



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Matthew R. Jesick, Development Review Specialist  
JL Joel Lawson, Associate Director Development Review  
**DATE:** October 24, 2024  
**SUBJECT: BZA #20280A – Modification with Hearing – 622 I Street, NE**

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### **I. BACKGROUND**

By Order dated July 15, 2022, the Board approved relief to construct an addition to 622 I Street, NE, and establish a three-unit multifamily dwelling. The two areas of relief granted were:

- U § 320.2 – Conversion of an existing building in the RF zone to a multifamily building; and
- E § 207.4 (then E § 205.4) – Rear yard / depth of rear addition.

The subject site of the application consisted of two record lots – Lots 32 and 113, which were to be combined into one lot.

A building permit was issued on October 19, 2023 to construct the project, but was appealed by the ANC (BZA #21057) on November 15, 2023. The Department of Buildings (DOB) subsequently revoked the permit, effective May 11, 2024, and instructed the applicant to either comply with, or seek BZA relief from, C § 303.4, which requires 30 feet of street frontage when a new record lot is created that is to be used for a multifamily dwelling. In this case, combining Lots 32 and 113 would result in a new single record lot, and the applicant is therefore seeking the necessary relief as cited by DOB.

### **II. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area variance relief:

- C § 303.4, pursuant to X § 1000 – Minimum Lot Frontage for a New Record Lot to be Used for a Multifamily Dwelling (30 ft. required, 20 ft. existing and proposed).

### **III. LOCATION AND SITE DESCRIPTION**

Address	622 I Street, NE
Applicant	Nathaniel Lewis, owner
Legal Description	Square 857, Lots 32 and 113
Ward, ANC	6, 6C
Zone	RF-1 – single-family dwellings and flats, and conversion to an apartment house by special exception.

Lot Characteristics	The subject site is presently composed of two lots – one 20 feet wide on I Street NW, and an alley lot to the rear which is 40 feet wide. 30-foot-wide alley to the rear.
Existing Development	The property is currently improved with a two-story residential building with one dwelling unit.
Adjacent Properties	To the north, across the public alley, are existing row dwellings. To the east and west are existing row dwellings. To the south, across I Street, is a mixed-use development consisting of a Whole Foods Market and multi-family residential units.
Surrounding Neighborhood Character	The surrounding neighborhood character is moderate density residential, consisting of row dwellings and apartment houses. The subject site is one block north of the H Street corridor, which has greater density and commercial uses.
Proposed Development	The Board previously approved a conversion of the existing building to a three-unit apartment house. The project includes a deep rear addition, in the form of a two-story accessory building, but connected with a one-story hallway. A third floor would also be added to the front part of the project. The front part of the project would have one unit, and the rear portion would have two units. The present application does not propose any changes to that approval. To achieve this, a consolidation of the two existing lots is required.

#### IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

Zone – RF-1	Regulation	Existing	Proposed	Relief
Lot Width E § 202	18 ft.	20 ft.(front) 40 ft.(rear)	No change	Conforming
Lot Area E § 202	1,800 sq. ft.	4,484 sq.ft.	No change	Conforming
Height E § 203	35 ft. 3 stories	25 ft. 2 stories	34.9 ft. 3 stories	Conforming
Rear Yard E § 207	20 ft.	94 ft.	20 ft.	Conforming
Side Yard E § 208	None required	0 ft.	0 ft.	Conforming
Lot Occupancy E § 210	60%	Not provided	60%	Conforming
Parking C § 701	1 space / 2 du	0	4	Conforming
Conversion to an Apt U § 320.2	3 or more units by special exception	1 unit	3 units	<b>Approved</b>
Rear Yard / Depth of Rear Addition E 207.4	Additions more than 10 feet beyond adjacent building's rear wall permitted by special exception	Not provided	78.5 ft.	<b>Approved</b>
<b>Lot frontage for a new record lot to be occupied by an apartment C § 303.4</b>	<b>30 ft min. measured along the street line</b>	<b>20 ft.</b>	<b>No Change</b>	<b>Requested – Area Variance</b>

## V. ANALYSIS

The application requests variance relief for lot frontage, which the Board is authorized to grant pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

*i. Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner*

*a. Extraordinary or Exceptional Situation*

The subject site is encumbered by an exceptional condition. Whereas most other lots on the subject square extend from the street the entire way to the alley, the subject site is comprised of two record lots – one facing I Street and one fronting on the alley to the rear.

*b. Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties*

If the regulation requiring 30 feet of street frontage on I Street were strictly applied, the applicant would encounter practical difficulties. If the exceptional condition did not exist, and the subject site was a single existing record lot, similar to most other lots on the square, the present relief would not be necessary and the development could proceed based on the already-approved Board relief. With the current lot configuration, however, the applicant could not establish the approved use in its approved configuration. The two record lots would continue to exist. A single unit could potentially be established on the alley lot. If that were done, together with a matter of right flat on the front lot, for example, the result would be similar in scope and degree of impact as the approved project, but would be a burden to the applicant in terms of time and money. Many other street-facing lots in the square could establish a similar use to the one approved here without requiring the frontage relief, because they are existing record lots that extend to the rear alley, and do not involve a lot consolidation.

*ii. No Substantial Detriment to the Public Good*

In Order #20280, the Board determined that the project would not have a substantial detrimental impact on the public good. Page 10 of the Order states that “*the Board also concludes that approval of the application, subject to the conditions adopted in this Order, will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps...*” The design of the approved project would not change as a result of the present application, and the applicant does not propose to alter the conditions of approval. The level of impact on adjacent properties would remain the same. Granting the requested variance in this case, therefore, would not result in impacts to the public good.

*iii. No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations*

Granting the requested relief should not impair the intent of the Regulations. The rule in question requires adequate width of a new lot intended for an apartment use. In this case, the

applicant is, consistent with the intent of U § 320.2, converting an existing building on an existing rowhouse lot to a multifamily dwelling, including a new addition to the rear. Granting the relief, therefore, would not be inconsistent with the intent of U § 320.2 to allow rowhouses to be converted into multifamily dwellings. Also in this instance, because of the exceptional circumstances affecting this property, there are two lots, front and back, that would be combined to allow for the development. As such, a new smaller lot is not proposed, which could be considered inconsistent with the intent of the regulation, but rather a new larger lot is proposed, one consistent with lot area minimums. The existing street fronting lot is currently not consistent with the zoning regulation requirement for lot area (1,800 sq.ft. required and 1,320 sq.ft. existing), and the consolidation would make it conforming for lot area (4,484 sq.ft.).

## **VI. COMMENTS OF OTHER AGENCIES**

As of this writing, the record does not contain comments from other government agencies.

## **VII. ANC COMMENTS<sup>1</sup>**

Exhibit 11 is a memo from the ANC addressing the original filing of this case as a minor modification, prior to the Board placing the case on the hearing calendar. As of this writing the record does not contain a final memo from the ANC.

## **VIII. COMMUNITY COMMENTS**

As of this writing the record does not contain comments from the community.

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<sup>1</sup> In case 21057, the ANC has appealed the issuance of a building permit for the proposed project. That appeal is on hold pending the outcome of this case, 20280A.

## IX. VICINITY MAP

