

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Development Review Specialist
JL Joel Lawson, Associate Director Development Review

DATE: July 9, 2021

SUBJECT: BZA Case 20478 – Construct a 5.5-foot high retaining wall at 4436 Alabama Avenue, SE

I. OFFICE OF PLANNING RECOMMENDATION

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

- Subtitle C § 1401.3(c), Retaining Wall Height, (4 feet maximum permitted within 25 feet of a rear property line; 5.5 feet within 4 feet of the rear property line proposed) pursuant to Subtitle C § 1402.1 and Subtitle X § 901.2

II. LOCATION AND SITE DESCRIPTION

Address	4436 Alabama Avenue, SE
Applicant	Taliza Bins Johnson
Legal Description	Square 5382, Lot 132
Ward, ANC	7/7E
Zone	R-1-B
Lot Characteristics	The rectangular lot has an area of 5,551 square feet with a 15-foot wide Building Restriction Line (BLR) along the Alabama Avenue frontage. To the rear, it abuts a 15-foot wide alley. The portion of the property along Alabama Avenue is fairly flat but the property slopes down from approximately the middle of the property towards to rear alley. There is a difference of 20 feet between the flat portion of the lot to the rear property line.
Existing Development	Single family detached dwelling.
Adjacent Properties	Single family detached dwellings on all sides.
Surrounding Neighborhood Character	The surrounding community is composed of single family detached dwellings.

Proposed Development	The applicant proposes to construct a 5.5-foot retaining wall towards the rear of the property. The maximum permitted height for retaining walls is six feet unless located within 25 feet of a rear property line in which case the maximum permitted height is four feet. Relief is required because the retaining wall would be 5.5-foot high and would be located 4 feet from the rear property line.
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Site Location and Zoning Map



III. OFFICE OF PLANNING ANALYSIS

Special Exception Relief from Subtitle C § 1401.3(c), Retaining Wall Height.

Subtitle C § 1402.1 allows for a retaining wall not meeting the requirements of Subtitle C § 1401.3(c) as follows.

Retaining walls not meeting the requirements of this section may be approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X. In addition to meeting the general conditions for being granted a special exception as set forth in that subtitle, the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.

As shown at Exhibits 3 and 12, the existing fencing at the rear and sides of the property are dilapidated and not structurally sound. The applicant proposes to upgrade the fencing around the property with a retaining wall along the rear property line and six-foot wood fencing along the side

yards. The applicant states that the existing steep slope area of the rear yard has been susceptible to slippage of soil onto the alley. Further, the rear slope area has also been the site for dumping of trash, carpets, and construction debris. The steep slope of the rear yard also affords only limited use of the rear yard.

The proposed retaining wall (Exhibit 15, pages 1 and 2) has been designed by certified civil and structural engineers who recommend a 5.5-foot retaining wall to effectively support the steep slope of the property. Along with the proposed retaining wall, soil would be removed, and clean soil put in its place to stabilize the steep slope of the yard. The wall would also accommodate a flat space between two steep slopes for use by the residents of the property. Compliance with the four-foot height maximum would be unduly restrictive and unreasonable because it would result in a retaining wall that would not be able to fully support the slope of the hill, may not discourage persons from dumping materials into the rear yard, and would result in a rear yard that would continue to of limited use by the residents.

General Special Exception requirements of Subtitle X § 901.2

- i. *Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?*

The proposal is in harmony with the general purpose and intent of the Zoning Regulations because reasonable retaining walls are permitted in the R zones to help resist the displacement of soil or other materials on steep slopes. The height limitations are intended to minimize the visual appearance of a retaining wall and to avoid over-manipulation of grade, especially along street frontages or along property lines. In this case, the wall's visibility would only be along the alley to the rear of the property. The requested relief to increase height would be what is adequate to support the slope and prevent slippage of soil into the alley.

- ii. *Would the proposal appear to tend to affect adversely, the use of neighboring property?*

The wall would be close to the rear of the property and would not be near any structures. The wall would limit runoff and soil slippage from the subject property into the alley to lessen existing adverse impacts of the slope. Other properties along the alley have similar issues of slope drop-off and unstable soils and have installed retaining walls which are of similar height. Hence, construction of the wall at the subject site would be in harmony with the neighboring properties along the alley and should not adversely impact the use of neighboring properties.

IV. OTHER DISTRICT AGENCIES

No comments from other district agencies had been added to the record at the time this report was filed.

V. ADVISORY NEIGHBORHOOD COMMISSION

At its June 08, 2021 public meeting, ANC 7E voted to support the application (Exhibit 33).

VI. COMMUNITY COMMENTS TO DATE

At the time of this report, there is one letter of support at Exhibit 34.