	4,947 sq.ft.	Lot 1 – 3,016 sq.ft. Lot 2 – 1,948 sq.ft.	Conforming

Zone – RF-1	Regulation	Existing	Proposed	Relief
Height E § 203	35 ft. 3 stories	n/a	32 ft.8 in. 3 stories	Conforming
Front Setback E § 206	Within range on existing block face	n/a	14 ft. 10.5 in. in front of line of block face	Requested
Rear Yard E § 207	20 ft.	n/a	Lot 1 – 39.7 ft. Lot 2 – 24.5 ft.	Conforming
Side Yard E § 208	5 ft. – semi-detached None – rowhouse	n/a	Lot 1 – >5 ft. Lot 2 – none	Conforming
Lot Occupancy E § 210	60%	n/a	Lot 1 – 18.5% Lot 2 – 35%	Conforming
Parking C § 701	1 space per lot	n/a	2 spaces per lot	Conforming

IV. ANALYSIS

The application requests variance relief for front setback, 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

Most of the property is covered by a DC Water easement, which prohibits any development on approximately 75% of the lot. The easement combined with the unusually large, nearly 15 foot wide setback typical for this street and therefore required for this site results in an exceptional condition.

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

Strict application of the front setback regulation would result in a practical difficulty for the applicant. The exceptional easement, combined with the large front setback requirement would limit the developable area of the lot to a small, triangularly-shaped area of 147 square feet on Lot 1 and 415 square feet for Lot 2, according to page 3 of Exhibit 29C. Even if the lots were combined, the total developable area would be only 562 square feet. In addition to the size constraints, the shape of the developable area makes the design of the units more difficult as the constrained area complicates the placement of stairs and rooms. Furthermore, if the project consisted of just one unit, the applicant contends that the sale price of the resulting unit would not cover the construction costs. Refer to Exhibit 29C, page 5, and Exhibit 29D.

c. No Substantial Detriment to the Public Good

Granting the relief should not result in a substantial detriment to the public good. Because the subject site is to the north of its neighbors, any additional shadow caused by the front extension would not fall on adjacent homes. Also, the presence of the easement means that any additional afternoon shadow should mostly fall on open space on the subject site. Refer to the sun study in

Exhibit 18A. Privacy should not be negatively impacted. The design proposes only faux windows on the south side facing the adjacent neighbor. At the rear, the increased distance to the alley should result in a greater degree of privacy for nearby rear yards or proximate windows. The character of the street would be impacted by the relief, but not to an undue degree. The applicant has taken steps to make the design as compatible as possible with the neighborhood. After consultation with the neighbors and ANC, the applicant added brick to the façades to match nearby construction. The design was also modified to add the aforementioned faux windows, to give the southern façade a more residential appearance.

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

Granting the requested relief should not impair the intent of the Regulations. The front setback regulation is intended to provide some degree of conformity to a block when new construction is proposed. The variance procedure, however, exists for circumstances such as this where an unusual or exceptional condition creates a practical difficulty for an owner. Granting the variance in this situation, therefore, is an option contemplated by the Regulations. Facilitating development on this underused site is also contemplated by the Regulations. Subtitle E § 101.2 states that the RF zones are intended to “Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;” Construction of these new units would further those purposes.

V. COMMENTS OF OTHER AGENCIES

Exhibit 20 is a DDOT report stating no object to the relief, subject to a condition.

VI. ANC COMMENTS

Exhibit 23 is a memo from the ANC in support of the application.

VII. COMMUNITY COMMENTS

Exhibit 16 is a letter in support from a resident across the street, and Exhibit 30 is an email in support from the adjacent neighbor to the south.

VIII. VICINITY MAP

