SOURCE: § 3305 of the Zoning Regulations effective May 12, 1958; § 3305.4 added by Case No. 17-17, 17 DCR 305 (November 30, 1970); as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992).

406 COURTS (R)

406.1 Where a court is provided in a Residence District, the court shall have the minimum dimensions set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM WIDTH OF OPEN COURT	MINIMUM WIDTH AND AREA OF CLOSED COURT
R-1-A, R-1-B, R-2, R-3, R-4, R-5-A One-family dwelling	4 in. per foot of height of court, but not less than 6 ft.	Width: 4 in. per foot of height of court, but not less than 5 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.^{2}
R-1-A, R-1-B, R-2, R-3, R-4, R-5-A All other structures	4 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not lass 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.
R-5-B One-family dwelling	4 in. per foot of height of court, but not less than 6 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.^{2}
R-5-B Hotel	3 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.^{2}
R-5-B All other structures	4 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.^{2}

Board of Zoning Adjustment
District of Columbia
CASE NO. 17315
EXHIBIT NO. 44A2

SOURCE: § 3306 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 4192, 4193 (September 25, 1981); and by Final Rulemaking published at 39 DCR 8305, 8307-8309 (November 13, 1992).

407 MINOR FLEXIBILITY BY ZONING ADMINISTRATOR'S RULING (R)

407.1 The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirements of §§ 401 and 403 (minimum lot dimensions and maximum percentage of lot occupancy); and a deviation not to exceed ten percent (10%) of the linear requirements of §§ 404 and 405 (minimum rear yard and minimum side yard requirements); and a deviation from the requirements of § 406 (minimum court dimensions), not to exceed either two percent (2%) of the area standard or ten percent (10%) of the width standard; provided, that:

(a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection; and

(b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.

SOURCE: Final Rulemaking published at 45 DCR 1446, 1447-48 (March 13, 1998).

408 - 409 [RESERVED]

410 GROUPS OF RESIDENTIAL BUILDINGS IN R-4 AND R-5 DISTRICTS

410.1 In an R-5 District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; provided, that the requirements of §§ 410.2 through 410.11 shall be met.

410.2 All buildings in the group of buildings shall be erected simultaneously.

410.3 All front entrances of the group shall abut a street, front yard, or front court.

410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.

410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.

410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

(a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;

(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

(c) There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

410.7 The height of an individual building in a group of buildings may be measured as follows:

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.

410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

410.9 All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.

410.10 **[DELETED]** – 47 DCR 9741-43 (December 8, 2000)

410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.

410.12 In the R-4 and R-5-A Districts, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§ 410.1 through 410.11, subject to the following conditions:

(a) The provisions of §§ 410.4 and 410.5 shall be complied with; and

(b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.

SOURCE: Final Rulemaking published at 46 DCR 7888, 7890-91 (October 1, 1999); as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8554 (October 20, 2000).

3104 SPECIAL EXCEPTIONS

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Accessory apartment to one-family detached dwelling	Any R District	§ 202.10
Accessory uses in C-5 (PAD) District not specifically permitted	C-5 (PAD) District	§ 761.5
Additions to one-family dwellings or flats	Any R District	§ 223
Athletic field operated by local community organization	Any R District	§ 209
Antenna for commercial TV or FM broadcast	Any R, SP, CR, or W District	§§ 211, 514, 617, and 914
Antenna, nonconforming - temporary replacement	Any District	§ 2001.12
Antenna, other than commercial	Any R, SP, CR, or W District	§§ 212, 515, 617, and 914
Art gallery	R-5 District	§ 361
ARTS Overlay District - substitution of bonus use for existing legitimate theater use	ARTS Overlay District	§ 1904.5
ARTS Overlay District - use and area requirements	ARTS Overlay District	§§ 1901.4 and 1906.1
Automobile sales or repair	CR District	§ 614
Automobile accessory sales	C-1 District	§ 710
Bowling alley	CR, C-1, and W Districts	§§ 609, 709, and 908

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Building lot control	Any R District or within 25 feet of an R District	§ 2516
Building service trades, including plumber, electrician, exterminator, and air-conditioning mechanic	CR and W Districts	§§ 612 and 912
CAP Overlay District - uses	CAP Overlay District	§§ 1201.3 and 1202
Carport - location	Any District	§ 2300.8
CB/UT Overlay District - area requirements, tree removal, grading, and topographical change	CB/UT Overlay District	§§ 1568.3 and 1569
Child/elderly development center	Any R District	§ 205
Church programs	R and SP Districts	§§ 216 and 517
Clerical and religious group residences	R and SP Districts	§§ 215 and 516
Commercial adjuncts to hotel with less than 100 rooms or suites	R-5-B, R-5-C, R-5-D, and R-5-E Districts	§ 356
Community-based residential facility	Any R, SP, CR, C-1, C-2, or W District	§§ 218 - 221, 303 - 306, 335, 357 - 360, 513, 616, 711, 732, and 913
Community center operated by local community organization	Any R District	§ 209
Community service center	R-4 and R-5 Districts	§§ 334 and 352
Convenience stores and personal services in apartment house	R-5 Districts	§ 354
Electric substation	Any R, SP, CR, or W District	§§ 207, 509, 606, and 907
Electronic Equipment Facility	C-3, C-4, C-M, or M District	§§ 745, 756, 802.10 - 802.16, and 822.9 - 822.14
Excavation of clay, sand, or gravel	Any R or C District	§ 2505.3
Extension of use, height, and bulk regulations for split zoned lots	Any District	§§ 107.8 and 2514.2
Fast food restaurant near Residence District	C-2-A and C-3-A Districts	§§ 733, 743.4
FT Overlay District - setback, landscaping, and fencing	FT Overlay District	§ 1564

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Gasoline service stations	C-1, C-2, and C-3 Districts	§§ 706, 726, and 743.1
Home occupation not specifically permitted or prohibited in § 203	R-1 District	§ 203.10
Hospital or clinic	CR or W District	§§ 606 and 906
Hotel or inn	SP District	§ 512
Intermediate materials recycling facility	C-M District	§ 802.3
Laboratory, research or testing	CR District	§ 613
Langdon Overlay - setback, landscaping, fencing, and parking requirements	LO Overlay District	§ 806.6
Laundry or dry cleaning establishment	C-2, C-3, C-4, and C-5 (PAD) District	§§ 729, 743.2(c), 753.1(b), and 761.2
Light manufacturing, processing, fabricating, or milling	CR or W District	§§ 610 and 909
Loading berths and service/delivery loading spaces - location and number	Downtown Urban Renewal Area	§ 2202.2
Loading berths - modification of access, maintenance, and operations standards	Any District	§ 2204.13
Massage establishment	C-2, C-3, C-4, C-5 (PAD), C-M, and M Districts	§§ 731, 743.3, 753.2, 761.2, 802.2, and 822.2
Mechanical amusement machines used to display specified sexual activities or specified anatomical areas	C-3-C, C-4, and C-5 (PAD) Districts	§ 2501.5
Mechanical parking garage	C-3 District	§ 743.1
Miscellaneous uses	CR and W Districts	§§ 618 and 915
Motorcycle sales or repair	CR, C-2, C-3-A, and C-3-B Districts	§§ 614, 727, and 743.2
MW Overlay District - lot greater than 10,000 square feet	MW Overlay District	§ 1308.2
Natural gas regulator stations	Any R, SP, CR, or W District	§§ 207, 509, 608, and 907
Naval Observatory Precinct Overlay	NO Overlay District	§ 1533
Neighborhood Commercial Overlay District - special exceptions	NC Overlay District	§ 1304

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Nonconforming use - change	Any District	§ 2003
Nonprofit organization use of existing residential building and land	Any R District	§ 217
Office building - construction, addition, or conversion	SP District	§ 508.1
Park operated by local community organization	Any R District	§ 209
Parking garage	R-5 and SP Districts	§§ 355 and 506
Parking garage on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Parking lot	Any R or SP District	§§ 213 and 505
Parking lot on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Parking lot standards	R-1, R-2, R-3, R-4, and R-5-A Districts and contiguous districts	§§ 2303.2 - 2303.5
Parking spaces - location and amount	Downtown Urban Renewal Area	§§ 2103.2 - 2103.6
Parking spaces - location of accessory spaces	Any District	§§ 214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 824, and 2116.5 - 2116.9
Parking spaces - location, row dwellings	Any District	§ 2117.9(c)
Parking spaces, nonresidential - reduction in required amount	Any District	§ 2108
Parking spaces, nonresidential - reduction in required amount outside Central Employment Area and with connection to Metrorail Station	Any District	§ 2107
Playground operated by local community organization	Any R District	§ 209
Private stable	Any R District	§ 208
Public storage garage on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Public utility pumping stations	Any R, SP, CR, C, or W District	§§ 207, 509, 608, 707, 728, 743.2(b), 753.1, 761.2, and 907
RC Overlay District - area and use restrictions	RC Overlay District	§ 1403
Rear yard requirements - waiver	SP, C-3, or C-4 District	§§ 534.6 and 774.2

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Repair garage	C-2 and C-3 Districts	§§ 726.1 and 743.1
Residential buildings, group	R-4 and R-5 Districts	§§ 410.1, 410.12, and 410.14
Residential developments, new	R-5-A District	§ 353
Roof structures - location, design, number, and all aspects regulated under §§ 411.3 - 411.6	Any District	§§ 411.11, 537.1, 639.1, 777.1, 845.1, and 936.1
School - private school other than trade school	Any R District	§ 206
School - private school or trade school	W District	§ 912
School - residence for teachers and staff of private school	R-1, R-2, R-3, and R-4 Districts	§ 206
Sexually-oriented businesses	C-3, C-4, C-5 (PAD) Districts	§§ 744, 754, and 761.2
Solid waste handling facility	C-M and M Districts	§§ 802.4 - 802.9 and 822.3 - 822.8
SSH Overlay District - nonresidential uses	SSH Overlay	§ 1553
Storage of wares and goods on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Swimming pool operated by local community organization	Any R District	§ 209
Telephone exchange	R-4, R-5, SP, CR, and W Districts	§§ 332.1(b), 509, 608, and 907
TSP Overlay District - ground coverage and tree removal	TSP Overlay District	§ 1515
Warehouse use	CR and W District	§§ 611 and 910
Wholesaler use	CR and W District	§§ 611 and 910

3104.2 In the case of a use that was originally permitted and lawfully established as a matter of right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board.

3104.3 In determining whether to approve any extension or enlargement under § 3104.2, the Board shall apply the standards and criteria of the Zoning Regulations to the entire use, rather than to just the proposed extension or enlargement.

222 [RESERVED]

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

SOURCE: Final Rulemaking published at 45 DCR 1146, 1447 (March 13, 1998); as amended by Final Rulemaking published at 48 DCR 8979, 8983 (September 28, 2001).

2000.6 A nonconforming use of land or of land with structures incidental to the use of the land shall neither be extended in land area nor changed to any use except a use permitted in the district in which the property is located.

AUTHORITY: The Zoning Act of 1938, approved June 20, 1938 (52 Stat, 797, as amended; D.C. Code, 2001 Ed. §§ 6-641.01 to 641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

SOURCE: §§ 7101.1 and 7102.1 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 30 DCR 3922 (August 5, 1983).

2001 NONCONFORMING STRUCTURES DEVOTED TO CONFORMING USES

2001.1 The restrictions set forth in this section shall apply to a nonconforming structure devoted to a conforming use.

2001.2 Except as provided in §§ 2001.11 and 2001.12, ordinary repairs, alterations, and modernizations to the structure, including structural alterations, shall be permitted.

2001.3 Enlargements or additions may be made to the structure; provided:

(a) The structure shall conform to percentage of lot occupancy requirements;

(b) The addition or enlargement itself shall:

(1) Conform to use and structure requirements; and

(2) Neither increase or extend any existing, nonconforming aspect of the structure; nor

(3) Nor create any new nonconformity of structure and addition combined.

2001.4 If a nonconforming structure is destroyed by fire, collapse, explosion, or act of God to an extent of more than seventy-five percent (75%) of the cost of reconstructing the entire structure, the nonconforming structure shall not be restored or reconstructed except in conformity with all provisions of this title, except as provided otherwise in §§ 2001.5 through 2001.10.

2001.5 If a casualty or act of God results in damage to an extent of more than seventy-five percent (75%), and if the structure is nonconforming only with respect to percentage of lot occupancy, lot area, or width of lot, the structure may be reconstructed or restored to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable percentage of lot occupancy, lot area, or width of lot requirements.

2001.6 If a casualty or act of God results in damage to an extent of seventy-five percent (75%) or less of the cost of reconstructing the entire structure, the structure may be restored or

Section III

Form 120 — Exhibit 1
(Revised 04/29/02)

Case No. 17315

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

AMENDED APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
1220 4th St. NW	513	888	R-4	Special exception	410.12/3104
1222 4th St. NW	513	903	R-4	Special exception	410.12/3104
1224 4th St. N.W.	513	904	R-4	Special exception	410.12/3104
1228 4th St. N.W.	513	868	R-4	Special exception	410.12/3104

Present Use of Property:*	vacant				
Proposed Use of Property:*	Townhouse condominiums				
Owner of Property:*	Collins Development, LLC	**Telephone No.:***	202-276-5690		
Address:*	1809 Q St. NW	**City:***	Washington	**State:***	District of Columbia
Zip:*	20001				

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

see application

Estimated Construction Cost:	$5 million	**Advisory Neighborhood Commission Single-Member District(s):***	1A01
Date:*	5/9/05	**Signature:**	[signature] AUB

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:*	[signature]	Brynee K. Baylor, Esq.			
Address:*	1025 Conn. Ave. NW Suite 1000	**City:***	Wash. DC	**State:***	District of Columbia
Zip:*	20036				
Phone No.:*	202-332-7720	**Fax No.:**	202-828-1246	**E-Mail:**	bbaylor@baylorjackson.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.