



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

September 21, 2020

Via Emailed PDF

Martin P. Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW, Suite 1003
Washington, DC 20005

Re: 6118 30th Street, NW (Square 2335, Record Lots 124 & 125, Tax Lot 805).

Dear Mr. Sullivan:

This letter confirms the discussion you had with my staff on August 24, 2020, as well as discussions you and I have had on multiple occasions, regarding a proposed project at the property located at 6118 30th Street, NW (the “**Property**”). The Property is in the R-1-B zone. The Property is currently improved with a detached single-family dwelling (the “**Building**”). The Property currently consists of two (2) record lots (Lots 124 and 125) and one (1) corresponding tax lot (Lot 805).

Record and Tax Lots

You have asked that I address the buildability of existing record lots which happen to correspond exactly, or “one-to-one” with existing tax lots; and to confirm that the existence of a tax lot does not affect the existence of a record lot. It is my understanding that if the boundaries of the Property’s tax lot match exactly the boundaries of the Property’s corresponding record lot(s), the Surveyor will issue a building plat for the tax lot and include a notation that there is a corresponding record lot in the same boundaries as the tax lot.

With this notation on the plat, I will accept such a plat as if it were a record lot plat for the purposes of satisfying the requirements under the Zoning Regulations that all new constructions and additions take place only on a record lot (in compliance with A-301.3).

It is my determination that this complies with both the spirit and the letter of the Zoning Regulations because, while the Regulations require that new construction and additions all

take place on a “lot of record,” the requirement for the production of the actual building plat does not provide whether or not that plat must be a tax plat or record plat. (A-301.2(b)).¹

Furthermore, I will accept the tax plat as a buildable plat, provided your request is accompanied by evidence that the corresponding record lots exist, such as by reference to the DC GIS maps produced on the DC GIS Atlas Plus website. In this case, you have provided such evidence of the existence of these record lots, attached as Attachment A, and I will therefore accept tax plats for new construction, provided those tax plats match up with the boundaries of these currently existing record lots, which I understand you will accomplish by undertaking an A&T Lot subdivision with the D.C. Office of Tax and Revenue to divide the one tax lot into two tax lots.

Regarding the buildability of the record lots, pursuant to Subtitle D, Section 302.1, these lots are buildable, without reference to minimum lot dimensions. You are permitted to build a detached single-family dwelling on each record lot, provided such dwelling structure meets all the applicable area zoning regulations, including:

- A. Pursuant to D-206.2, two (2) side yards, each a minimum of eight feet (8 ft.) in width.
- B. Pursuant to D-303.1, a maximum height of forty feet (40 ft.) and three (3) stories.
- C. Pursuant to D-304.1, a maximum lot occupancy of forty percent (40%).
- D. Pursuant to D-305.1, a front setback within range of the existing front setbacks of all residential buildings on the same side of the street in the block.
- E. Pursuant to D-306.1, a minimum rear yard of twenty-five feet (25 ft.).
- F. Pursuant to D-308.1, a minimum pervious surface of fifty percent (50%).
- G. Pursuant to C-701.5, provide at least one (1) parking space.

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

Sincerely, *Matthew Le Grant*
Matthew Le Grant
Zoning Administrator

Attachments: A- DC Atlas Plus Map of Lots
 B- BZA Order #14621
 C- Corporation Counsel Opinion of 4-6-77

¹ Pursuant to long-standing precedential authority from the Board of Zoning Adjustment (Attachment B), and the D.C. Office of Corporation Counsel (predecessor to OAG) (Attachment C), the existence of a tax lot has no effect on the record lot.

Technician: Calhoun

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is NOT a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter. Therefore, this letter does NOT vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.