

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



June 13, 2016

Tanya Topolewski

True Turtle.com

Via Emailed PDF and US Mail

Re: Zoning Regulations regarding Lot 3150 in Square 0062

Dear Ms. Topolewski-

We met on May 6, 2016 to review the zoning requirements applicable to Lot 3150 in Square 0062 under 2016 Zoning Regulations [ZR16]. The lot is a 17,700 square foot vacant alley lot located between 7th/8th and Hamilton/Ingraham Streets NW. It will be zoned R-3 under ZR 2016.

You asked for a zoning review on the following questions:

QUESTION 1: Can a single home be built on this lot by right under the 2016 Zoning Regulations? ("by right" defined as no variances, no special exceptions and no other issues that would require Board of Zoning Adjustment [BZA] review and approval).

ANSWER: It is my determination that a single family home can be built by right on this lot as it complies to all relevant zoning in Subtitle U, Chapter 6 Use Permissions for Alley Lots (see summary of compliance below) . It is my view that development standards for alley lots are set forth in Subtitle D Chapter 51 Alley lot regulations for R Zones. Deviations from these standards would require special exception relief from the BZA as set forth in Subtitle C, Section 5108, Special Exceptions.

QUESTION 2: If this lot were to be subdivided, given that the lot does not comply with the provisions in Subtitle C, Section 303.3(a) governing subdivisions of lots fronting an alley of less than 24 feet in width, then what would the BZA relief for this application?

ANSWER: It is my determination that relief from Subtitle C, Section 303.3 (a) will be a Variance. It is further understood that development standards for buildings on alley lots are set forth in Subtitle D, Chapter 51 [Alley lot regulations for R Zones]. Deviations from these standards are special exceptions as stipulated in Subtitle D, Section 5108 Special Exception.

SUMMARY OF COMPLIANCE:

Subtitle U, Chapter 6: Use Permissions for Alley Lots

600 Matter -of-right uses on alley lots (R, RF, and RA)

600.1 (e) (Allows a) residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

(1) The alley lot is wholly within an R-3, R-13, R-17, RF, or an RA zone. *Lot 3150 0062 is wholly in a R-3 zone.*

(2) A residential dwelling may not be constructed or other building converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450) of lot area. *Lot 3150 0062 has 17,700 sqft of lot area.*

(3) The alley lot has access to an improved public street as follows:

(a) Through an improved alley or alleys twenty-four (24 ft) or more in width; or

(b) Through an improved alley no less than fifteen feet (15 ft.) in width and within three hundred (300) linear feet of an improved public street.

3150 0062 complies with (b). It is surrounded on all four sides by 15' alleys and four (4) separate 15' alley connections to the surrounding streets. All areas of this lot are less than 300' from 7th and/or 8th streets.

(4) The residential dwelling shall meet all building code requirements for a permanent residential structure; and

Any new home will comply with relevant ICC codes currently mandated by the District of Columbia.

(5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.

I referred Ms. Topolewski to Gary Engelbert, Director of Permit Operations as the "authorized building official" to review the requirement under Subtitle U, 600.1 (3) (5). Mr. Engelbert stated via email to you, on May 11, 2016 : "If Mr. Le Grant is Ok then I have no issues."

Subtitle C, Chapter 3 Subdivision

303.3 Alley Frontage

Chapter 3 on Subdivision addresses subdividing alley lots in section 303 Lot Frontage

303.3 New alley record lots shall comply with the following:

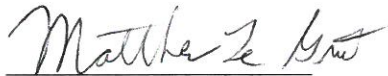
- (a) Have frontage along a public alley with a minimum alley width of twenty-four (24 ft.) and have from the alley access to a street through an alley or alleys not less than twenty-four (24 ft.) in width

Lot 3150 0062 is surrounded on all four sides by 15' alleys; not the required 24' alleys. Alley access to the street is via four 15' alleys; not the required 24' alleys. Thus, a Variance would be required if the lot is further subdivided.

[bullets (b) and (c) are not shown as they do not apply to this lot]

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

Sincerely,

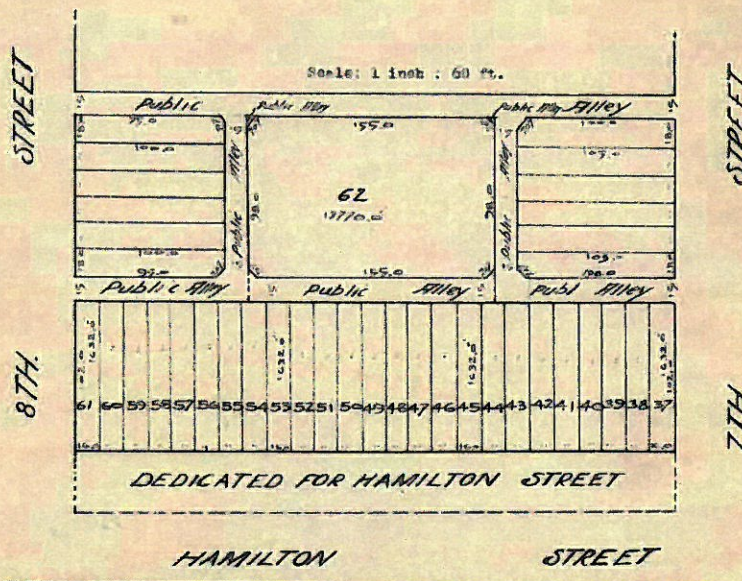


Matthew Le Grant
Zoning Administrator

Attachments: Subdivision Record

Plat

Square 3150



I hereby subdivide a tract taxed as Parcel 104/26, into Lots 37 to 62, public alleys, dedication of land for Hamilton Street and a new Square 3150, as shown above.

Witnesses

(Signed) Mark Patterson

(Signed) Agnes Tinskel

Owners

D.J. Dunigan Inc.

(Signed) by D.J. Dunigan (Pres.) (Seal)

(Attest) by Jean A. McCarthy (Secretary)
(Seal)
(Corporate Seal)

I certify that the foregoing plat is correct, and agrees with the records of this office and was received for record at 3:40 P.M. August 23, 1925.

Witness my hand and seal this 28th day of August 1925.

McL. Phelan (Seal)
Surveyor, District of Columbia.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

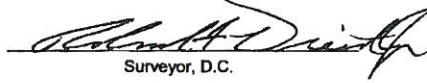
Washington, D.C., June 1, 2015

Plat for Building Permit of: SQUARE 3150 LOT 62

Scale: 1 inch = 30 feet Recorded in Book 79 Page 168

Receipt No. 15-05135

Furnished to: TANYA TOPOLEWSKI


Surveyor, D.C.

By: A.S. 

I hereby certify that all existing improvements shown thereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining Lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified that all Lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted, and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent; provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

