

# Zoning Commission Case 17-23

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APRIL 19, 2018

PUBLIC HEARING

# Background

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OP proposed text amendments to:

- Definitions (Subtitle B, Chapter 1) of:
  - Building, Attached
  - Building, Detached
  - Building, Semi-detached
- Rules of Measurement (Subtitle B, Chapter 3)
- Zone specific Development Standards (Subtitles D, E, and F)

More closely aligned the treatment of side yards in the zoning regulations with past practice and ZA practice

Included formatting changes

Increased the minimum nonconforming side yard from two to three feet to provide adequate space for access and maintenance

ZC set down the proposed text amendment on December 11, 2017

ZC requested additional analysis

# Analysis

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NEW CONSTRUCTION

ADDITIONS AND EXTENSIONS

CORNER LOTS

# New Construction

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## Changes to Definitions and Regulations

Require a side yard on each freestanding side where there is not a common division wall

Resulted in the need to provide conforming side yards or request variance relief

- Properties are zoned for semi-detached and attached buildings
  - Lots are often narrow
  - May not control adjoining property
  - Adjoining property may not have a building so there is no common division wall

Opportunities for design review with larger-scale infill projects through U § 421 (new residential in RA-1) and through Planned Unit Developments

# Additions or Extensions

Desire to preclude ability to obtain greater lot occupancy by constructing an addition

	1958	2016	2018
<b>Extensions and Additions</b>	<p>In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).</p>	<p>An addition to an existing semi-detached or detached principal building must meet the side yard requirements for that type of building in the zone. An existing detached or semi-detached building may not be treated as an attached building through the construction of additions.</p> <p>In the R-1, R-3, and R-3 zones, for a building subject to a side yard requirement but which has an existing side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).</p> <p>In the RF and RA zones, in the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).</p>	<p>In the R zones, in the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of 5 feet.</p> <p>In the RF and RA zones, in the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of 3 feet.</p>

# Proposed Text - General Development Standards (R)

- ~~206.1~~ Side yard requirements are as provided in each zone. Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.
- 206.2 Two side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- 206.3 One side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.
- 206.4 One side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.
- 206.5 No side yards are required for attached buildings.
- ~~206.2~~ Side yards in an R-1-A, R-1-B, R-6, R-7, R-11, R-12, R-14, R-15, R-16, or R-21 zone shall be a minimum of eight feet (8 ft.).
- ~~206.3~~ Side yards for detached buildings in the R-2, R-3, R-13, or R-17 zone shall be a minimum of eight feet (8 ft.).
- ~~206.4~~ Side yards for semi-detached buildings in the R-2 zone shall be a minimum of eight feet (8 ft.).
- ~~206.5~~ No side yards are required in an R-3, R-13, or R-17 zone; however, if a side yard is provided, it shall be a minimum of five feet (5 ft.).
- ~~206.6~~ In the R-3, R-13, and R-17 zones, side yards shall be maintained for detached or semi-detached buildings existing on or before the effective date of this title.
- ~~206.6~~ In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be ~~reduced or eliminated~~ decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).
- 206.7 Notwithstanding 206.6, in the R-3, R-13, and R-17 zones, existing side yards shall not be eliminated.

# Proposed Text - General Development Standards (RF)

**207.1** ~~Two side yards shall be provided for detached buildings; one side yard shall be provided for semi-detached buildings; and no side yards are required for attached buildings.~~  
however,

**207.2** ~~Any~~ side yard provided shall be ~~at least~~ a minimum of five feet (5 ft.).

**207.23** ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased~~  
~~reduced or eliminated~~; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

# Corner Lots

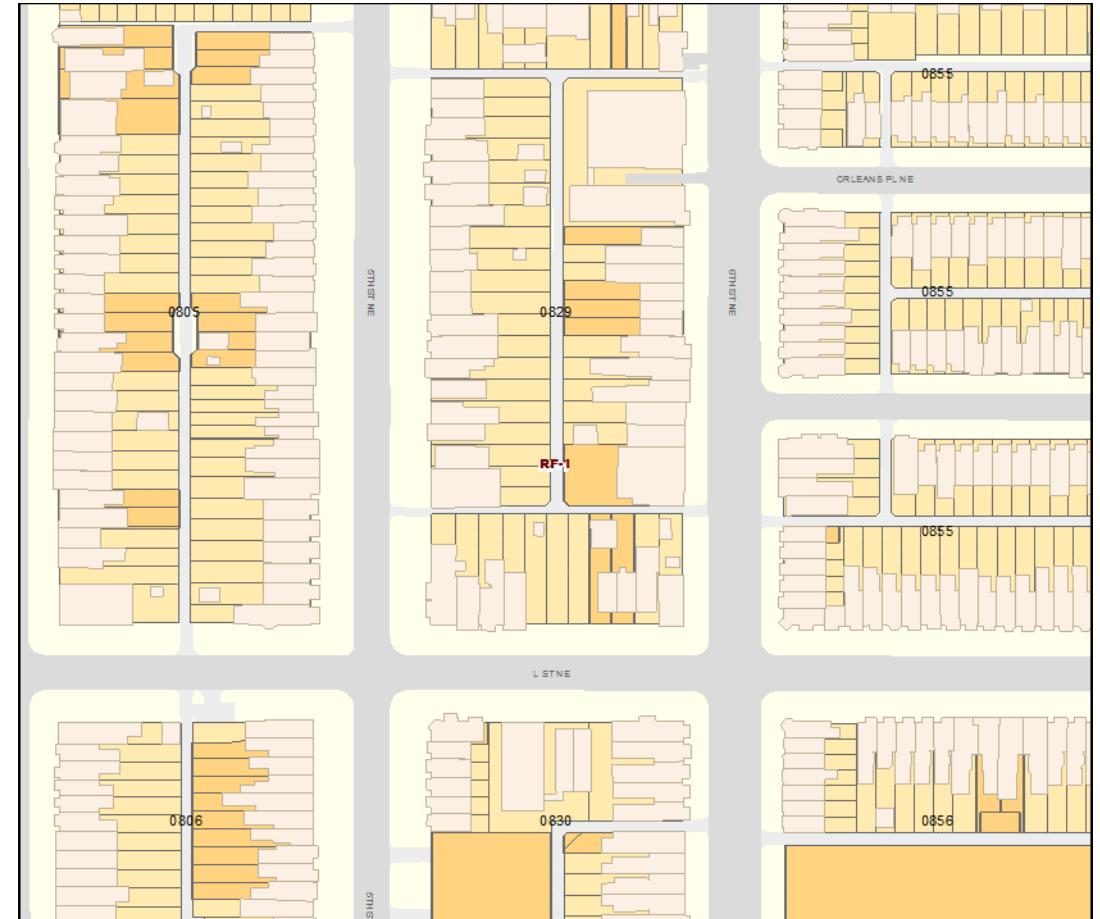
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Do not require a side yard along the side street lot line for corner lots

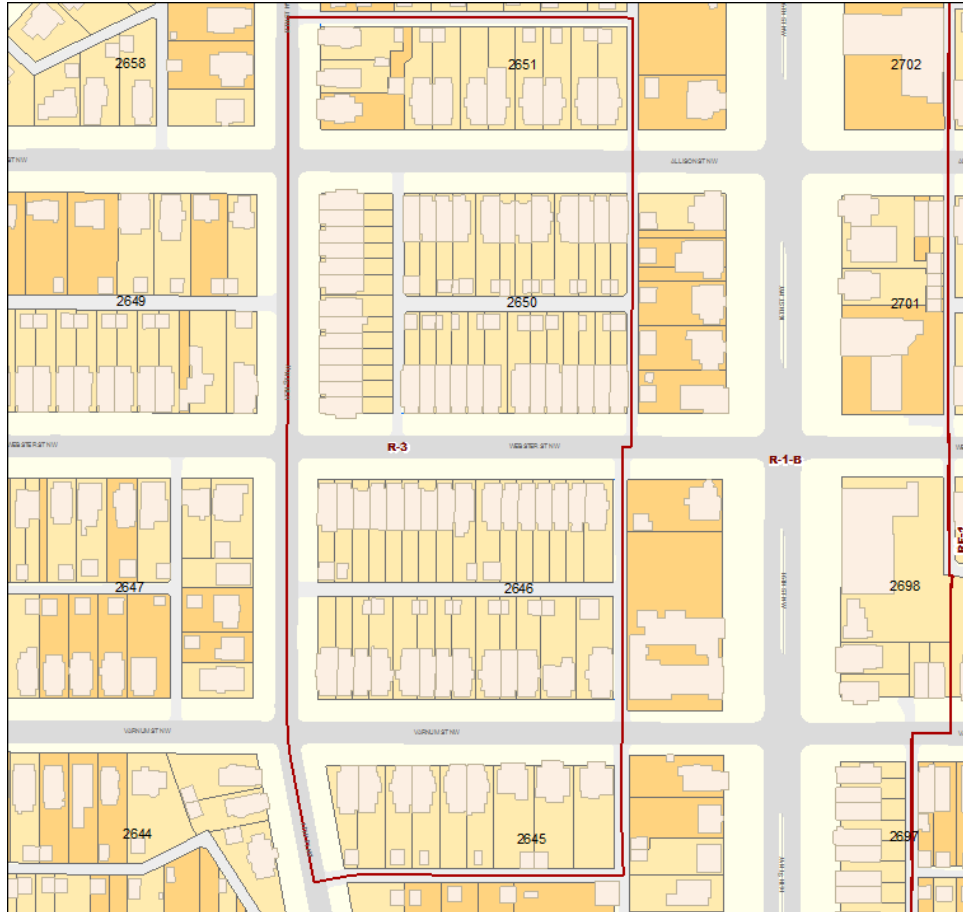
- Generally follows historical practice
- Consistent with prevailing development patterns
- Allows flexibility and encourages building placement that respects adjoining properties



# RF

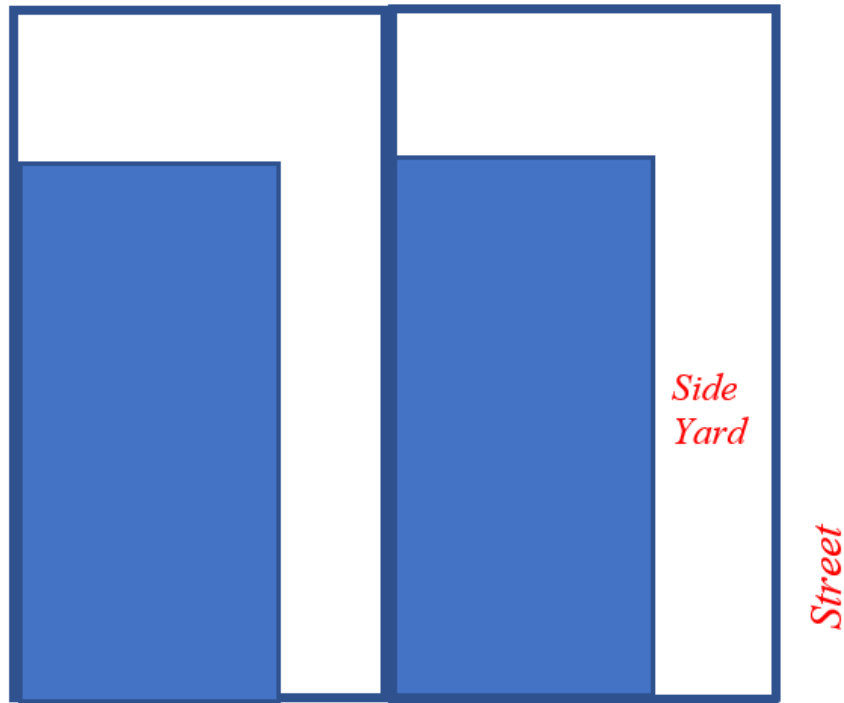


# R-3

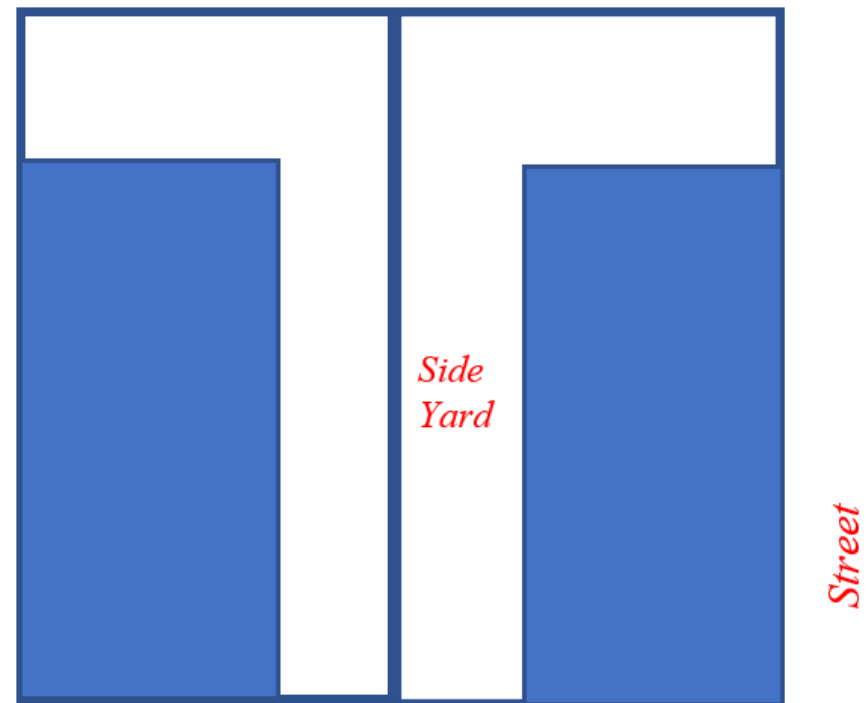


# Semi-Detached Building

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*Street*

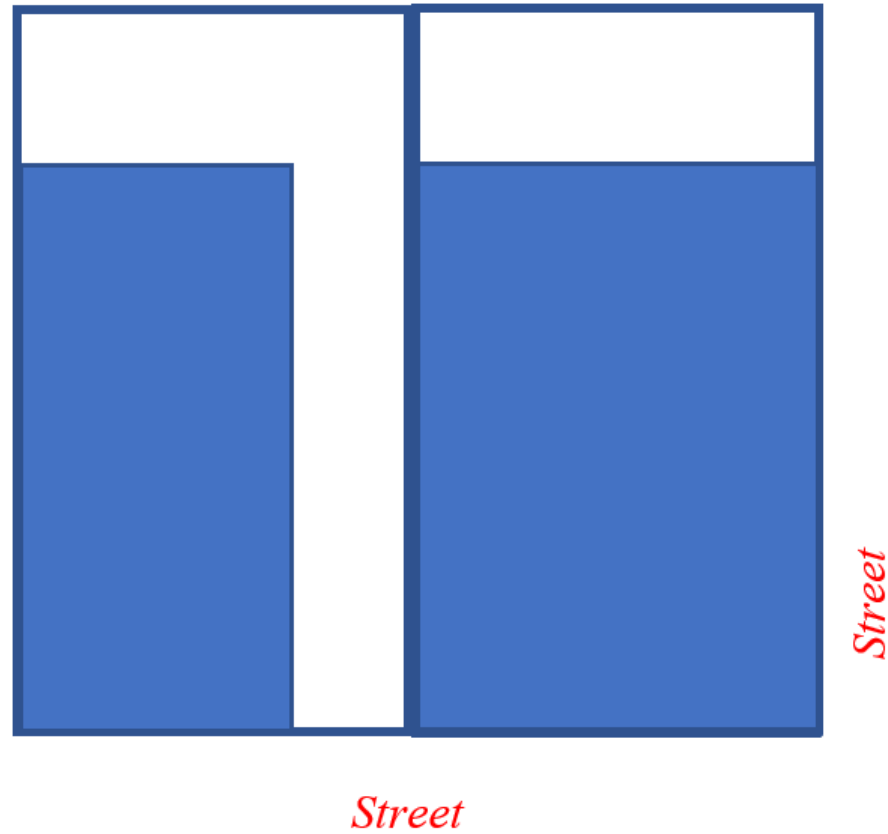


*Street*

*Street*

# Attached Building

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# Relief

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## Existing Buildings

- Special exception relief for additions or extensions to existing buildings

## New Construction

- Variance relief for new construction not meeting the side yard requirements

# BZA Cases

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## 26 BZA cases since September 2016

- 1 case extension request under 1958 regulations
- 1 case withdrawn
- 7 cases for variance relief for new construction
  - 2 cases for variance for new construction in R-1-B
  - 2 cases for variance for new construction in R-3
  - 3 cases for variance for new construction in RF-1
- 19 cases for special exception relief for additions or extensions
  - 13 cases for special exception for additions or extensions in R-1-B
  - 3 cases for special exception for additions or extensions in R-2
  - 1 case for special exception for additions or extensions in R-3

# Questions?

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