



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

August 21, 2020

Via Emailed PDF

JD Schmidt
Schmidt Development LLC
jd@schmidtdevelopment.com

Re: Determination Letter, 1330 K Street, SE (Square 1046, Lot 0862).

Dear Mr. Schmidt:

This letter confirms the conversation you had with my staff on January 23, 2020, and the subsequent review of the Plat and Plans (attached as Exhibit A and Exhibit B, respectively), regarding the proposed project located at 1330-1332 K Street, SE (Square 1046, Lot 0862) (the “Subject Property”). You are proposing to subdivide the existing lot into two new lots: 1330 K Street, SE (west) and 1332 K Street, SE (east) (the “Subdivision”). You have requested a review of specific issues related to the proposed Project at 1330 K Street, SE.¹

Project Overview

The Subject Property is currently improved with a two-story semi-detached single-family dwelling (the “Principal Structure”) and an accessory garage (the “Accessory Building”). You are proposing to construct a third-story addition on top of the existing Principal Building, demolish a portion of the existing Principal Building at the rear, and construct a twenty-foot, nine and one quarter inch (20 ft. 9 ¼ in.), two-story addition, and a partial third story addition at the rear of the Principal Building (the “Addition”). You intend to use the Principal Building as a flat (2 principal dwelling units). You are also proposing to demolish a portion of the existing Accessory Building, expand the footprint of the Accessory Building and use the Accessory Building as a third principal dwelling unit, for a total of three (3) dwelling units on the Subject Property (the “Project”). You are requesting special exception approval pursuant to U § 320.2 in order to have three (3) residential units on the Subject Property, as well as other areas of special exception approval related to the Accessory Building, described more fully below.

¹ My review of the Project on 1332 K Street, SE is provided in a separate determination letter.

Accessory Building

You are proposing to demolish a portion of the existing Accessory Building and construct an Addition. According to ZA Interpretation ZA-010: Demolition vs Raze for Zoning Purposes, issued on October 1, 2019 and included with this letter as Exhibit C, the proposed demolition and expansion of the Accessory Building does not count as a raze, for zoning purposes.

The Interpretation states: In cases of a partial demolition of a building in which the footprint is being expanded, and therefore some of the enclosing perimeter walls are being completely removed, then OZA will, on a case by case basis, review the percentage of the removal of the building's enclosing exterior wall area. A minimum percentage of wall area that has to be retained, a minimum of 40-50% of the existing enclosing exterior wall area, so as not to constitute a complete removal of a building, or a zoning raze.

As you are demolishing a portion of the Accessory Building and the footprint is being expanded, my office reviews the percentage of the removal of the building's exterior wall area. According to the Plans, at least fifty (50%) of the enclosing exterior walls are being retained. Accordingly, this proposed work on the Accessory Building does not constitute a complete removal of a building, or a zoning raze.

You proposing to locate a principal dwelling unit in the Accessory Building. Subtitle U § 301.1(c) permits, as a matter-of-right, a principal dwelling unit within an accessory building, subject to certain conditions. One of those conditions is that there be "no expansion or addition made to the accessory building to accommodate an apartment except as a special exception." (U § 301.1(c)(2)). Subtitle U § 301.1(g) states that "any proposed expansion of an accessory building for residential purposes shall be permitted only as a special exception approval pursuant to Subtitle X, and shall be evaluated against the standards of this section."

You are requesting approval pursuant to U § 301.1(g) in order to locate a principal dwelling unit in an accessory building with an expanded footprint; and approval pursuant to E § 5201 in order to expand the footprint of the Accessory Building. As the proposed demolition is not a raze for zoning purposes, location of a principal dwelling unit in said accessory building, and make an addition to the Accessory Building, a request for special exception approval pursuant to U § 301.1(g) is required.

Court

According to the Plans, you are proposing a four-foot (4 ft.) open court on the west side of the Principal Building. Pursuant to E § 203.1, there is no minimum open court width for a flat in the RF-1 Zone. Pursuant to B § 100.2, a flat is defined as "a dwelling used exclusively as a residence for two (2) families living independently of each other." The Principal Building will be used exclusively as a residence for two

(2) families living independently of each other. Accordingly, the Principal Building is considered a flat and does not have a minimum open court requirement.

Summary

Based on the attached plans, I find that the proposed Project complies with the General Zoning Requirements and the specific RF-1 zone requirements—other than the aforementioned requests for Board of Zoning Adjustment [BZA] relief. You have informed me that you are asking for special exception approval from those requirements; accordingly, the Project is otherwise permitted as a matter-of-right. When you file the plans for a building permit, I will approve drawings consistent with the plans and plat attached to this letter, assuming that you do obtain relief from the BZA for the requested special exception.

Please feel free to contact me if you have any questions.

Sincerely, *Matthew Le Grant*
Matthew Le Grant
Zoning Administrator

Enclosures: A- Plat dated 12-9-19
B- Plan Set dated 1-15-20
C- Zoning Interpretation ZA-010 Demo vs Raze

Technician: Daniel Calhoun

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.

