

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 29, 2019

**SUBJECT:** BZA Case 19968 (4461 B Street, S.E.) to permit the construction of a new detached principal dwelling unit in the R-2 zone.

**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-foot minimum required; 3-foot proposed).

The applicant has been advised that relief from minimum lot width and area, as requested, is not required because the subject lot is an existing record lot.

**II. LOCATION AND SITE DESCRIPTION**

Address	4461 B Street, S.E.
Applicant	District Properties.com Inc.
Legal Description	Square 5351, Lot 62
Ward, ANC	Ward 7, ANC 7F
Zone	<b>R-2</b> zone, intended to provide for areas predominantly developed with detached or semi-detached houses on moderately sized lots.
Historic District	Not applicable.
Lot Characteristics	The rectangular lot has 3,875 square feet of area and 25-feet of frontage along B Street. The rear of the lot is also 25-feet wide, which abuts a separate lot.
Existing Development	The lot is currently vacant.
Adjacent Properties	To the north, are existing apartment houses. To the south, are existing detached dwellings. To the east, is an existing detached dwelling. To the west, is an existing apartment house.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally low- to moderate-density residential, consisting of apartment houses, detached dwellings, and semi-detached dwellings.
Proposed Development	The applicant proposes to construct a detached dwelling on an existing nonconforming record lot.

**III. ZONING REQUIREMENTS and RELIEF REQUESTED**

<b>Zone – R-2</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Lot Width § 302	40 ft. (detached)	25 ft.	No change	Existing nonconforming
Lot Area § 302	4,000 sq.ft. min. (detached)	3,875 sq.ft.	No change	Existing nonconforming
Height § 303	40 ft. max.	--	28 ft.	None required
Lot Occupancy § 304	40% max.	--	21%	None required
Front Setback § 305	Within range of existing front setbacks on same side of street	--	18.75 ft.	None required
Rear Yard § 306	20 ft. min.	--	55 ft.	None required
Side Yard § 307	8 ft. min.	--	3 ft.	<b>Variance Required</b>
Pervious Surface § 308	30%	--	76.5%	None required
Parking C § 701	1 per dwelling, or no space required if lot has no access to public alley	--	0 spaces	None required

**IV. OFFICE OF PLANNING ANALYSIS**

**a. Variance Relief from Subtitle D § 307, Side Yard**

**i. Exceptional Situation Resulting in a Practical Difficulty**

The applicant has requested relief from the provision of compliant side yards, providing three-foot side yards on both sides of the lot where one eight-foot side yard is required. The existing lot is substandard, having a width of 25-feet where 40-feet would be required for a detached dwelling, which is approximately 38% smaller than required by the regulations. It would be practically difficult to develop a detached dwelling with eight-foot side yards on the subject lot, as the resulting dwelling would be nine-feet wide. The current proposal would allow for a 19-foot wide detached dwelling, resulting in a reasonably-wide detached dwelling providing amenities that are typical of a detached dwelling of its size.

Further, the R-2 development standards allow for the development of a semi-detached building with one eight-foot side yard. Compliance with the side yard requirements on the 25-foot wide lot would result in a 17-foot wide building. Side yards of three feet on each free-standing side would allow the proposed 19-foot wide single-family structure with a layout compatible with contemporary standards and the neighborhood.

**ii. No Substantial Detriment to the Public Good**

The provision of three-foot wide side yards should not cause substantial detriment to the public good. The three foot wide side yards would allow for maintenance for the future homeowner. The apartment building to the west provides a side yard of approximately six-feet in width, and the dwelling to the east provides a side yard of approximately seven-feet in width. The combined side yards should

provide sufficient separation between buildings, allowing for light and air between dwellings, and the proposal provides a large rear yard, which is approximately 55-feet in depth.

**iii. No Substantial Harm to the Zoning Regulations**

The provision of side yards is intended to ensure sufficient open space and to address light, air, and privacy on lots in the R-2 zone, which allows for the development of semi-detached and detached dwellings. The proposed dwelling would comply with all other development standards for the lot, including rear yard of 55 feet, front setback of 17 feet, and lot occupancy of 21% which are all well within the permitted amounts. As a result, the intent to maintain open space on the lot would be achieved with the proposal. The requested relief would allow for the development of the currently vacant property with an appropriately scaled one-family dwelling, a use permitted within the R-2 zone.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

At Exhibit 34 is a memo from DDOT indicating no objection to the proposal. As of the date of this writing, no other comments from other District Agencies had been provided.

**VI. COMMUNITY COMMENTS TO DATE**

As of the date of this writing, comments from the community and ANC had not been provided to the record.

Attachment: Location Map

### Location Map

