



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR

February 14, 2020

Via Emailed PDF

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

Re: 5039 Reno Road, NW (Square 1877, Lot 18).

Dear Mr. Sullivan:

You have asked me for a determination letter regarding a request for a minor deviation from lot occupancy for the property located at 5039 Reno Road, NW (Square 1877, Lot 18) (the “Property”), in the R-1-B zone district.

Minor Deviation

The proposed total lot occupancy, including a new proposed garage, would be no more than forty-one point five percent (41.5%). The 1.5% deviation can be attributed to the proposed accessory building/garage (the “Garage”), which is proposed to replace an existing smaller garage. The proposed garage will have a footprint of 485 square feet. The proposed deviation would represent 120 square feet of the 485 square feet of the Garage. The proposed Garage will be located at the northeast corner of the Property, where it arguably has the least chance of negatively impacting any of the minor deviation analysis factors discussed below. In addition, the proposed Garage will be set back two feet from the adjacent property line and will comply with the alley center-line setback requirements. You have asked for my approval of a request for a minor deviation from the lot occupancy requirements, so that you may provide a lot occupancy of no more than forty-one point five percent (41.5%).

Pursuant to 11-A DCMR § 304.2 of the 2016 Zoning Regulations, the Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the maximum percentage of lot occupancy, provided that the deviation will not impair the purpose of the otherwise applicable regulations. The maximum permitted lot occupancy in the R-1-B Zone is forty percent (40%). In this case, you are proposing to increase the lot occupancy to forty-one point five percent (41.5%), which does not exceed two percent (2%) of the maximum percentage of lot occupancy.

In accordance with 11-A DCMR § 304.3, I have considered the following issues in determining that the deviation would not impair the purpose of the otherwise applicable regulations:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of neighboring properties shall not be unduly compromised;
- (c) The level of noise in the neighborhood shall not be unduly increased;
- (d) The use and enjoyment of neighboring properties shall not be unduly compromised;
- (e) No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and
- (f) The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of [the Zoning Regulations].

I have determined that the proposed deviation meets the above requirements, principally for the following reasons:

(a) Providing a lot occupancy of forty-one point five percent (41.5%) instead of forty percent (40%), would not unduly affect the light and air available to the neighboring properties. The deviation can be represented by a 120-square foot portion of the 485 square-foot proposed Garage. The proposed Garage is located in the northeast corner of the Property, and although not required, is removed a distance of two feet from the neighboring property line. Therefore, the additional square footage can be represented by a portion of the proposed Garage which faces inward on the Property, affecting only the property owner’s Property. Accordingly, I have determined the size and scale of the building would likely be no different to any neighboring properties if the deviation was granted.

(b) As noted in the above paragraph, the proposed Garage is removed two feet from the neighboring property line, and that side will not have windows. There is a small proposed balcony on the proposed Garage, but this balcony will face inward to the property owner’s rear yard, away from the neighboring property owner on that side. Accordingly, I have determined that the privacy of neighboring properties shall not be unduly compromised.