

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

December 6, 2017

Via Emailed PDF



Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW, Suite 200
Washington, DC 20036

Re: 1311 R Street, NW- Square 239, Lot 129.

Dear Mr. Sullivan:

You have asked me for a determination on a proposed subdivision, as well as a request for minor flexibility for a property located at 1311-1313 R Street, NW (Square 239, Lot 129) (the “Property”), in the RF-1 zone district.

Proposed Subdivision

You have asked for my approval of the below described proposed subdivision. The current lot is forty feet (40 ft.) in width. The Property is located in the RF-1 Zone, which has a minimum lot width of eighteen feet (18 ft.) for any new lot that is to be used for a row dwelling or flat. You plan to subdivide the lot into two new record lots, Lots 1 and 2, respectively (as shown on the subdivision plat attached as Exhibit A). Pursuant to 11 DCMR C-304.1, lot width is measured by establishing two points and measuring along each side lot line a distance of thirty feet (30 ft.) from the intersection point of each side lot line and the street lot line. There is an existing building (the “Building”) on the Property which is approximately twenty-four feet (24 ft.) wide. The Building is located on the western property line of the Property, leaving approximately 16.25 feet of lot width for the remainder of the Property. You are proposing to create a small notch out (1’X 1.39’) of the Building at a point which is thirty-feet (30 ft.) from the intersection point of each side lot line and the street line. The proposed subdivision line will mirror this building notch-out, and at that point Lot 2 will have a lot width of 17.64 feet. I have determined that such a scenario satisfies the plain language of the lot width requirements of the Zoning Regulations, provided that you satisfy the test for a Minor Deviation, which I address below.

Minor Flexibility

You have asked for my approval of a request for minor flexibility with regard to the minimum lot width requirements, so that you may provide a lot width of 17.64 feet instead of a lot width of at least eighteen feet (18 ft.) as is required by Section E-201.1.

The minimum permitted lot width for a new lot in the RF-1 Zone is eighteen feet (18 ft.). You are proposing to subdivide the Property into two lots, as described above. Due to the location of the existing Building, you are proposing to do a small notch in the existing Building - 1.39 feet. x 1 foot. By providing a smaller notch and a smaller lot width, you will be able to decrease the amount of demolition you would otherwise have to do to the Building, which is a contributing building in the Historic District. You have told me that the proposed building to be located on Lot 2 has already received approval from the Historic Preservation Review Board.

Pursuant to Section A-304.2 of the Zoning Regulations, the Zoning Administrator is authorized to permit a deviation not to exceed the lesser of two percent (2%) or twelve inches (12 in.) of the linear requirements governing minimum lot width, provided that the deviation will not impair the purpose of the otherwise applicable regulations. Your proposed lot width of 17.64 feet does not exceed .36 feet (2% of 18 feet).

In accordance with Section A-304.3, I have considered the following issues in determining that the deviation would not impair the purpose of the otherwise applicable regulations:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of neighboring properties shall not be unduly compromised;
- (c) The level of noise in the neighborhood shall not be unduly increased;
- (d) The use and enjoyment of neighboring properties shall not be unduly compromised;
- (e) No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and
- (f) The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of [the Zoning Regulations].

I have determined that the proposed deviation meets the above requirements, principally for the following reasons:

- (a) Providing a 17.64 foot lot width instead of an 18 foot lot width would not unduly affect the light and air available to the neighboring properties. The size and scale of the proposed building on the Property would likely be no different if the deviation was

not granted. Further, the average lot width of Lot 2 will be 18 feet, meeting the spirit and intent of the regulations.

(b) As noted in the above paragraph, the overall scale and size of each the proposed building would not change if granted the deviation. Allowing a 17.64 foot lot width instead of an 18 foot lot width would have no impact on the privacy of neighboring properties.

(c) The deviation will not increase the overall density of the proposed building on the site. For these reasons, the level of noise in the neighborhood shall not be unduly increased.

(d) The proposed building and lot is very much in character with the surrounding neighborhood, which is made up of primarily row dwellings. For these reasons the use and enjoyment of neighboring properties shall not be unduly compromised.

(e) As there are no existing trees on the Property, no trees will be damaged or removed as a result of this minor deviation.

(f) The deviation is being requested only for relief from the minimum lot width requirements. Therefore, the general scale and pattern of buildings on the subject street frontage will be maintained consistent with the development standards of the zoning regulations. Also, the Historic Preservation Review Board has jurisdiction over the design of the new building on the subject proposed record lot, and you have informed me that the HPRB has approved the design.

For this reason, granting minor flexibility for 0.36 feet will not impair the purpose of the otherwise applicable regulations, as evidenced by the compliance of this deviation with the specific guidelines for deviations under the current Zoning Regulations. Therefore, my determination is to permit the requested deviation for minimum lot width.

Please feel free to contact me if you have any questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Attachments: Party Wall detail
Subdivision Plat