

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Jonathan Kirschenbaum, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 16, 2019

**SUBJECT:** Supplemental Report for BZA Case 20027 (520 Groff Court, NE) to permit the expansion of existing residential alley lot row building.

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### I. BACKGROUND

The applicant on July 15, 2019 filed to the record a revised Zoning Self-Certification form (Exhibit 55) to request relief from the following provisions by special exceptions:

- Height, Subtitle E § 5102.1, pursuant to E §§ 5203.1 and 5203.2;
- Alley Centerline Setback, Subtitle E § 5106.1, pursuant to E § 5201.2(c); and
- Nonconforming Structures, Subtitle C § 202.2, pursuant to E § 5201.1(f).

The applicant previously (Exhibit 27) requested this relief by variance.

This supplemental report is to affirm the Office of Planning's (OP) original hearing report filed to the record on July 5<sup>th</sup>, 2019 (Exhibit 48), which states that OP **does not support** the applicant's request for the Board to review the requested relief as special exceptions.

In particular, the applicant would require a "waiver" pursuant to E § 5203.2 from a height provision which was clearly intended to apply only to a request for building height relief to go from 35 feet to 40 feet, and not for height relief for an alley lot that is limited to 20 feet. This special exception process was put in place as part of a relatively recent Zoning Commission text amendment case, initiated by OP, to reduce the by-right height of a street fronting rowhouse in the RF-1 zone from 40 feet to 35 feet, but to allow 40 feet by special exception.

As such, OP would strongly recommend **denial** of this waiver as it would be both inappropriate and contrary to the intent of the regulations. OP is confident that the Zoning Commission did not intend for this special exception provision to apply more broadly, such as to a principal building located on an alley lot. Denial of the waiver would confirm that variance relief from the alley lot height provision is required.

However, OP analyzed the requested relief under the variance criteria in its original hearing report and continues to recommend **approval** of the requested relief as variances.