

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

December 2, 2014

[VIA EMAIL]

Karl and Julie Moeller

Re: 429 Rear 12th Street SE



Dear Mr. and Ms. Moeller:

At your request, I have re-reviewed your proposed project to convert an existing alley lot structure into a Flat in order to identify the required zoning relief. This determination is based on several meetings with you, (most recently on November 24, 2014), my determination letter dated December 3, 2013, subsequent emails, the Office of Planning report dated October 14, 2014 suggesting that additional zoning relief was required, and a review of the current BZA plans.

As a result, I want to confirm that in my view the zoning relief identified in my December 3, 2013 letter, includes only the variances from 11 DCMR §§ 2507.1 and 2507.2.

§ 2507.3 Conversion of Nonresidential Structures (Nonresidential structures on sub-standard alleys shall not be converted to residential use; residential use is proposed)

This variance is redundant and unnecessary based on the relief already requested under § 2507.1 which would fully allow the conversion of the existing non-residential structure to a residential use as a flat. See BZA Order No. 18406 (October 2012) (only §2507.1 relief required for conversion of warehouse to 3 residential units).

§ 403 Lot Occupancy (60% maximum; 100% proposed on the second floor)

Section 2507 is silent on specifying a lot occupancy limitation for alley lots. Your renovation is using an existing building and the plans provided to the BZA should be acceptable given their use of a grandfathered (and historically relevant) building and its current footprint. See BZA order No. 13477 (1981) (lot occupancy and rear yard variances not required for conversion of Walker Court Carriage house to single-family dwelling with existing structure entirely occupying lot).

§ 404 Rear Yard (20' minimum; zero rear yard proposed)

Section 2507 is also silent on the issue of yard setbacks, and I do not believe that Section 404 should be applied to this case. This is because the definition of a yard under city zoning regulations references the presence of street frontage in order to determine how the front, sides, and rear of a particular lot are determined. As a result, the city has not historically identified yards in association with alley properties. The lack of this lot having street frontage¹, and in nearly all other past BZA alley lot cases, means the

¹ Walker Court, while named, is not considered a street by DOT

property lacks a “front” or “rear” altogether. See BZA Order No. 13477 (1981).

§ 2101 Parking (1 space required; 2 existing; zero proposed).

The existing non-residential structure is located on its own separate lot and does not provide required and/or accessory parking to any underlying use. You have indicated to me that the building has been used for storage for as many as 30 years. As a result, the conversion of the structure to a residential use will not remove any existing required parking. Accordingly, the proposed flat is required to provide one (1) parking space, which may be satisfied by the exemption granted under § 2120.3 for this historic resource. See BZA Application No. 18651 (2013) (removal of existing required parking space required variance under § 2101).

The BZA makes the final determination as to the applicable Zoning relief. I hope this information is helpful.

Sincerely,



Matthew LeGrant
Zoning Administrator

cc: Mr. Matthew Jesick, O.P.
Mr. John Patrick Brown, Jr., Esq.