


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matthew R. Jesick, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: November 20, 2024

SUBJECT: **BZA #21200 – 2915-2917 Dumbarton Street – Request for relief to subdivide a record lot into two record lots**

I. BACKGROUND

The subject site consists of two rowhouses which were both built in 1881. The rowhouses were on their own tax lots¹, and the applicant states that the tax lots existed since the time of the buildings' construction. In 2023, the previous owner of the site subdivided the underlying record lots such that the area of the two *tax* lots became one single *record* lot, with a conforming lot area and lot width.

After the subdivision was completed, however, the owner passed away. The present applicant states that the owner had intended to combine the two rowhouses into one unit, but that no construction was ever undertaken. The applicant seeks to re-subdivide the present, 2023 record lot back into two individual record lots, with the exact same dimensions as the previous tax lots, and with one rowhouse on each lot.

II. RECOMMENDATION

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

- D § 202.1, pursuant to X § 1000 – Minimum Lot Width (20 ft. required, 30 feet existing, 15 ft proposed for each lot);
- D § 202.1, pursuant to X § 1000 – Minimum Lot Area (2,000 sf required, 3,600 sf existing, 1,800 sf proposed for each lot).

III. LOCATION AND SITE DESCRIPTION

Address	2915-2917 Dumbarton Street, NW
Applicant	Estate of Marilyn Melkonian and 2915 Dumbarton St NW, LLC

¹ The western rowhouse, 2917 Dumbarton, prior to the 2023 subdivision, had both a tax lot underneath it (Lot 826), and a record lot (Lot 135), which was created in 1986 and exactly follows the boundaries of Lot 826. 2915 Dumbarton sat on a tax lot (Lot 827) and on a portion of the larger underlying record lot (Lot 124). This report primarily refers to the pre-existing tax lots.

Legal Description	Square 1241, Lot 139 (formerly Lots 826 and 827)
Ward, ANC	2, 2E
Zone	R-3 / GT – Georgetown rowhouse zone; moderate density rowhouses are the primary building type; single family dwelling use permitted as a matter of right
Lot Characteristics	30-foot-wide, 3,600 sf record lot created in 2023.
Existing Development	The property is currently improved with two rowhouses, both 15 feet wide.
Historic Resource	Georgetown Historic District; buildings were built in 1881 and are contributing to the Historic District.
Adjacent Properties	House to the west is a rowhouse-style semi-detached building; house to the east is a rowhouse.
Surrounding Neighborhood Character	Surrounding buildings are primarily rowhouses, but with a few small apartment buildings and institutional buildings.
Proposed Development	No new development is currently proposed. Exhibits 1B and 9 indicate that the applicant may “eventually complete small additions to each building.”

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

Zone – R-3 / GT	Regulation	Existing	Proposed	Relief
Lot Width D § 202	20 ft.	30 ft.	Lot A – 15 ft. Lot B – 15 ft.	Requested
Lot Area D § 202	2,000 sq.ft.	3,600 sq.ft.	Lot A – 1,800 sq.ft. Lot B – 1,800 sq.ft.	Requested
Height D § 203	40 ft. 3 stories	Not provided. 2 stories	No change	Assumed conforming
Rear Yard D § 207	20 ft.	Lot A – 66.9 ft. Lot B – 79 ft.	No change	Conforming
Side Yard D § 208	None required	0 ft.	No change	Conforming
Lot Occupancy D § 210	60%	Lot A – 43% Lot B – 33%	No change	Conforming

V. ANALYSIS

The application requests variance relief for lot width and lot area, 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. The long-standing built form on the lot is reflective of the previous tax lot layout. See Exhibit 14, the Baist Map. The previous tax lots were established when the rowhouses were built; the tax lots matched the building footprints, and existed in that configuration from 1881 to 2023. The rowhouses have always been separate dwellings, and remain separated today, even after the new, consolidated lot was created.

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

If the regulations were strictly applied, the applicant would experience practical difficulties. In order to remedy the non-conforming situation of two buildings on a single record lot, the applicant would be forced to combine the two separate buildings. This would involve construction and expenses that the contract purchaser, unlike the previous owner, does not intend to make. According to the applicant, strict compliance would force the property owner “to undertake the monumental amount of construction activity required to open up the adjoining exterior walls of two buildings built in 1881, and re-configure interiors to remove one kitchen and re-allocated bedrooms and bathrooms” (Exhibit 9, p. 5). The applicant also claims that the construction would cost “hundreds of thousands of dollars” (ibid.).

ii. No Substantial Detriment to the Public Good

The subdivision of the current lot should not impair the public good. If the relief is granted, the on-the-ground situation would remain as it has been for well over 100 years, with two 15-foot wide rowhouses. There would be no new impacts to light, air or privacy. On paper, the creation of two new record lots should not impact nearby properties, as the subject properties have existed in this location on individual tax lots, according to the applicant, since the 1880s. The creation of two new records lots would maintain and continue the long-standing built environment of the neighborhood. Granting the requested variances in this case, therefore, should not result in impacts to the public good.

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

The Regulations generally require minimum dimensions for new record lots in order to maintain the character of a neighborhood. In this case, the existing built environment would not change, and the existing rowhouses would again be on their own lots – a configuration that existed for well over 100 years, up until last year, and is typical for residential developments. The character of the neighborhood, which consists primarily of rowhouses, would be preserved; the block has an existing highly varied lot configuration. This would also further the intents stated in D § 101.2(b), which seeks to preserve neighborhood character and preserve housing affordability, as the maintenance of two smaller homes would likely result in more affordable housing compared to a single larger, combined dwelling should the buildings be joined. The application would also not be inconsistent with the purposes stated in D §§ 101.8 and 101.9, which allow for row houses on small lots in the R-3 zones. The requested relief would also be consistent with the purposes of the Georgetown Residential House Zone (D § 1100.2) which seek to protect the historic character of Georgetown and protect the integrity of contributing historic buildings. Granting the requested relief, therefore, should not impair the intent of the Regulations.

VI. COMMENTS OF OTHER AGENCIES

As of this writing, the record does not contain comments from other government agencies. OP received an email from DDOT indicating no objections to the application.

VII. ANC COMMENTS

As of this writing the record does not contain a memo from the ANC.

VIII. COMMUNITY COMMENTS

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

IX. VICINITY MAP

