

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Request for a Modification with Hearing to BZA Order No. 20492
Applicant's Statement of 2405 Alabama Ave LLC
2405 Alabama Avenue, SE (PAR 02210066)

I. SUMMARY OF REQUEST

This Statement is submitted on behalf of 2405 Alabama Ave LLC (the “**Applicant**”), the owner of the property located at 2405 Alabama Avenue, SE (PAR 02210066) (the “**Property**”). The Property is located in the RA-1 zone district and currently improved with a single-family detached home. In BZA Case No. 20492, the previous owner proposed to raze the existing building and construct a new, three-story building (the “**Building**”) with 16 new residential dwelling units (the “**Project**”). The specific relief granted in association with the project included:

- Special Exception relief under the new residential development provisions of Subtitle U § 421.1, pursuant to Subtitle X § 901.2; and
- Area Variance relief from the side yard requirements of Subtitle F § 306.1, pursuant to Subtitle X, Chapter 10.

The proposal included 5 parking spaces, accessed through a shared driveway on the Property of the neighbor to the east (2425 Alabama Avenue, SE). The driveway was apparently shared by the two properties for many years. The original applicant and the former owner of 2425 Alabama Avenue appeared to have the intent to record an updated easement to continue the historic driveway use. A permit was filed and issued for the project.

Since the approval, the Property was sold to the new owner, the Applicant. The adjacent property to the east was also sold. After the sale, the Applicant became aware that the easement was never recorded prior to the respective sales, and the new owner has indicated it does not wish to enter into an easement. While the easement dispute is a civil matter, it directly impacts the Applicant's ability to provide parking in the rear as originally proposed. Accordingly, in anticipation of not being able to utilize the shared driveway, the new owner is seeking parking relief pursuant to C-703.2 for two spaces¹ for the already approved and permitted project.

¹Subtitle C § 701.5 and § 702.1 of the 2016 Zoning Regulations (ZR16) requires two (2) vehicle parking spaces after taking the allowable 50% reduction for being locating within ¼ mile of the N92 Priority Corridor Network Metrobus Route.

Additionally, the original proposal included a pedestrian walkway within the former easement area on the east side of the Building. Because that area is no longer available, the Applicant proposes to shift the approved building bulk three feet to the west so that the pedestrian walkway can be fully accommodated on the subject Property. The result is that the previously approved eastern side yard encroachment is reduced, while the western side yard, originally compliant at eight feet, is reduced to five feet (5 ft.).

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the Modification with Hearing pursuant to Subtitle Y § 704, and special exception approval requested pursuant to Subtitle X § 901 and C § 703.2.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA.

The subject Property is zoned RA-1 and has a total land area of 5,967 square feet. Abutting the Property to the north is Alabama Avenue, SE. Abutting the Property to the south and west is the Suitland Parkway. Abutting the Property to the east are several multi-family apartment buildings. The area is made up of a mix of residential and institutional uses. The R-2 zone is across Alabama Avenue, to the north, so there are some single-family dwellings in the area; but the area is primarily characterized by large residential apartment complexes.

The subject Property is located on Alabama Avenue and is steps from two MetroBus Priority Routes (Bus Route 92 U Street/Garfield & Bus Route 32 Wisconsin Avenue/Pennsylvania Avenue). The Property is within walking distance (one-half mile) of a YMCA, Garfield Elementary School, a fire station, a police station, Douglass Recreation Center and Douglass outdoor pool, and two supermarkets.

IV. VARIANCE REQUEST

A. Overview

The building footprint was granted variance approval in the original Application, and there are no proposed changes to the Building form. The requested relief arises solely from the need to shift the Building three feet (3 ft.) to the west to accommodate a pedestrian walkway that was previously located within the unrecorded easement area. This adjustment reduces the previously approved eastern side yard relief but creates a new encroachment into the western side yard, which

will now measure five feet (5 ft.) instead of the originally compliant eight feet (8 ft.). The justification from the original variance remains fully applicable, as it was based on the irregular shape of the lot and the constraints on building placement and bulk. The modification merely relocates the approved building footprint horizontally within the same developable area of the lot.

B. Summary of Area Variance in Original Case

The Property is unique within its block and square due to its irregular shape and the way it narrows sharply toward the rear. Unlike neighboring properties, the lot widens to approximately 55 feet at the front, then narrows to 30 feet midway, and tapers to a point—resulting in no rear lot line. No other lot in the vicinity faces this condition. This irregularity significantly impacts the building design, as the bulk must be concentrated toward the front of the lot; the rear portion is too narrow to support any functional building space. Although the lot can support the approved building footprint and complies with all other development standards, its shape prevents any meaningful development in the rear half of the lot.

As demonstrated on the plans, the only practical way to design a functional building is to locate its widest portion at the front, where the lot width ranges between 40–50 feet. This width allows for efficient unit layouts, circulation, and structural cores while still providing two side yards and a driveway. In the original case, the Applicant demonstrated that denial of relief would have required a complete interior redesign, shifting units and stairways in ways that were functionally and spatially impractical. The Board and the Office of Planning found those constraints persuasive and granted variance relief.

The same site conditions still apply today. However, the current request introduces an additional practical consideration: the loss of the originally anticipated easement. The Applicant worked diligently to minimize the need for side yard relief by pursuing an easement with the adjacent owner, but that is no longer an option. Rather than redesign the already approved Building—which was carefully tailored to fit this lot—the Applicant proposes the minimum adjustment necessary, shifting the structure three feet to the west to allow the pedestrian walkway to remain on-site.

Without this modification, the Applicant would lose approximately 168 square feet of building area spread over three floors, while still facing the same practical difficulties related to lot shape and building layout that justified the original relief.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose, and Integrity of the Zone Plan.

A. Public Good

The Building is still appropriately separated from the adjacent building to the west—a five-foot side yard. Other single-family and multi-family buildings in this area have been constructed with side yard encroachments (see 2435 Alabama, 2455 Alabama, and 2205 Alabama, for example). The proposal includes 16 new quality housing units with at least two Inclusionary Zoning units. Additionally, the light, air and privacy will not be unduly impacted by the relocation of the Building by only three feet.

B. Purpose and Intent of the Regulations

Subtitle F-300.2 states that the RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. The Property is uniquely impacted by the lot conditions, resulting in unique practical difficulties as the property next door would not face this scenario since it has a wider lot to work with towards the rear. Therefore, the subject Property's lot width and shape is exceptional compared to other properties in the area and places the Application in the type of situation the variance procedure was designed to address.

V. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND C-703.2.

The Applicant is not proposing any changes to the originally approved relief but is seeking to add relief for C-703.2. Accordingly, the Applicant is providing an analysis for the parking relief.

A. Special Exception Criteria

i. General Special Exception Standards

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception 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.

ii. Standard for Review

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000). In this case, the Applicant is seeking relief from U-421 and asserts it meets the prerequisites for approval as it satisfies the relevant respective zoning requirements.

B. The Application satisfies the General Special Exception Criteria of Subtitle X-901.2.

The granting of the special exception will be in harmony with the general purpose and intent of the zoning regulations. The RA-1 Zone provides for areas predominately developed with low to moderate-density development, including multi-family residential buildings. The area is made up of a mix of multi-family residential developments and single-family dwellings uses and the proposal is for one 16-unit residential building. The surrounding area is characterized by residential uses with larger apartment and condo buildings with ample access to infrastructure and recreation.

C. The Application satisfies the Specific Requirements of C § 703.2.

Section 703.2 "The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant's demonstration of at least one (1) of the following:

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8.

The Property lacks alley access, it is unlikely DDOT would permit a curb cut given the existing curb cut on the Property to the east is relatively close to the subject Property. Even if a curb cut were permitted, the lot is relatively narrow, and it continues to narrow towards its rear; therefore, a driveway and/or garage would impact the building envelope so severely that a project would not be feasible. All parking lots within 600 feet are dedicated to their own respective residential and commercial uses.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Property is well served by mass transit, including two Priority Corridor MetroBus Routes (Bus Route 92 U Street/Garfield & Bus Route 32 Wisconsin Avenue/Pennsylvania Avenue), which is why the project qualifies for the 50% reduction for the required number of vehicle parking spaces. The subject Property is within walking distance (one-half mile) of a YMCA, Garfield Elementary School, a fire station, a police station, Douglass Recreation Center and Douglass outdoor pool, and two supermarkets.

(h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:

- (1) A curb cut permit for the property has been denied by the District Department of Transportation; or**
- (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;**

The Property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street. Any driveway that could access an improved public street from the Property may violate DDOT's guidelines with respect to curb cuts. The Design & Engineering Manual (31.5)² states: "the number and impact of curb cuts and driveways on public space should be minimized to improve pedestrian circulation and safety by... e) Providing curb cuts only where leading to multiple vehicular parking spots, since a curb cut typically removes at least one on-street vehicular parking space." Especially considering there are two existing curb cuts relatively close to the subject Property, one on each adjacent lot. The Design & Engineering Manual (31.5.3(e))³ states: "Adjacent curb cuts that access two different properties must be no less than 24 feet from edge line to edge line."

²https://ddotwiki.atlassian.net/wiki/spaces/COM/pages/2069271070/Standards+and+Manuals?preview=/2069271070/2381381633/DEM-2023-12_DDOT_DEM%20-%20Copy.pdf#StandardsandManuals-DesignandEngineeringManual

³https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/Jan%202019%20DEM%20Pages%20with%20Edits%20from%202017%20Edition%20Only.pdf

Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The reduction in the required number of parking spaces (two spaces) is only for the amount the Applicant is physically unable to provide.

VI. CONCLUSION.

For the reasons stated above, this Application meets the requirements for a modification with hearing and the special exception approval by the Board.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
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