

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Brandice Elliott, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** April 17, 2019

**SUBJECT:** BZA Case 19988 (4417 Foote Street, N.E.) to permit the construction of a new detached principal dwelling with reduced side yards 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 § 206.2, pursuant to Subtitle X § 1000 (2 side yards, 8-foot minimum required; 2 side yards, 3-feet proposed).

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

**II. LOCATION AND SITE DESCRIPTION**

Address	4417 Foote Street, N.E.
Applicant	District Properties.com Inc.
Legal Description	Square 5131, Lot 40
Ward, ANC	Ward 7, ANC 7D
Zone	The <b>R-2</b> zone is 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 is 2,312 square feet in area, with 25-feet of frontage along Foote Street. The rear of the lot, also 25-feet in width, abuts a 15-foot-wide public alley.
Existing Development	The lot is currently vacant.
Adjacent Properties	To the north, across Foote Street, are existing detached and semi-detached dwellings. To the south, across the public alley, are existing semi-detached dwellings. To the east is an existing detached dwelling. To the west, across the public alley, 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

Zone – R-2	Regulation	Existing	Proposed	Relief
Lot Width § 302	40 ft. (detached)	25 ft.	No change	Existing nonconforming
Lot Area § 302	4,000 sq.ft. min. (detached)	2,312 sq.ft.	No change	Existing nonconforming
Height § 303	40 ft. max.	--	27 ft.	None required
Lot Occupancy § 304	40% max.	--	34.13 %	None required
Front Setback § 305	Within range of existing front setbacks on same side of street	--	12.17 ft.	None required
Rear Yard § 306	20 ft. min.	--	38.5 ft.	None required
Side Yard § 206	8 ft. min.	--	3 ft.	<b>Variance Required</b>
Pervious Surface § 308	30%	--	60.42%	None required
Parking C § 701	1 per dwelling, or no space required if lot has no access to public alley	--	Not provided	None requested
Lot Width § 302	40 ft. (detached)	25 ft.	No change	Existing nonconforming

### IV. OFFICE OF PLANNING ANALYSIS

#### a. Variance Relief from Subtitle D § 206, 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 two eight-foot side yards are required for detached dwellings. 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 reasonable building width.

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

**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 detached dwelling to the east provides a generous side yard of approximately 50-feet, and the public alley to the west ensures that a minimum separation of at least 16-feet would be provided between the proposed dwelling and the apartment house to the west. 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 38.5-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 zone is also intended to provide for adequately sized dwellings for family life. The proposed dwelling would comply with all other development standards for the lot, including the provision of a rear yard of 38.5-feet, front setback of 12.17-feet, and lot occupancy of 34.13% 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 intended within the R-2 zone, with open space on each side.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

As of the date of this writing, no comments from 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

