

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

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

DATE: September 20, 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 21](#) is an Office of Planning (OP) report supporting the requested special exception for a new residential development with an IZ Opt-In unit, and a new theoretical subdivision to allow a second apartment house. At its July 31, 2024, public hearing, it was determined both the proposed and existing apartment houses would need to meet the RA-1 development standards for a theoretical subdivision, which would require the applicant to apply for rear yard area variance relief for at least one of the buildings. The Board requested an OP supplemental report for an analysis of the rear yard variance.

Since the public hearing, the applicant has amended the original plans to provide a 20-foot rear yard for the existing building and shifted the proposed apartment building closer to the rear lot line to provide a 13-foot rear yard, which requires a variance for a 7-foot deviation, as shown in Exhibit 36 and 37. By shifting the proposed building closer to the rear lot line, the applicant has reduced parking from two spaces to one, which still meets the minimum parking requirements. The revised site plans also show the theoretical subdivision boundaries for the proposed lots.

II. RECOMMENDATION

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

- Rear Yard, Subtitle F § 207, pursuant to X § 1002, (20 ft. minimum required, 13 ft. proposed for the second building)

The Office of Planning (OP) continues to recommend **approval** of the following special exception relief (refer to Exhibit 21 for OP analysis):

- New Residential Development, Subtitle U § 421.1, pursuant to Subtitle X § 901.2 (all new residential development, except for single household detached and semi-detached dwellings, must be reviewed by the Board of Zoning Adjustment); and
- IZ Opt-In, Subtitle F § 201.4, pursuant to Subtitle X § 901.2 (Voluntary IZ Developments must opt-in to the IZ program to use IZ bonus density of up to 1.08 FAR); and
- Theoretical Subdivision, Subtitle C § 305, pursuant to Subtitle X § 901.2 (the Board of Zoning Adjustment may grant, through special exception, a waiver of Subtitle C § 302.1 to allow multiple primary buildings on a single record lot).

III. OP ANALYSIS

A. X § 1002, Rear Yard Area Variance

i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties / Exceptional or Undue Hardship To the Property Owner*

a. *Extraordinary or Exceptional Situation*

Meeting the required rear yard for both buildings would result in practical difficulties. There is currently no rear access from the existing building to connect to a new structure. To achieve this, the interior of the existing building would have to be reconfigured to provide access for a new connection, resulting in further difficulties for the current tenants. To best meet the general purpose and intent of the zoning regulations, the proposed building would be located closer to the rear lot line to maintain the 20' rear yard for the existing building, which should provide adequate light, air and privacy for the rear-facing units on the existing building.

b. *Exceptional Practical Difficulties*

The strict application of the zoning regulation for a theoretical subdivision would require both buildings to meet the required 20' rear yard, potentially resulting in a limited buildable area, and fewer or smaller apartment units in the proposed second building on the property.

ii. *No Substantial Detriment to the Public Good*

Relief to permit the reduced rear yard for the proposed building should not result in a detrimental impact on the public good as there is currently no development directly behind the subject property. Should any development occur in the rear yards of the properties behind the subject property, the requested 13-foot rear yard should provide adequate separation. The request is unlikely to have an impact on passersby or residents residing along Wayne Place SE.

iii. *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 rear yard requirements are intended to ensure open space and adequate access to light, movement of air, and visual privacy between buildings. As proposed, the second building would be setback 13 feet from the rear property line, which should provide sufficient access to separation for light, air and privacy. The relief should not result in a building that is inconsistent with the intended height, bulk or use of the property.

IV. OTHER DISTRICT AGENCIES

[Exhibit 20](#) is a memo from DDOT indicating no objection to the application, noting the applicant will also be required to address public space and Special Tree requirements. DDOT has reviewed the revised plans and continues to recommend approval of the project.

V. ADVISORY NEIGHBORHOOD COMMISSION

[Exhibit 26](#) is a memo from ANC indicating no recommendation regarding this application.

VI. COMMUNITY COMMENTS

At the filing of this report, no community comments have been filed to the record.