BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Rear 304, 306, 308 K Street LLC

BZA Case No. 21209

APPLICANT'S REVISED PRE-HEARING STATEMENT

August 18, 2026

This Revised Hearing Statement ("Statement") supersedes the Applicant's Pre-Hearing Statement dated September 21, 2025, and is filed to reflect the alley lot zoning text amendments adopted by the Zoning Commission for the District of Columbia in Z.C. Case No. 25-06 (Z.C. Order No. 25-06, adopted 5-0, effective upon publication in the D.C. Register on July 17, 2026), which amended the alley lot subdivision, use, and development-standard provisions of 11 DCMR Subtitles C, U, and E. This Statement outlines the existing and proposed use of the property of application and the manner in which the application ("Application") complies with the specific tests and burden of proof for the special exception relief sought in this application before the Board of Zoning Adjustment ("BZA" or "Board").

REGULATORY BACKGROUND: Z.C. ORDER NO. 25-06

Effective July 17, 2026, the Zoning Commission adopted comprehensive amendments to the alley lot provisions of the Zoning Regulations, including, among other changes:

- Establishing, for the first time, a special exception process for review of alley lot subdivisions that do not meet the twenty-four foot (24 ft.) matter-of-right minimum alley width and access standard of Subtitle C, § 306.1(a)–(b) (the matter-of-right standard itself was not reduced);
- Increasing the matter-of-right height limit for alley lot buildings from twenty feet (20 ft.) to twenty-five feet (25 ft.), with special exception relief available up to thirty-five feet (35 ft.) and three stories in residential zones;
- Eliminating the vehicle parking requirement for alley lot residential uses;

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- Permitting residential use on alley lots in the R-1 and R-2 zones (not applicable to the subject property, which is zoned RF-1);
- Permitting a second residential unit on qualifying alley lots, based on lot size and zone;
- Adjusting lot occupancy, yard, and pervious surface standards on a tiered basis for alley lots in the R-1 and R-2 zones (not applicable to the RF-1-zoned subject property); and
- Adding the Department of Energy and Environment (DOEE) as a referral agency for alley-lot-related special exceptions.

This Application, as revised, is submitted in light of these amendments. Most materially, the subdivision relief sought for proposed Lots A, B, and C is now properly characterized as a special exception under amended Subtitle C, § 306, rather than an area variance under Subtitle X, § 1001.2, because the Zoning Commission has now established a purpose-built special exception mechanism for exactly this circumstance — an alley lot subdivision on an alley of record whose width was fixed before 1958 and cannot be widened.

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Subtitle X, Chapter 9, § 900.2, more specifically § 901.2, for special exception relief to allow the subdivision of a single alley lot of record into three record lots on an alley network not meeting the twenty-four foot (24 ft.) matter-of-right alley width and access standard set forth under Subtitle C, § 306.1(a)–(b), as amended by Z.C. Order No. 25-06, for the RF-1 Zone District within which the subject property is located.

The proposed three lots seek respective relief from applicable development standards as follows:

LOT A

Special Exception from Subtitle C, § 306 (as amended by Z.C. Order No. 25-06) from the provisions that a new alley record lot abut a twenty-four foot (24 ft.) public alley and have continuous access through an alley not less than twenty-four feet (24 ft.) to a street.

The abutting alley widths are approximately eighteen feet (18 ft.) and ten feet (10 ft.), respectively.

Special Exception from Subtitle E, § 5100.2 (e), which requires a minimum setback of seven and one-half feet (7.5 ft.) from the centerline of the abutting alley. The North-South alley which abuts proposed Lot A is only ten feet (10 ft.) wide, and the proposed building is therefore five feet (5 ft.) from the centerline of the alley.

Special Exception from the use provisions of Subtitle U, § 600.1(f)(6)(A)–(B), to allow the proposed residential use on an alley lot not meeting the requisite minimum fifteen-foot (15 ft.) alley width leading to a street intersection.

LOT B

Special Exception from Subtitle C, § 306 (as amended by Z.C. Order No. 25-06) from the provisions that a new alley record lot abut a twenty-four foot (24 ft.) public alley and have continuous access through an alley not less than twenty-four feet (24 ft.) to a street.

Special Exception from the use provisions of Subtitle U, § 600.1(f)(6)(A)–(B), to allow the proposed residential use on an alley lot not meeting the requisite minimum fifteen foot (15 ft.) alley width leading to a street intersection.

LOT C

Special Exception from Subtitle C, § 306 (as amended by Z.C. Order No. 25-06) from the provisions that a new alley record lot abut a twenty-four foot (24 ft.) public alley and have continuous access through an alley not less than twenty-four feet (24 ft.) to a street.

Special Exception from the alley lot development standards set forth under Subtitle E, § 5100.2 (c), from the side yard setback requirement from an abutting non-alley lot.

Special Exception from the use provisions of Subtitle U, § 600.1(f)(6)(A)–(B), to allow the proposed residential use on an alley lot not meeting the requisite minimum fifteen foot (15 ft.) alley width leading to a street intersection.

Applicant notes that no area variance is requested in this Application. The subdivision relief previously requested as an area variance under Subtitle X, §

1001.2 is superseded, in its entirety, by the special exception relief now available under amended Subtitle C, § 306. The special exceptions sought for Lot A from the alley centerline setback and for Lot C from the side yard provisions of Subtitle E, § 5100.1(e) and (c), respectively, remain pursuant to Subtitle E, § 5201.3(a), including the special conditions outlined below in this Statement.

SUMMARY OF APPLICATION

The Applicant seeks the above special exception relief to construct three new one-family row buildings on the proposed subdivided record lots.

The subject property is located within the RF-1 zone district, within which the proposed use as a one-family dwelling is permitted as a matter of right, save for the special exception relief sought from specific conditions applicable to the proposed use and subdivision of alley lots.

The proposed project complies with all other applicable provisions of the Zoning Regulations, including maximum lot occupancy and minimum lot area and width. The proposed buildings are twenty feet (20 ft.) in height and two stories, well within the twenty-five foot (25 ft.) matter-of-right height standard now applicable to alley lot buildings under amended Subtitle E, § 5100.2(b). No vehicle parking is required for the proposed dwellings under the parking exemption for alley lot residential uses established by Z.C. Order No. 25-06; the Applicant nonetheless proposes to provide one parking space per lot, as reflected in the site plan.

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception relief under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 9, § 900.2, including the special exception standards for alley lot subdivision established under Subtitle C, § 306, as amended by Z.C. Order No. 25-06.

PROPERTY LOCATION AND PROJECT DESCRIPTION

The property is located in the North of Massachusetts Avenue (NoMa) neighborhood in the 300 block of K Street NE. The subject property is currently unimproved,

irregular in shape, and abuts two public alleys along its northern and western boundaries.

The north-south alley connecting K and L Streets NE is approximately ten feet (10 ft.) wide, whereas the east-west alley, which runs perpendicular to the north-south alley, is unimproved and approximately eighteen feet (18 ft.) in width.

Each proposed alley lot improvement will comply with all other development standards applicable in the underlying RF-1 zone district.

The subject property is an alley lot by definition and is located behind 304 through 308 K Street, lots which front on K Street NE.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF (SPECIAL EXCEPTION — ALLEY LOT SUBDIVISION)

The Applicant, by preponderance of the materials submitted with this Application, facts to be presented in the course of the public hearing, and further evidence to be submitted twenty-one days prior to the hearing date, will prove compliance with the standard necessary for the granting of the special exception relief sought, as outlined below.

Consistent with Subtitle X, § 901.2 and the special exception process established for alley lot subdivision under amended Subtitle C, § 306, the Board is authorized to grant the special exception where the Applicant demonstrates that the relief:

1. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
2. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
3. Will meet such special conditions as may be specified for the relief sought, including any agency-referral conditions established under amended Subtitle C, § 306.

FACTORS SUPPORTING THE REQUESTED SPECIAL EXCEPTION

The Subject Property is comprised of a single record lot of approximately five thousand, seven hundred fifteen square feet (5,715 sq. ft.) of land area. The

Applicant contends that a confluence of factors supports the requested special exception relief:

1. The subject property is uncommonly large for its RF-1 zone district of location, wherein the minimum lot area is one thousand eight hundred square feet (1,800 sq. ft.) for row dwellings.
2. The alley lot is irregular in shape and includes a panhandle portion.
3. The subject property is not only the largest alley lot in its Square of location, it is also the only unimproved alley lot.
4. The width of the abutting alleys has been fixed since prior to May 12, 1958, with no room for expansion — precisely the circumstance the special exception process established by Z.C. Order No. 25-06 was designed to address.
5. The subject property is uniquely the only alley lot which abuts the east-west alley, which is approximately eighteen feet (18 ft.) wide, an uncommon alley lot width in itself.

The Applicant contends that the physical shape of the alley lot, its unusual size in the underlying RF-1 zone district, and the fixed, pre-1958 alley widths converge to demonstrate that the requested subdivision is compatible with the Zoning Regulations and will not adversely affect neighboring property.

In light of the final adoption of the amendments to the Zoning Regulations, which now subjects this relief to special exception, applicant does not have prove practical difficulties, rather potential negative impact on the use and enjoyment of neighboring properties

COMPATIBILITY WITH SURROUNDING DEVELOPMENT

The development of the subject property as a single-family detached dwelling would be impractical and unfeasible in its market area, and incompatible with the neighborhood, which is predominantly improved with row dwellings and flats on lots approximately sixteen feet (16 ft.) wide, and large apartment houses. A proposal to develop the property as a single-family detached dwelling, without subdivision, would be subject to the same special exception relief sought in this Application.

The subject property is bounded across the north-western alley by a seven-story residential building in the MU-5A zone district, with the exception

The proposed three lots, which meet and exceed the minimum lot dimension provisions set forth under Subtitle E, Chapter 2, § 202.1, and the proposed structures, save for the special exception relief sought, will otherwise comply with and exceed all other applicable development standards, including the increased matter-of-right height standard of twenty-five feet (25 ft.) under amended Subtitle E, § 5100.2(b) (the proposed buildings remain at twenty feet (20 ft.)).

The proposed development is compatible with the architectural fabric of the neighborhood, which is predominantly improved with row dwellings and flats on lots less than eighteen feet wide, and larger residential development in adjoining, less restrictive zone districts. Under stated conditions, residential development is permitted on alley lots as small as four hundred fifty square feet (450 sq. ft.) (see Subtitle C, § 306.3(a) and Subtitle U, § 600.1(f)(2)).

The proposed project complies with all other requirements and provisions of the Zoning Regulations and would improve an otherwise unimproved, vacant alley lot that is likely to remain unimproved absent the relief sought, given the market variables related to its size and the alley-width constraint the 2026 amendments were adopted to address.

The proposed project is intended to result in a development that will not be incompatible with the scale and character of the neighborhood.

COMPLIANCE WITH SPECIAL EXCEPTION STANDARDS

As set forth under Subtitle X, Chapter 9, § 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions:

1. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
2. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
3. Will meet such special conditions as may be specified in this title.

The Applicant further seeks special exception relief pursuant to Subtitle U, § 601.1(f), subject to the conditions set forth under § 601.1(f)(1)–(5)(a)–(f), (6)(a)–(e), from the provision of Subtitle U, § 600.1(f)(6)(B), which stipulates that a one-family dwelling shall have unimpeded access to an improved public street via an improved public alley not less than fifteen feet (15 ft.) wide within a linear distance of three hundred feet (300 ft.).

The subject property is within three hundred feet of both L and K Streets NE, but the north-south alley connecting these two streets is less than fifteen feet (15 ft.) wide.

Itemized below, verbatim, are the conditions the Board must consider in granting the special exception relief described above, including the Application's compliance, save for those referrals which the Applicant will engage each agency of referral to resolve any concerns expressed or conditions proffered.

1. The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;

The subject property is not wholly or partially within the R-1 or R-2 zones.

2. A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred fifty square feet (450 sq. ft.) of lot area;

The proposed alley lots meet and exceed the minimum four hundred fifty square feet prescribed herein.

3. The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;

The proposed use on all three subdivided alley lots is a one-family dwelling, and an accessory apartment is not contemplated.

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 lots will connect to an improved public street through improved alleys. Applicant intends to improve the east-west public alley at its own cost in the event DDOT is unable to do so. Applicant refers to the proposed utility site plan, which affirms that a sewer main exists in the north-south alley from which sewer laterals will be connected to serve the proposed lots. The utility site plan also reflects an easement through which the water, fire sprinkler wet utility line, and dry power utility service will be connected to the respective mains located on K Street.

5. The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A, § 211:

- Department of Transportation (DDOT);
- Department of Public Works (DPW);
- Metropolitan Police Department (MPD);
- Fire and Emergency Medical Services Department (FEMS);
- DC Water (WASA);
- Department of Energy and Environment (DOEE), added as a referral agency for alley-lot-related special exceptions by Z.C. Order No. 25-06; and
- If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

6. The Board of Zoning Adjustment shall consider relevant agency comments concerning:

- Public safety;

- Water and sewer services;
- Waste management;
- Traffic and parking;
- Environmental impact, consistent with DOEE's referral role under the amended Regulations; and
- Historic preservation.

Applicant intends to engage each agency or entity of referral, including DOEE, to address concerns and recommendations as may be necessary. The subject property is not within any Historic District.

The relief from the applicable development standards pertaining to the alley centerline setback for Lot A and the side yard setback for Lot C is pursuant to Subtitle E, Chapter 52, § 5201.3(a), and is subject to the conditions set forth under §§ 5201.4 through 5201.7, including subsidiary subsections as applicable.

§ 5201.4 — Effect on Abutting and Adjacent Property

An application for special exception relief 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, specifically:

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

The proposed three lots are separated by public alleys from adjacent buildings north and west of their lot lines. The existing structure north of the subject lots is commercially occupied as plumbing supplies storage and has no fenestration on its south wall facing the subject lots. The plumbing supplies storage structure is separated by an approximately eighteen foot (18 ft.) unimproved public alley, and upon improvement by the Applicant, that wall and the front face wall of the proposed dwellings will be separated by twenty-four feet (24 ft.). The building located west of proposed Lot A is separated by an improved ten foot (10 ft.) public alley and comprises seven stories, towering over the proposed dwelling on the proposed three alley lots; the building on Lot A will have no openings on that elevation. The side lot

line wall of the proposed building on Lot C will not have any opening and abuts the rear lot of the immediately adjoining property and an accessory storage structure not used for human habitation. For all the foregoing reasons, the Applicant contends that the light and air available to neighboring properties will not be unduly affected by the proposed project.

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

The existing alley lot (Lot 0065) is one of seven (7) lots within the portion of the Square bounded by K Street on the south, the north-south alley on its western flank, and a second north-south alley on its eastern flank. The three-lot subdivision will increase the aggregate number of lots to nine (9); the proposed three alley lots will be the only alley lots within this cluster, as all other lots have street frontage on K Street. The Applicant is the current owner of 304 and 306 K Street, upon which two new buildings containing two dwelling units each have already been constructed. With the exception of two lots east of the existing alley lot, no other lots stretch the full depth of K Street and the unimproved east-west alley bounding the existing and proposed alley lot subdivision, forming a common courtyard-type area where respective rear yards are opposite each other, part of which serve as parking for the aggregate project. The proposed building on Lot C will be face-on-line and will feature no fenestration; the building on Lot A is bounded by a seven-story building and will likewise feature no openings on that elevation. The rear faces of each building are set back far in excess of the required rear yard. For these reasons, the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

(c) The proposed addition or accessory structure, together with the original building, or the proposed new 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 and alley frontage.

The proposed new buildings are visible only from the abutting north-south and east-west alleys. The proposed buildings are limited to two stories and twenty feet (20 ft.) in height, well within both the former twenty foot (20 ft.) standard and the twenty-five foot (25 ft.) matter-of-right standard now in effect for alley lot buildings under amended Subtitle E, and well under the thirty-five foot (35 ft.) standard applicable to

non-alley lots in the underlying RF-1 zone district. The proposed project is not visible from either K Street or L Street, the two public streets bordering Square 0774 at its southern and northern flank; as noted above, the building west of the alley lots is seven stories and located in the MU-5A zone district.

(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, new building, or accessory structure to adjacent buildings and views from public ways.

The Applicant has submitted materials sufficient to graphically represent the relationship of the proposed new buildings to adjacent buildings and views from public ways, and remains open to filing additional documents as necessary.

§ 5201.5 — Special Treatment

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. The Applicant is amenable to any special treatment the Board may deem necessary.

§ 5201.6 — No Expansion of Nonconformity

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 three-lot alley lot subdivision and the proposed buildings will not introduce or expand any nonconforming use or lot occupancy beyond what is authorized in this section.

§ 5201.7 — Agency Referrals for Alley Centerline Setback Relief

Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty (40) day period established by Subtitle A, § 211:

- District Department of Transportation (DDOT);
- Department of Public Works (DPW);

- Metropolitan Police Department (MPD);
- Fire and Emergency Medical Services Department (FEMS);
- DC Water (WASA);
- Department of Energy and Environment (DOEE), added as a referral agency by Z.C. Order No. 25-06; and
- If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

The Applicant has engaged the Department of Transportation (DDOT) and FEMS and will continue to engage these and other referral agencies, including DOEE, and will obtain a preliminary no-objection from DC Water on the provisional wet utility plans.

CONCLUSION

The Applicant submits that the instant Application, as revised to reflect Z.C. Order No. 25-06, complies with all conditions for the granting of the requested special exception relief as outlined above and as shall be further documented, and respectfully requests that the relief be granted upon the satisfactory conclusion of the public hearing.

In proposing three lots that exceed the minimum lot dimensions for standard lots in the underlying RF-1 zone district, and proposing building footprint, height, and density — individually and in the aggregate — far less than what the Zoning Regulations now allow as a matter of right for alley lot buildings, the Applicant contends that the proposed project complies with the General Provisions for the RF zone districts, and those provisions especially applicable to alley lot development, as amended.

The Applicant notes that the proposed buildings' façades have been set back to equal and mimic the twenty-four foot (24 ft.) alley frontage width. The Applicant contends that traffic on the east-west alley, which the Applicant will improve at its own cost and upon which two of the proposed lots front, is likely to be limited to the occupants of the proposed development, given the public alley configuration surrounding its Square of location.

The Applicant further notes that the special exception mechanism the Zoning Commission established in Z.C. Order No. 25-06 for alley lot subdivision on alleys below the twenty-four foot (24 ft.) matter-of-right standard was adopted specifically to address circumstances such as this one, where the alley width has been fixed since before 1958 and cannot be widened, and where strict application of the former area-variance standard imposed an unnecessarily high burden on similarly situated applicants.

WITNESSES

1. Gregory & Ina Igbozuruike
2. Ramy Alli, Architect