

Brian Forehand

From: dcra support <support@dcra.mail.kustomerapp.com>
Sent: Wednesday, April 27, 2022 3:09 PM
To: brian@nthdegresearch.com
Cc: kathleen.beeton@dc.gov
Subject: Re: FW: DC zoning question

Brian Forehand,

I agree with your summary and specifically that:

- Regarding the allowable Lot Occupancy, I stated that in these mixed use situations the lot occupancy is determined by the primary use (i.e. the use occupying the greatest square footage), such that if the space occupied by the residential use is greater than 50%, then the allowable lot occupancy would be 60%, and if the space occupied by the commercial use is greater than 50%, or if the space is evenly split, then the allowable lot occupancy is 40%. We discussed that accessory spaces (e.g. utility space) will need to be properly allocated to the proper use in making a final determination. We also discussed that one complicating consideration would be if the proposed expansion of the residential use changes that use from a minority to majority use based on the increased square footage.

- Your next step on this particular question will be to survey and confirm the existing square footages of each use to derive the allowable lot occupancy accordingly.

- Regarding the second question of permitted uses for RF-3, which allow up to two dwelling units, it was discussed that an additional dwelling (for a total of two (2) dwellings or flats) is permitted as a matter of right. It was also noted that, because the commercial space is an existing non-conforming use, that any expansion of commercial space would require a variance from DC Board of Zoning Adjustment (BZA).

Please let me know if you have any further questions.

Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia
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Matthew.legrant@dc.gov
Main 202 442-4576 – Desk 202 442-4652

On Wed, Apr 27, 2022 at 6:34 PM <brian@nthdegresearch.com> wrote:
Hello Matt,

Thank you for taking the time today to discuss the project at 409 E Capitol Street SE. As discussed, the client is interested in expanding the residential space at the property.

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Regarding the allowable Lot Occupancy, you stated that in these situations the lot occupancy is determined by the primary use (i.e. the use occupying the greatest square footage), such that if the space occupied by the residential use is greater than 50%, then the allowable lot occupancy would be 60%, and if the space occupied by the commercial use is greater than 50%, or if the space is evenly split, then the allowable lot occupancy is 40%. We discussed that accessory spaces (e.g. utility space) will need to be properly allocated to the proper use in making a final determination.

We also discussed that one complicating consideration would be if the proposed expansion of the residential use changes that use from a minority to majority use based on the increased square footage.

Our next step on this particular question will be to survey and confirm the existing square footages of each use to derive the allowable lot occupancy accordingly.

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Please let me know if my understanding, as memorialized herein, is accurate, and if there's anything additional that I can provide.

I greatly appreciate your assistance and expertise in this matter!

Brian

Brian Forehand
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Principal
he / him / his

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Board of Zoning Adjustment
District of Columbia
CASE NO. 2022-0033
EXHIBIT NO. 00B

409 E Capitol Street SE

ZONING CONSIDERATIONS

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16 April 2025