

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
JL
Joel Lawson, Associate Director Development Review

DATE: January 26, 2018

SUBJECT: BZA Case 19679, 4932 Nannie Helen Burroughs Avenue, N.E - request for area variance relief pursuant to Subtitle E § 307.1 to allow the construction of a one-family semi-detached dwelling without a side yard; and area variance relief for lot width and lot area (E § 201.1).

I. BACKGROUND

The applicant requested variance relief from lot area, lot width and side yard setback to allow for the construction a single-family semi-detached structure at the end of a row of six attached dwellings on Lot 92 of six recently subdivided row house lots. The zone allows rowhouse development and the row houses proposed for the other lots would be matter-of-right. However, Subtitle E § 307 requires row houses to share common division walls on each side.¹ The dwelling proposed to be constructed on Lot 92 would neither share a common division wall on its west side with another building nor face a side street as a corner lot.

II. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variances:

- E § 307.1, Side Yard (5 feet required, none proposed);²
- E § 201.1, Lot area (3,000 square feet required, 2,731 square feet proposed); and
- E § 201.1, Lot width (30 feet required, 19.4 feet proposed).

¹ ZC Case 17-23, set down by the Zoning Commission on December 11, 2017, proposes to remove the requirement that a row house not on a corner lot share a common division wall on each side. This case has not been scheduled for a public hearing.

² The application initially requested relief to reduce the minimum required side yard from eight feet to none. However, E § 307.3 requires a minimum side yard of five feet for a new principal building within the RF-1 zone. On January 22, 2018, the application was revised to request a reduction of the minimum side yard from five feet to none.

III. LOCATION AND SITE DESCRIPTION

Address	4932 Nannie Helen Burroughs Avenue, N.E.
Applicant	MYS Land Investment LLC
Legal Description	Square 5179, Lot 92
Ward, ANC	Ward 7, ANC 7C
Zone	RF-1
Lot Characteristics	Unusually shaped lot fronting on two streets with side alley access
Existing Development	None
Adjacent Properties	North: Flat South: Across Nannie Helen Burroughs Avenue, a funeral home East: Vacant row dwelling lot proposed to be developed together with the subject property West: One-story nonconforming commercial use
Surrounding Neighborhood Character	Variety of housing types including rowhouses, as well as public parks and institutional uses
Proposed Development	One-family dwelling attached on one side to a common division wall. One off-street parking space would be provided, directly accessible from the public alley.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35-foot max.	N/A	34 feet	None Required
Semi-Detached Lot Width E § 201	30-foot min. (18 ft. if a rowhouse)	19.4 feet	19.4 feet	REQUIRED
Semi-Detached Lot Area E § 201	3,000 sq. ft. min. (1,800 sq.ft. if a rowhouse)	2,731 sq. ft.	2,731 sq. ft.	REQUIRED
Lot Occupancy E § 304	60% max.	N/A	30.8%	None Required
Rear Yard E § 306	20-foot min.	N/A	40 feet	None Required
Side Yard (western) E § 307	None required if corner lot, or if common division wall or 5-foot min. side yard provided	N/A	None and no common division wall proposed	REQUIRED
Parking C § 701.5	One space per dwelling	N/A	One	None Required

V. ANALYSIS

a. Variance Relief from E § 307, Side Yard

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is an unusually shaped lot abutting two nonconforming tax lots to the west improved with a detached building with a nonconforming use. It is generally in the shape of a pan-handle, widest in the middle and narrowest at the front. Although shifting the location of the dwelling toward the rear of the lot would allow for the provision of a side yard on the west side of the dwelling, it would result in a front yard out of character with the rest of the block, and interfere with the design of the remainder of the row of houses, including the provision of a common division wall with the row house to be constructed on the adjoining lot to the east. It would increase the depth of the front yard at the expense of the rear yard along a busy street, not a conducive design for family-sized units.

ii. No Substantial Detriment to the Public Good

Granting of the requested variance would allow for the development of a vacant lot with family-sized housing. The existing nonconforming structure and use to the west would continue to be physically separated from the proposed dwelling, allowing for light and air between the uses and a large rear yard. Construction of the proposed dwelling with no common division wall on the west would allow for a row house on the adjoining property to the west to be constructed and attached to the proposed dwelling in the future, completing a row of attached residences between 50th Street and the public alley, should the nonconforming building to the west be demolished and rebuilt in the future.

iii. No Substantial Harm to the Zoning Regulations

The granting of the requested variance would allow for the construction of a larger sized dwelling, a use permitted as a matter-of-right within the RF-1 on the subject property and otherwise consistent with the dwellings expected to be built on the lots to the east.

b. Variance Relief from E § 201.1, Lot Dimensions (Lot Area and Lot Width)

i. Exceptional Situation Resulting in a Practical Difficulty

The subject property is existing as a row house sized lot, and is located between a row house lot to the east that was a part of the same subdivision recorded in 2017, and two previously existing tax lots to the west that were not a part of the subdivision. The applicant now proposes to develop the row house lots that were a part of the subdivision, but is unable to obtain ownership or control of the two tax lots to the west that were not a part of the subdivision and which are not developed with a building to which the applicant could attach as a common division wall. As a result, the proposed dwelling on the subject property, attached on only the east side, would be a semi-detached building as defined by B § 100.2 of the Zoning

Regulations. A five-foot wide side yard on the west side would then be required for a semi-detached building, reducing the maximum width of the proposed dwelling to 14.4 feet. This would result in the construction of one house in a row of six that would be narrower than the rest, not allow for the continuation of this row of houses should the adjoining properties to the west redevelop with a row house in the future, or potentially result in an awkward break between houses on the west end of this proposed row of houses and any future development of the tax lots.

ii. No Substantial Detriment to the Public Good

Granting of the requested variance would allow for the existing lot dimensions to continue and for a row house to be attached to the west side of the proposed dwelling in the future without interrupting a continuous row of dwellings from 50th Street the public alley. It would also allow the development of the lot with a larger sized dwelling, consistent with the character of the neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The granting of the requested variances would allow for the anticipated form of development under this subdivision, and allow for a continuous row of attached dwellings to be constructed together in a zone in which rowhouses are anticipated and permitted as a matter-of-right.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated January 24, 2018, had no objection to the requested variances.

No other comments were received from other District agencies as of the filing of this report.

VII. COMMUNITY COMMENTS

No comments were received from ANC 7C as of the filing of this report.

No other community comments were received.

Attachment: Location Map

