



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

December 24, 2019

David C. Landsman, PE, Prof. LS
CAS Engineering-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036

Re: 2306 44th Street, NW, Lot 0047, Square 1341, Kent - Determination

Dear Mr. Landsman,

This letter will confirm the substance of the PDRM held with my staff on August 13, 2019. As presented during the meeting, the site currently is a record lot improved with a single-family detached dwelling, 1-story with basement. The subject property is in the R-14 Zone. The project proposes to retain and construct a 1-story vertical and front and rear additions to the single-family detached dwelling on the lot. It is understood that the building will have a balcony addition along the front (behind the existing front setback), a two story addition with basement in the rear and a vertical addition over the entire footprint of the existing house to create a two story single-family detached dwelling with basement (3-stories total). A roof deck with exterior (open) stair may also be constructed over the uppermost story of the dwelling with either a parapet extension or railing with setback to surround the roof deck area.

I confirm the project's compliance with respect to the zoning criteria under 11 DCMR as noted below.

Addition, Alteration/Repair (Non-Raze)

As discussed, the project proposes to retain between 40-50% of the existing visible walls above grade, primarily on the front and sides of the existing building. Pursuant to my Office's consistent policy/interpretation, this project will be treated as an Addition/Alteration project and is not considered a Raze for purposes of applying the Zoning Regulations and for retaining non-conforming attributes of the house.

Roof Deck and Access

Roof decks are permitted with any railings at a 1:1 (rail height to setback from exterior wall) setback or with a parapet (4-foot maximum height) extended up from the exterior building wall. An exterior stair, spiral or otherwise, is permitted access to a rooftop deck. This stair is required to be counted in lot occupancy and must be open to the sky, but does not have to observe the 1:1 setback for railings. For reference, no penthouse or enclosed stairs are permitted above the 3rd floor, and none are proposed for this project.

Applicable Zoning Criteria Analysis

Criteria DCMR Reference Allow./Req. Provided

Nonconforming Structures (11 DCMR B-202) : The existing house is non-conforming with regards to the front yard setback requirement. The house may remain and may be renovated/altered. It may also be enlarged or have an addition constructed as long as the addition or enlargement conforms to the development standards and doesn't increase or expand any existing nonconforming aspect of the structure pursuant to 11 DCMR C-202.2.

Gross Floor Area 11 DCMR D-802.2 5,011 sq. ft. <5,011 sq. ft.
Allowed Lot Occupancy = 2,000 square feet plus 40% of lot area or 7,000 square feet, and includes basement or cellar floor area where floor-to-ceiling height is 6'-6" or greater, up to five times the fenestration (windows/exterior door openings) for the basement or cellar floor. First 200 square feet of a porch and 600 square feet of a garage do not count towards the gross floor area.

Bldg. Height 11 DCMR D-803.1 40 feet <40 feet

Bldg. Stories 11 DCMR D-803.1 2 + Bsmt. (3 tot.) 2 + Basement (3 total)  
Reference building height, stories and BHMP clarification/determination discussion below.

Lot Occ. 11 DCMR D-804.1 30% 30.0%  
At grade patios, walls, driveways, pools, etc. do not count. House, covered patios/porches, elevated (>4' above grade) patios/terraces, etc. count.

Front 11 DCMR D-805.1 46 feet 16.5 feet (existing, to elevated deck)  
Setback

The setback for the existing house (property line to the closest point of the house) is 16.5 feet, less than the minimum required for the R-14 Zone for this Square. The front setback requirement is per the map entitled "Required Front Yard Setbacks". This front yard setback is a minimum setback, there is no range requirement applicable to this zone. The applicable front yard setback for this Square 1341 or this block of 44<sup>th</sup> Street NW [as per the Wesley Heights requirement of D-805.1 of is 46 feet, as shown on the map.

Pursuant to 11C DCMR 202.2 an "enlargement or addition may be made to the structure; provided that the addition or enlargement itself shall: (a) conform to use and development standard requirements; and (b) neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined." The project will add a balcony to the front of the house, at a minimum of 16.5 feet from the front property line due to the rotation of the existing house, as well as vertical additions over the existing house footprint. This maintains and constructs an addition to the non-conforming structure but does not increase or extend the non-conforming aspect of the structure with the front setback of 16.5 feet remaining unchanged; therefore, it is permitted under 11C DCMR 202.2.

Rear Yard 11 DCMR D-806 25 feet >25 feet

Side Yard 11 DCMR D-206 8 feet >8 feet

Pervious Surface 11 DCMR D-808 50% min. >50%

Pervious surface includes pervious pavement, lawn areas, decks over grade that do not preclude the infiltration of water into the soil below, and green roofs.

Green Area Ratio (GAR) does not apply to the R-14 zone.

I have reviewed the attached Preliminary Concept Sketch and concur that the project complies with the applicable Zoning Regulations for the R-14 Zone and 11 DCMR. Accordingly, when the building permit is filed for, I will approve the consistent with the above presented zoning criteria and compliance information. Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant  
Zoning Administrator

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the 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 writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning 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 based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

Attachments –

Conceptual Site Plan “A” dated 8-12-19

Zoning Technician: Ademola Shittu