

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** October 11, 2017

**SUBJECT:** BZA Case 19608: Request for an area variance special exception relief pursuant to Subtitle D § 5201.1 from F § 202.1, to allow a 2-foot, 3-inch open court.

**I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **denial** of the following area variance pursuant to Subtitle D § 5201:

- F § 202.1, Open Courts (min. 10 feet required, 2 feet, 3 inches proposed).

**II. BACKGROUND**

The subject property is an existing semi-detached dwelling with a two-foot, three-inch side yard on the south side of the property. Adjoining the property to the north is a semi-detached structure with a side yard between that building and the subject property. The applicant proposes to consolidate that side yard into the subject property, creating a row structure out of the building on the adjacent property to the north. Building additions onto three sides of the building on the subject property, including infilling the vacant space between the subject property and the building at 1314 Vermont Avenue to the north, would convert the subject property into a row structure with nine two-bedroom apartments. The existing two-foot, three-inch side yard on the south side of the subject property would become a two-foot, three-inch wide open court, with the court opening onto Vermont Avenue. The existing carport in the rear yard of the subject property would be replaced with two surface parking spaces serving the proposed apartment building, directly accessible from the public alley

**III. LOCATION AND SITE DESCRIPTION**

Address	1310 Vermont Avenue, N.W.
Applicants	Jonathan N. Meyer and Philip R. Lawrence, Jr.
Legal Description	Square 242, Lot 59
Ward, ANC	Ward 2, ANC 2F
Zone	RA-2
Historic Districts	Greater Fourteenth Street and Logan Circle
Lot Characteristics	Four-sided lot with rear alley access
Existing Development	Three-story semi-detached dwelling

Adjacent Properties	North: Row houses and flats South: Row house converted to church offices and a church East: Across Vermont Avenue, apartments West: Across the public alley, apartments with ground floor retail
Surrounding Neighborhood Character	Medium density residential
Proposed Development	Additions to semi-detached to convert it to a 9-unit apartment house

**IV. ZONING REQUIREMENTS and RELIEF REQUESTED**

RA-2 Zone	Regulation	Existing	Proposed	Relief
Height F § 303.1	50-foot max.	49 feet	49 feet	None Required
Lot Width	None	23 feet	23 ft. current; 43.67 ft. pending	None Required
Lot Area	None	2,762 sq. ft.	4,158 sq. ft.	None Required
Lot Occupancy F § 304.1	60% max.	55%	60%	None Required
Rear Yard F § 305.1	15-foot min.	59 feet	43 feet	None Required
Open Court Width F § 202.1	10-foot min.	N/A	2 feet, 3 inches	<b>REQUIRED</b>
Parking C § 701.5	1 per 3 units in excess of 4, or 2	2	2	None Required

**V. OP ANALYSIS**

**Variance Relief from F § 202.1, Open Court Width**

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

The subject property is improved with a row house constructed circa 1880, with a two-foot, three-inch side yard on the south side of the property. The west side of this block of Vermont Avenue is generally improved with row houses on lots of similar widths, except for a wider property two lots to the south improved as a church, and an unusually wide lot adjacent and to the north, improved residentially. However, the applicant proposes to consolidate a portion of the existing side yard of the property to the north into the subject property, increasing the width of the subject lot by approximately twenty feet. Although the subject property would maintain its two-foot, three-inch wide side yard on the south side of the lot, it would not result in a practical difficulty as the consolidation of the two lots would increase the area of the subject property by fifty percent, expanding the development options available to the applicant.

The application indicates that without the granting of this variance an apartment building could still be developed on the site, just without nine two-bedroom units. Although OP supports the provision of larger sized units, it does not find the inability to do so a practical difficulty.

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

An existing two-foot, three-inch side yard exists on the south side of the subject property, resulting in an area with minimal sunlight. Converting this space into an open court would further limit light from entering the space from the west, or the rear of the property.

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

The Zoning Regulations are intended to control building bulk in relation to adjacent lots, and minimum open court widths are intended to provide for light and air. Although the subject property is improved with a narrow side yard that the Zoning Regulations would permit the applicant to eliminate and fill in, the creation a narrow dead-ended space does not support the development standards by controlling the location of building bulk in relation to adjacent lots.

This proposal has not yet been reviewed by the Historic Preservation Review Board.

**VI. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VII. COMMUNITY COMMENTS**

ANC 2F, at its regularly scheduled meeting of September 6, 2017, voted to support the application.

One community member submitted comments concerning off-street parking.

No other community comments were received as of the date of the filing of this report.

Attachment: Location Map

