

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

February 1, 2016

Via Emailed PDF and US Mail



Martin P. Sullivan  
Sullivan & Barros, LLP  
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Re: 30 Florida Avenue, NW; Square 614, Lot 115

Dear Mr. Sullivan:

This letter confirms my determination of the zoning matters discussed at our meeting on November 23, 2015, which also included the principals of S2 Development, Lee and Phil Simon, as well as architect Shawn Buehler of Bennett Frank McCarthy Architects, Inc. The project involves construction of a new building on a vacant lot at 30 Florida Avenue, NW (the "Lot"), in the C-2-A zone district. The Lot is irregular shaped with a sharply angled rear boundary line. It is also uniquely situated in such a way that the long side of the Lot is along the lot frontage on Florida Avenue, and the short side runs along an alley perpendicular to Florida Avenue.

You have asked for my approval of your request for minor flexibility with regard to the maximum permitted lot occupancy, so that you may use sixty-two percent (62%) lot occupancy rather than sixty percent (60%). I have made the following determination:

1) Minor Flexibility from Section 772.1 (Lot Occupancy).

The maximum permitted lot occupancy for residential use in the C-2-A zone is sixty percent (60%). You are proposing to provide a building area with a lot occupancy of sixty-two percent (62%), pursuant to the site plan/floor plan attached hereto as Exhibit A.

Pursuant to § 2522.1 of the Zoning Regulations, the Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirements of § 772.1 for maximum lot occupancy, provided that:

- “(a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection; and

- (b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.”

You are asking for only this one item of area deviation, and therefore comply with subsection “(a)”.

I have also determined that the proposed deviation meets the requirements of subsection (b), under the following analysis:

Attached to this letter, provided by you, are likely floor plans for both the sixty percent (60%) scenario (Exhibit A), and the sixty-two percent (62%) scenario (Exhibit B). As noted by Mr. Buehler in our meeting, the building will not accommodate two stairs back to back, based on the limits of a rear yard setback. Placing the stairs side-by-side solves this constraint, yet results in a typical unit footprint with a narrow common space, requiring placement of the kitchen at one end and the living/dining space at the other end of the room.

The recess on the rear of the proposed building at the stairs is necessary to provide a rear unit entry door that clears the depth of kitchen cabinetry - the cabinetry must run the full width of the common room to accommodate appliances while enabling the use of rear windows as needed for code-recommended access to natural light and ventilation. At sixty percent (60%) lot occupancy, the resulting common room will not accommodate even a small dining table in combination with a living room sofa. At sixty-two percent (62%) lot occupancy, however, the common room is increased from 28’-1” long to 29’-6” long. The additional 17” allows reasonable clearance between a dining table and a living room sitting group.

For this reason, granting minor flexibility for two percent (2%) additional lot occupancy will not impair the purpose of the otherwise applicable regulations. I will therefore grant minor flexibility for up to sixty-two percent (62%) lot occupancy in accordance with the general proposal outlined in the attached Exhibit A.

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

Sincerely,   
Matthew Le Grant  
Zoning Administrator

Attachments - Exhibit A - Site Plan with 60% Lot Occupancy  
Exhibit B - Site Plan with 62% Lot Occupancy

File: Det Let re 30 Florida Avenue NW to Sullivan 2-1-16