

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Shepard Beamon, Development Review Specialist
JLS for
Joel Lawson, Associate Director Development Review

DATE: December 4, 2024

SUBJECT: BZA Case 21164, to construct a second six-unit apartment house with one Inclusionary Zoning (IZ) unit at 113 Wayne Place SE.

I. BACKGROUND

At [Exhibit 39](#) is an Office of Planning (OP) report dated September 20, 2024, which recommends approval of the requested special exception for a new residential development in the RA-1 zone with an IZ Opt-In unit; a new theoretical subdivision to allow a second apartment house; and a variance to allow a 13-foot rear yard for proposed Lot 2. At its November 13, 2024, public hearing, the Board requested the applicant provide further justification for the rear variance, clarification of the lot dimensions and zoning requirements for buildings on each theoretical lot, and the proposed location of IZ units. The Board also requested a supplemental report from OP to analyze any potential additional waivers.

OP has reviewed the new application material and continues to recommend approval of the previously requested relief. However, the applicant now requests an additional area variance relief from the rear yard requirement of 20 feet to allow a 3 ft. 8 in. rear yard for Lot 1. This appears to be requested due to a reconfiguration of the lots to eliminate the need for lot occupancy relief.

OP does not recommend granting the 16 ft. 4 in. variance to allow a 3 ft. 8 in. rear yard for proposed Lot 1. OP's additional analysis of the previously requested relief and the newly requested rear yard variance is below.

II. OP ANALYSIS

Since the public hearing, the applicant has provided revised site plans, zoning requirement charts and a plat showing the existing and proposed buildings, and clearly showing proposed dimensions. The revised plans show a new theoretical subdividing lot line, which reduces the proposed rear yard of Lot 1 from 20 feet to 3 ft. 8 in., which requires an additional rear yard variance, however, the two buildings would maintain a separation of 20 feet, as initially proposed. As originally proposed, the light wells for the proposed building (Lot 2) would encroach into the rear yard of Lot 1, therefore, the applicant moved the separating lot line. Additionally, the lot line has been shifted farther from the original proposal so that the maximum lot occupancy is not exceeded on either lot.

OP does not object to the granting of the variance to allow a 13-foot rear yard for Lot 2. The applicant has provided an additional statement demonstrating practical difficulty in constructing a meaningful connection between the two buildings to make one single building. As previously considered, a connection would potentially result in the displacement of existing tenants or the loss of bedrooms in existing units. In conversation with the OP, the applicant further explained that the application of the zoning regulations would significantly reduce the size of the proposed building.

Board of Zoning Adjustment
District of Columbia

and result in either the loss of a unit or each unit would lose a bedroom, rendering the project financially infeasible. The granting of the variance for a 13-foot rear yard on Lot 2 would not be detrimental to the public good as there should be minimal impacts to adjacent properties considering there is currently no development directly behind the subject property.

OP does not recommend granting the 16 ft. 4 in. variance to allow a 3 ft. 8 in. rear yard for proposed Lot 1. The applicant has stated the 3 ft. 8 in. rear is intended to meet lot occupancy for both lots and to avoid the encroachment of light wells of the proposed building into Lot 1. OP finds this does not amount to an extraordinary or exceptional condition resulting in practical difficulty as this reasoning should not result in interference with the existing building or tenants and should not result in the loss of units or bedrooms for the proposed building.

Location of IZ Units

The buildings on the proposed lots would be within the FAR permitted by opting into the IZ program, resulting in a Voluntary IZ unit in each building, as shown in the updated zoning self-certification tables in [Exhibit 73](#). The applicant has illustrated the proposed location of the IZ unit in the secondary building but initially proposed locating the unit in the cellar which is not permitted under the regulations. The applicant has informed OP they will relocate the IZ elsewhere in the proposed building and will also provide a graphic showing the location of the proposed IZ unit in the existing building. OP finds both proposed lots need to meet maximum lot occupancy or the applicant needs to apply for a special exception to modify.