District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
MBR Maxine Brown-Roberts, Associate Director Development Review

DATE: September 25, 2026

SUBJECT: BZA Case 21209: Request for special exception relief pursuant to allow the subdivision of a substandard alley lot at Square 774, Lot 65, into three new alley lots.

I. RECOMMENDATION

The Applicant, Ina & Gregory Igbozuruike, proposes the subdivision of a substandard alley lot at Square 774, Lot 65, into three new alley lots. The Office of Planning (OP) recommends **approval** of the requested special exceptions pursuant to Subtitle X § 901.

- Lot A - Rear 304 K Street, NE
  - C § 306.1 (a) & (b), Minimum Alley Width for a New Alley Lot (24 ft. required, 10 ft. existing; 10 ft. proposed), pursuant to Subtitle C § 306.5;
  - E § 5100(e), Minimum Alley Centerline Setback (7.5 ft. from alley centerline, 5 ft. proposed), pursuant to Subtitle E § 5200; and
  - U § 601.1(f), Residential Use of an Alley Lot (24 ft. or 15 ft. alley width within 300 ft. of a public street required, 10 ft. existing alley width within 300 ft; 10 ft. proposed alley width within 300 ft);
- Lot B - Rear 306 K Street, NE
  - C § 306.1 (a) & (b), Minimum Alley Width for a New Alley Lot (24 ft. required, 10 ft. existing; 10 ft. proposed), pursuant to Subtitle C § 306.5;
  - U § 601.1(f), Residential Use of an Alley Lot (24 ft. or 15ft alley width within 300 ft of a public street required, 10 ft. existing alley width within 300 ft; 10 ft. proposed alley width within 300 ft);
- Lot C - Rear 308 K Street, NE
  - C § 306.1 (a) & (b), Minimum Alley Width for a New Alley Lot (24 ft. required, 10 ft. existing; 10 ft. proposed), pursuant to Subtitle C § 306.5;
  - E § 5100(d), Minimum Side Yard (5 ft from adjacent non-alley lots, 0 ft. proposed), pursuant to Subtitle E § 5200; and
  - U § 601.1(f), Residential Use of an Alley Lot (24 ft. or 15ft alley width within 300 ft of a public street required, 10 ft. existing alley width within 300 ft; 10 ft. proposed alley width within 300 ft).

II. LOCATION AND SITE DESCRIPTION

Address:	Rear 304, 306, and 308 K Street, NE

Board of Zoning Adjustment
District of Columbia
CASE NO.21209
EXHIBIT NO.89

Applicant:	Toye Bello on behalf of Ina & Gregory Igbozuruike
Legal Description:	Square 0774; Lot 0065
Ward / ANC:	Ward 6/ANC 6C
Zone:	RF-1
Historic Districts	N/A
Lot Characteristics:	Irregular Alley-Lot with a 10 ft. public alleyway to the west and a 18.17 ft. unimproved public alleyway to the north.
Existing Development:	None
Adjacent Properties:	Existing commercial alley lot to the north, mixed-use building to the west, and Semi-detached and row dwellings to the south.
Surrounding Neighborhood Character:	Moderate Density Residential Neighborhood bounded by mixed-use corridors.
Proposed Development:	Three new alley lots, each be improved with a single-family row dwelling.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed [1]	Relief:
Lot Width E § 202	18 ft. min.	N/A	Lot A: 37.57 ft. Lot B: 23.34 ft. Lot C: 23.50 ft.	None Requested
Lot Area E § 202	1,800 sq. ft. min.	N/A	Lot A: 2,083 sq. ft. Lot B: 1,802 sq. ft. Lot C: 1,829 sq. ft.	None Requested
Alley Lot Height E § 5100.1(a)	20 ft. and 2 stories max.	N/A	20 ft. and 2 stories	None Requested
Alley Lot Occupancy E § 5100.1(b)	Between 1800 & 2000 sq. ft.: 90% max. Greater than 2000 sq. ft.: 80% max.	0%	Lot A: 49.2% Lot B: 57% Lot C: 56%	None Requested
Alley Lot Rear Yard E § 5100.1(c)	5 ft. min. from lot lines abutting non-alley lots.	N/A	Lot A: 6 ft. Lot B: 26.8 ft. Lot C: 26.8 ft.	None Requested
Alley Lot Side Yard E § 5100.1(d)	**5 ft. min. from lot lines abutting non-alley lots.**	**N/A**	**Lot C: 0 ft.**	**Relief Requested for Lot C**

[1] Provided by the applicant.

RF-1 Zone	Regulation	Existing	Proposed [1]	Relief:
Alley Centerline Setback E § 5100.1(e)	**7.5 ft. min. from the centerline of an alley**	**5 ft.**	**Lot A: 5 ft.** Lot B: 9.1 ft. Lot C: 9.1 ft.	**Relief Requested for Lot A**
Alley Lot Pervious Surface E § 5100.1(f)	10% min.	N/A	Lot A: 48.2% Lot B: 42% Lot C: 42.4%	None Requested
Parking C § 701	1 per principal dwelling	N/A	1 per lot, Lots B & C will have parking on Lot A	None Requested
Minimum Alley Width C § 306.1 9 (a) & (b) & U § 600.1	**For new lots, Continuous access though an alley not less than 24 ft. // or for existing lots 15ft. continues within 300 ft.**	**10 ft.**	**10 ft.**	**Relief Requested for all lots**

IV. OP ANALYSIS

a. SPECIAL EXCEPTIONS - C §306.1 (a) & (b) for Rear 304, 306, and 308 K Street, NE;

Subtitle U Section 601 SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA)

306.5 A proposed subdivision of an alley lot that does not meet the requirements of Subtitle C § 306.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

(a) The requirements of Subtitle C § 306.1(e) shall still be met:

The applicant has provided a subdivision plan at Exhibit 46.

(b) The lot or lots connect to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

Per the applicant's submittals they would improve the existing portion of unimproved alley. Therefore, the proposed lots would be connected to a public street through an improved alley.

(c) . . .

(d) The Board of Zoning Adjustment shall determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that granting the special exception would not result in undue adverse impacts to nearby properties.

OP has found that the proposed development should not have undue adverse impacts on nearby properties as discussed later in this report. Representatives

of FEMS, MPD, Public Works and DC Water were all notified of the application by OZ (Exhibit 27). However, as of the writing of this report, there are no objections in the record from any of these agencies.

b. SPECIAL EXCEPTIONS - U § 601.1(f) for Rear 304, 306, and 308 K Street, NE

Subtitle U Section 601 SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA)

601.1 The following uses shall be permitted on an Alley Lot in any R, RF, and RA zone, if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use below:

(a) . . .

(f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:

(1) The Board of Zoning Adjustment shall not grant special exception relief from the requirements of Subtitle U § 600.1(f)(1)-(2);

The proposed alley lots are compliant with U § 600.1(f)(1)-(2) as they are greater than 450 sq. ft. and not within the R-1 or R-2 zone.

(2) In any R zone, the Board of Zoning Adjustment may grant special exception relief from the lot area minimums of Subtitle U § 600.1(f)(3) required for one (1) accessory apartment per lot; The use shall be limited to a maximum of one (1) principal dwelling unit and one (1) accessory apartment per lot;

Individually, each alley lots would contain one principal dwelling unit.

(3) In any RF zone, the Board of Zoning Adjustment may grant special exception relief from the lot area minimum of Subtitle U § 600.1(f)(4) required for two (2) principal units per lot. The use shall be limited to a maximum of two (2) principal dwelling units per lot;

The proposed development will have one unit per alley lot.

(4) The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety and infrastructure availability;

The Alley lot would connect through the 10 ft. improved alley to K Street to the south and L Street to the north. Representatives of FEMS, MPD, Public Works and DC Water were all notified of the application by OZA. However, as of the writing of this report there are no objections in the record from any of these agencies.

(5) The Board of Zoning Adjustment shall determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that:

(A) Adequate public utilities and services can be provided

to the alley lot dwelling and nearby properties;

(B) Granting the special exception would not adversely impact the public health and safety of the residents of the alley lot dwelling or nearby properties; and

(C) Granting the special exception would not result in undue adverse impacts to nearby properties.

OP has found that the proposed development should not have undue adverse impacts on nearby properties as discussed later in this report. Representatives of FEMS, MPD, Public Works and DC Water were all notified of the application by OZ (Exhibit 27). However, as of the writing of this report, there are no objections in the record from any of these agencies.

c. E § 5100(f), for Lot A (Rear 304 K Street, NE)

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 & 5201.2 not relevant to this application

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

*(a) Yards, **including alley centerline setback**; and*

(b) Pervious surface.

The Applicant has requested relief to the minimum centerline setback requirement of E § 5100(e) for lot A only.

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed Lot A would be adjacent to a seven-story, mixed-use apartment building across the alley to the west, and a commercial alley use across the currently unimproved alley to the north. Therefore, the potential impacts to light and air from a two-story row dwelling should not unduly affect neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

With respect to the proposed Lot A, there is a large window proposed along the eastern façade which wraps partially around the front elevation. However, the existing apartment house to the east has a large retaining wall with a fence on top which would likely buffer views into the first floor. Additionally, the units along its eastern façade have balconies making the majority of windows setback from the outer wall of the structure. Therefore, the views from the proposed row dwelling should not unduly compromise the use and enjoyment of neighboring properties.

(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and

Currently, the 10 ft. alley does not have a discernable character. The rear of the property to the west is mostly a blank retaining wall with fence and the only other alley lot in the square is improved with a simple brick building. Additionally, the proposed structure would not be readily visible from the street frontage. Therefore, especially when viewed to include the street fronting lots being developed under the same ownership, this application would serve to establish a coherent visual character of the alley.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The applicant has provided sufficient materials to the record.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

No special treatment is recommended.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The proposed residential, row dwellings are conforming to the RF-1 zone. The lot occupancy, height and number of stories of the lot would be within the standards of the RF-1 and relief is not being requested in these areas.

d. <u>E § 5100(e), for Lot C (Rear 308 K Street, NE)</u>

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 & 5201.2 not relevant to this application

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning

Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) ***Yards****, including alley centerline setback; and*

(b) Pervious surface.

Applicant has requested relief from the minimum Side Yard requirement of E § 5100(d) for Lot C only.

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The requested relief from the required side yard for the proposed Lot C should not unduly affect light and air of the of the neighboring property. The potential shadow impact of the proposed Alley Dwelling would be to the empty roof of the adjacent accessory structure. Additionally, there will remain ample space between the proposed and other existing structures.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

No windows are proposed along the shared side property line. Therefore, the use and enjoyment of neighboring properties should not be unduly compromised in respect to the side yard relief requested.

(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and

As stated for the requested relief above, this proposal would serve to establish a residential character along this portion of the alley and would be consistent with the scale of development within the square. Moreover, this Lot would not be visible from a public street. Therefore, the requested relief should not result in a building that would substantially, visually intrude upon the character, scale, and pattern of houses along the street or alley frontage.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

Applicant has provided adequate materials to the record for review of the requested relief.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of

design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

No special treatment is recommended.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The proposed residential, row dwellings is conforming to the RF-1 zone. The lot occupancy, height and number of stories for each lot would be within the standards of the RF-1 zone and relief is not being requested in these areas.

e. SPECIAL EXCEPTION - X § 901 Review for Rear 304, 306, and 308 K Street, NE

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

As demonstrated above, granting the requested special exception relief should not result in substantial impairment to the intent, purpose, and integrity of the Zoning Regulation. The RF-1 Zone is intended to provide for areas predominately developed as row buildings on small lots. In this case, the existing property is already substandard in regard to street access but exists as a significantly large alley lot. The relief requested would allow the subdivision and development of the site in a size and scale commensurate with the type of alley lot development envisioned in RF-1 zone, that is row buildings subordinate in scale to the square's street fronting properties.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposal would result in the improvement of an otherwise unimproved/vacant alley lot with a development pattern otherwise consistent with adjacent properties and would result in the partial restoration of the east/west 18 foot alley. Therefore, the requested relief should not result in undue impacts on the neighborhood.

(c) Subject in specific cases to the special conditions specified in this title.

As discussed above the proposal meets the conditions of Subtitle E § 601 and 5100.

V. OTHER DISTRICT AGENCIES

DDOT has previously filed a report in the record at Exhibit #55.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 6C has provided a report in support at Exhibit #64.

VII. COMMUNITY COMMENTS

As of the writing of this report, there is a one letter in support at Exhibit #74.

Attachment 1 – Site Location

Attachment 1: Location Map

