

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

April 25, 2014

Attn: Leila M. Jackson Batties, Esq  
Holland & Knight LLP  
800 17th Street, N.W., Suite 1100  
Washington, D.C. 20006



RE: **Property 2316 18<sup>th</sup> Street, NW**  
**Request for Minor Flexibility from Lot Occupancy Requirements**

Dear Ms. Batties:

This letter serves as a follow up to our meeting on March 26, 2014, regarding the lot occupancy for the property at 2316 18<sup>th</sup> Street, NW, which is in the C-2-B District and within the boundaries of the Washington Heights Historic District (the "Property"). It is my understanding that the property owner is obtaining permits to convert the Property into a three-story apartment building with nine units. The drawings propose balconies for the three units at the rear of the building, resulting in a lot occupancy of 82% where the permitted maximum lot occupancy is 80%. You have requested administrative approval of said minor deviation from the Zoning Regulations for the reasons discussed below.

Use and Enjoyment of Balconies

The property owner proposes balconies that have a depth of 5'-7" and a length of 9'-9" for the three units at the rear of the Property. This scheme results in a lot occupancy of 82%. In order to comply with the maximum lot occupancy requirement of 80%, the depth of the balconies needs to be reduced from 5'-7" to 4'-2". However, as depicted on the attached Sheets SK.02 and SK.03, with this reduction, there would be insufficient space to accommodate the reasonable use and enjoyment of the balconies. The reasonable use of the balcony is important given the sizes of the attached units. The ground floor unit is only 459 square feet; the second floor unit is only 410 square feet, and the third floor unit is only 431 square feet. Therefore, the balcony space is an important amenity for these units.

Impact on Adjacent Properties is *de minimis*

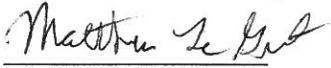
Photographs of the Property and the abutting buildings are shown on the attached Sheets SK.06 - SK.09. To the north is a three-story building with ground floor retail and residential above (2318 18<sup>th</sup> Street). The lot to the south (2314 18<sup>th</sup> Street) is improved with a four-story building containing a mix of commercial and residential uses. Behind that building is a small court and on the other side of the court, at the rear of the lot, is an unoccupied carriage house.

Sheet SK.04 depicts the relationship of the balconies to the property to the south. Sheet SK.05 depicts the relationship of the balconies to the property to the north. As shown

in these drawings, the difference between a balcony that is 5'-7" in depth (82% lot occupancy) and a balcony that 4'-2" in depth (80% lot occupancy), is nominal and will have a *de minimis* impact on the adjacent properties.

Conclusion

In light of the foregoing, I find that the deviation in the lot occupancy requirement from 80% to 82%, as a result of the balconies having a dimension of 9'-9" x 5'-7" instead of 9'-9" x 4'-2", will not impair the purpose of the applicable Zoning Regulations. Therefore, pursuant to Sec. 2522 of the Zoning Regulations, I grant the request for minor flexibility from the requirements for lot occupancy as specified herein.

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachment: Plans and Photos