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Zoning Commission Case no. 17-23 – side yards in RF zones

Resolved, that ANC1D advises the Zoning Commission to reject the proposed amendments of ZC Case 17-23 that would eliminate side yard requirements for semi-detached row house structures in Residential Flat zones.

Why: The text of the proposed amendments (to Subtitle E, Residential Flat (RF) Zones §§ 207, 307, 407, 507, and 607) would eliminate all side yard requirements for houses in RF zones, including for semi-detached dwellings: “207.1 No side yards are required . . .”. This appears in fact to conflict with the proposed definition for semi-detached dwellings, namely “a building that has only one (1) side yard”. The “no side yards are required” language appears to supersede the “only one (1) side yard” definition.

Implicit in the “no side yards” regulation is the notion that an addition to the end of a row is a possibility that should not be foreclosed by the provision of a side yard. But there are many situations in which extension of an existing row house is impractical, e.g., on a corner lot, or where the adjacent lot is occupied by a detached house. The corner-lot situation has been referred to by the Office of Planning in ZC testimony (11 December 2017): they could “set down an alternative semi-detached definition for when it hits a corner lot so that there is that setback on the corner lot for when it turns the corner”. This hints at a fundamental problem of having no side lot at the exposed end of a row, namely, access for maintenance, such as painting.

In addition to the corner-lot situation, the case of an adjoining lot occupied by a detached house presents a problem of access for maintenance; that end wall could be accessed only by intrusion onto the neighboring property. Furthermore, the owner of that adjacent lot would likely be dismayed by the appearance of a 35-foot blank wall right on his property line. This is a prescription for conflict, and for legal disputes over access to the neighboring property as required for maintenance of the end-row house.

As is implied by the text of the proposed definition of a semi-detached dwelling, the end unit of a row should be required to have a five-foot side yard, excepting only situations where an extension of that row is a possibility that should, for good reason, not be foreclosed. If a five-foot side yard results in a lot being too small for the construction of a dwelling, a variance may be sought.

Resolution passed, 4 to 0 vote, at the legally noticed, public meeting of ANC1D on March 20, 2018, with a quorum present. Voting “yes”: Commissioners Karaffa, Stewart, Karrer, McKay. A quorum for this commission is three; four commissioners were present.