



79-81 U  
Street, NW  
BZA Case  
No. 19780

---

# Overview and Background

---

- Proposing to construct two, new 17 ft. wide row dwellings to be used as flats
- Subtitle E § 307.1 states, “when a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.”
- Zoning Administrator applies this section to both proposed row houses in this Project, even though they do indeed share a common division wall with a building being constructed together with it
- June 2017- Received a determination letter – no side yard required
- July 2017- Received a foundation to grade permit – no side yard required
- While under construction pursuant to those approvals – received a contrary zoning comment that said side yards were required
- In the RF zones, special exception relief for required side yards is only permitted for an addition to an existing building, not for new construction
- Therefore, the Applicant is requesting variance relief from the minimum side yard requirements of 11-E DCMR § 307.3



RA-2

RF-1

Subject Site

U St NW

U St NW

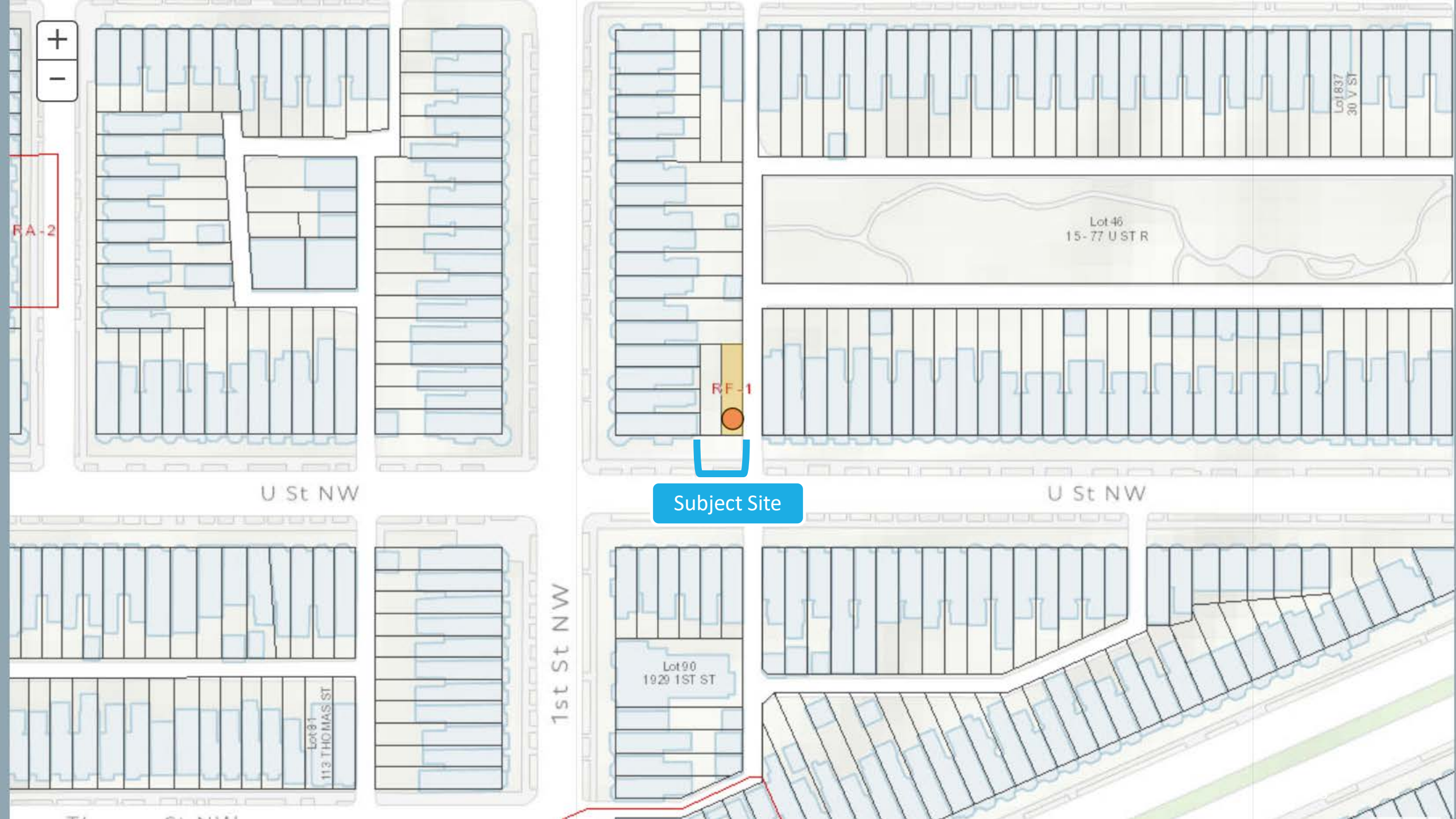
1st St NW

Lot 81  
113 THOMAS ST

Lot 90  
1929 1ST ST

Lot 837  
30 V ST

Lot 46  
15-77 U STR



## Variance Test:

### (1) Extraordinary Condition affecting the Subject Property

---

- Uniquely undeveloped narrow lots; lots created prior to the current regulations
- Applicant received a determination letter from the Zoning Administrator affirming the matter of right nature of the proposed Project, without the need for side yards
- Applicant received a foundation to grade permit without the need for side yards
- Applicant also relied on the plain language in the Regulations that provides that this side yard requirement of Section 307.1 does not apply to building which share a common division wall with another building being constructed together with it

## Variance Test: (2) Practical Difficulty:

---

- To comply with this side yard requirement, Applicant would have to construct two, 12-ft. wide semi-detached buildings, one on an alley and the other backing up to rear yards
- Severely limits the available living space within each structure

### (3) Requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan

---

- The uniqueness of the situation means that relief can be granted without impairing the intent, purpose and integrity of the zone plan
- Two very narrow lots, one abutting an alley
- The Zoning Administrator issued a determination letter on which the Applicant relied
- The two lots are isolated from other lots, making it even more unique

# ANC and Community Outreach

---

- ANC unanimously supports the Application
- BCA (Bloomingdale Civic Association) voted to support the Application
- 3 letters in support in the record

# OP Recommendation

---

- The Office of Planning has recommended approval of the Application