

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Jonathan Kirschenbaum, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: October 12, 2018

SUBJECT: BZA Case 19831 (4813 Jay Street, NE) to permit the construction of a new semi-detached single-family house on an existing lot of record.

I. OFFICE OF PLANNING RECOMMENDATION

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

- Side Yard, Subtitle D § 307.1, pursuant to Subtitle X § 1000 (8 feet minimum required; 3 feet 8 inches proposed); and
- Common Division Wall, Subtitle D § 307.4, pursuant to Subtitle X § 1000 (newly erected development that does not share a common division wall with a new or existing building shall have a side yard on each resulting free-standing side; no side yard proposed).

The applicant also requested relief from lot area and lot width requirements under Subtitle D § 302.1, which are not necessary for the development of an existing record lot.

II. LOCATION AND SITE DESCRIPTION

Address	4813 Jay Street, NE
Applicant	Rupsha 2011 LLC
Legal Description	Square 5149, Lot 87
Ward / ANC	7/7C
Zone	R-2, which permits a detached or semi-detached building.
Lot Characteristics	Rectangular interior record lot measuring 20 feet 8 inches by 115 feet. The development site is bounded by Jay Street, NE to the north, a detached house to the west, a vacant record lot to the east, and 15-foot public alley to the south.
Existing Development	Vacant record lot.
Surrounding Neighborhood Character	The surrounding neighborhood is comprised primarily of single-family detached and semi-detached houses.

Proposed Development	The applicant proposes to erect a new semi-detached house on an existing vacant lot of record measuring 20 feet 8 inches by 115 feet. The proposed house would be set back three feet from the western side lot line but would not be set back from the eastern side lot line. The house would be 33 feet 6 inches/3 stories in height. One parking space would be provided in the rear and accessed from a 15-foot-wide public alley.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) D § 303.1	40 ft. max./ 3 stories	Not applicable	33 ft. 6 in./3 stories	None required
Semi-detached Lot Width (ft.) D § 302.1	30 ft. min.	20 ft. 8 in.	No change	None required
Semi-detached Lot Area (ft.) D § 302.1	3,000 sq. ft. min.	2,380 sq. ft.	No change	None required
Lot Occupancy D § 304.1	40% max.	Not applicable	35%	None required
Front Setback D § 305.1	Setback must be in range of existing front setbacks	n/a	Front setback within range of existing front setbacks	None required
Rear Yard (ft.) D § 306.2	20 ft. min.	Not applicable	44 ft. 11 in.	None required
Side Yard (ft.) D § 307.1	8 ft. min.	Not applicable	3 ft. 8 in.	Variance relief: 4 ft. 4 in.
Common Division Wall D § 307.4	8 ft. min. side yard for development not sharing a common division wall	Not applicable	No side yard proposed for the free-standing side of the house that does not share a common division wall	Variance relief required
Parking D § 701.5	1 space per principal dwelling	Not applicable	1 parking space	None required

IV. OFFICE OF PLANNING ANALYSIS

a) Variance Relief from Subtitle D § 307.1, Side Yard; and Subtitle D § 307.4, Common Division Wall

i. Exceptional Situation Resulting in a Practical Difficulty

The subject lot of record does not conform to minimum lot width or area requirements for semi-detached buildings. The subject record lot is presently vacant.

¹ Information provided by the Applicant. See exhibit 34.

The proposed house would be built along its eastern side lot line, which abuts a vacant lot of record (lot 88). Under the current Zoning Regulations, the applicant would be required to provide a side yard along both side lot lines, because the proposed house would not share a common division wall with a building on the abutting record lots. If the applicant were to comply with this requirement and the side yard requirement, two side yards would be provided, and would result in a detached house only four feet eight inches in width. Thus, the only practical development on the subject lot would be a semi-detached house with one side yard, for which relief from the requirement for a common division wall on the east side is needed.

For a semi-detached building, if the applicant were to comply with the eight-foot side yard requirement, the maximum width of the house would be 12 feet 8 inches. The resulting narrow interior width would create a substandard layout, and the applicant states that such practical difficulty would prohibit any building on the lot. The applicant proposes to construct a house that is 17 feet wide, and to provide a side yard setback from the western lot line that would be three feet eight inches wide.

ii. No Substantial Detriment to the Public Good

To the east, the proposed house would abut a vacant lot (88) and to the west, the proposed house would abut a lot (130) with a detached house. This detached house is set back approximately eight feet from the shared side lot line, and the proposed house would be setback an additional three feet eight inches. There would be a total distance of approximately 11 feet between the proposed house and the adjacent property on lot 130. The proposed house would not be out of character with the immediate area as other houses on the block are located closer together than what is proposed.

The proposed house would comply with all other development standards, including height, front setback, rear yard setback, and parking. The proposed development should not restrict light, air, or privacy to existing adjacent development, and there would be no substantial detriment to the public good.

iii. No Substantial Harm to the Zoning Regulations

The intent of the side yard development standard is to ensure that there is sufficient open space between proposed and adjacent uses. While the proposed western side yard does not fully comply with the side yard development standard, there would be sufficient open space provided between the proposed house and the house to the west (lot 130), which would not substantially harm the intent of the zoning regulations.

The request to not provide a side yard on the eastern side of the house would make the proposed house semi-detached. If the common division wall requirement were complied with it would result in a detached house with two required side yards. Even if two side yards were provided at setback widths less than what is required it would still result in a house that would be narrow.

Should a building be built to the east (lot 88) it would have the option to attach to the proposed building. This would eliminate the need for a variance from the common

division wall development standard for any hypothetical future semi-detached building on lot 88.

b) COMMENTS OF OTHER DISTRICT AGENCIES

No comments from other district agencies had been filed to the record as of the time this report was drafted.

c) COMMUNITY COMMENTS

No comments from the community or the ANC were received at the time this report was drafted.

Location Map:

