

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Maxine Brown-Roberts, AICP, Project Manager
 Joel Lawson, Associate Director Development Review
DATE: June 15, 2018
SUBJECT: BZA Case 19780 – Area variance to allow the construction of two flats without side yards at 79 and 81 U Street, NW.

I. APPLICATION AND RECOMMENDATION

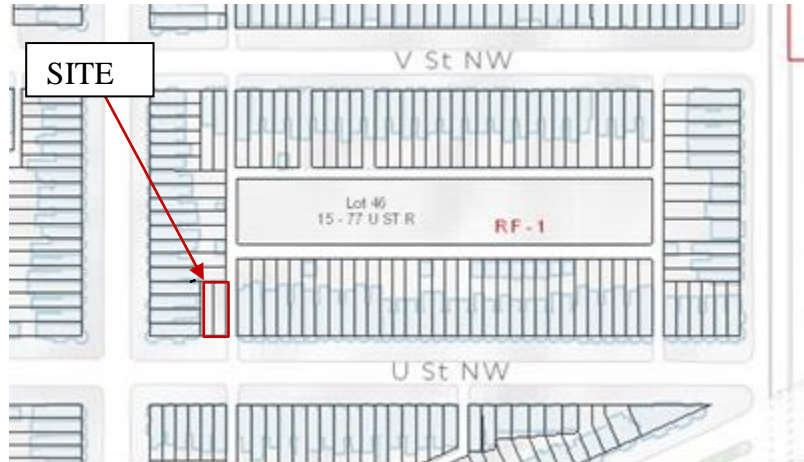
79-81 U Street LLC (applicant) requests variance relief from the requirements of Subtitle E § 307.1, side yard setback to allow the construction of two flats at 79 and 81 U Street, NW in the RF-1 zone.

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X, Chapter 10:

- Subtitle E § 307.1, Side Yard (5 feet required, none proposed).

II. LOCATION AND SITE DESCRIPTION

Address	79 and 81 U Street, NW
Applicant	79-81 U Street LLC, represented by Martin Sullivan
Legal Description	Square 3117, Lots 68 and 69
Ward, ANC	Ward 5, ANC 5E
Zone	RF-1
Lot Characteristics	Rectangular, flat lots with an area of 1,224 square feet each (17 feet x 72 feet) with Lot 68 abutting a 15-foot wide public alley.
Existing Development	None
Adjacent Properties	To the east, west, north and south are 3-story flats in the RF-1 zone.
Surrounding Neighborhood Character	The area is predominantly developed with 2- and 3-story row dwellings with 1 to 3 dwelling units in the RF-1 zone.



Site Location



Picture of Site

III. PROPOSAL

The proposal is for two lots to be developed with flats, each with an off-street parking space accessible from the public alley. The zone allows rowhouse development and Subtitle E § 307 requires row houses share common division walls on each side. The dwellings proposed would not meet this requirements as Lot 68 is separated from the adjacent building by a 15-foot wide alley and Lot 69 is adjacent to rear yards of buildings which front on 1st Street, NW.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

The information on the table below refers to both Lots 68 and 69.

RF-1 Zone	Regulation	Proposed ¹	Relief
Height, E § 303	35-foot max.	35 feet	None Required
Semi-Detached Lot Width, E § 201	18 ft.	17 feet	Existing non-conformity
Semi-Detached Lot Area, E § 201	1,800 sq. ft.	1,224 sq. ft.	Existing non-conformity
Lot Occupancy, E § 304	60% max. (734 sq. ft.)	61.9% (758 sq. ft.) ²	None Required
Rear Yard, E § 306	20-foot min.	40 ft.	None Required
Side Yard, E § 307	None required if corner lot, or if common division wall or 5-foot min. side yard provided	None and no common division wall proposed	Required
Parking, C § 701.5	1 space per 2 dwellings	1 space	None Required

V. ANALYSIS

In order to be granted a variance, the application must meet the three-part test of Subtitle X Chapter 10.

Variance Relief from Subtitle E § 307, Side Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The lots were created prior to the current regulations along with others within the square and were envisioned to be row houses with no side yards. The lots within the block have lot widths of 17 feet with a majority having lots areas of 1,800 square feet. Eight lots are smaller, around 1,300 square feet and below, and do not meeting the minimum lot size. Some of these smaller lots preclude attachment along a common wall and do not provide a side yard.

Providing the required five-foot, side yard setbacks would result in a narrow, twelve-foot wide houses on the exterior. The resulting interiors would be further reduced by wall thickness and internal stairs. It would therefore be a practical difficulty for the applicant to meet the regulations as the side yards would severely limit the available living space within the structures.

¹ Information provided by the applicant.

² Applicants states that a 2% waiver has been granted by the Zoning Administrator

ii. No Substantial Detriment to the Public Good

Granting the relief would allow construction of two new, flats on vacant lots within a fully developed neighborhood. The development of the properties would cast shadows on the adjacent buildings, but likely not substantially more than a conforming building. The new structures would therefore not cause undue shadow on adjacent properties or greatly impact airflow.

The building across the alley from Lot 68 is built along the property line and has windows on that façade. The proposed structure would also have windows along the alley façade. However, to maintain the privacy of the residents of both buildings, the window on the new building would be staggered so that there are no direct views into either building. The building on Lot 69, would face the rear yards of buildings which front on 1st Street, NW and would have no windows on that façade to impact the privacy of adjacent houses. A resident of the adjacent property at to the west, at Exhibit 17, is in support of the application.

Vehicular and pedestrian movements would continue to be accommodated along the 15-foot wide alley without any negative impacts. Therefore, granting the requested side yard relief should not be substantially detrimental to the public good.

iii. No Substantial Harm to the Zoning Regulations

Granting the requested variance would allow for the construction of flats which would be similar to those within the square and neighborhood, a use permitted as a matter-of-right within the RF-1. The Regulations are also intended to protect nearby properties, but as stated above, the proposed construction would not have an undue impact on properties adjacent to the site. Granting the requested relief would therefore not impair the intent of the Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The Department of Transportation (DDOT) in a memorandum dated May 23, 2018 (Exhibit 31), states that the requested variance would have no adverse impact on the travel conditions of the District's transportation network.

VII. COMMUNITY COMMENTS

The subject properties are within ANC-5E. No comments have been submitted to the record as of the filing of this report. A letter in support is at Exhibit 30.