

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Philip Bradford, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: October 16, 2025

SUBJECT: BZA Case 21360: Request for special exception and area variance to construct a new two-story with cellar principal dwelling unit.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following area variance pursuant to Subtitle X §1002:

- D § 202 Lot Dimension Requirements (40 ft. min. width / 4,000 sq. ft. lot area required, 42.7 ft. wide, 1,437 sq. ft. lot area existing, 42.7 ft. wide, 1,437 sq. ft. lot area proposed); and
- D § 210.1 Lot Occupancy Requirements (40% max. required, 0% existing, 70% proposed), OP notes that at 70%, special exception relief would be permitted.

OP also recommends **approval** of the following special exception pursuant to Subtitle D § 5201, Subtitle X § 901, and:

- D § 207.1 Rear Yard Requirements (20 ft. min. required, N/A existing; 11 ft. 9 in. proposed); and
- D § 1104.1 Side Yard Requirements (5 ft. min. required, N/A existing, .75 ft. west, 5.3 ft east proposed)

II. LOCATION AND SITE DESCRIPTION

Address:	Address not yet assigned
Applicant:	M & Potomac Streets Associates
Legal Description:	Square 1206, Lot 0832
Ward / ANC:	Ward 2; ANC 2E
Zone:	R-3/GT
Historic Districts	Georgetown Historic District
Lot Characteristics:	Irregularly shaped lot 42 ft. wide by 34 ft. deep
Existing Development:	Unimproved vacant lot
Adjacent Properties:	Mixed use, condominiums, and row homes.
Surrounding Neighborhood Character:	Moderate density residential and low density commercial in adjacent MU-4 zone concentrated on M Street NW.

Proposed Development:	The applicant is proposing to construct a two-story with cellar principal dwelling unit on the existing unimproved tax lot.
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III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief:
Lot Width D § 202	40 ft. min.	42.7 ft.	No change	None requested
Lot Area D § 202	4,000 sq. ft. min.	1,437 sq. ft.	No change	Area Variance requested
Height D § 203	35 ft. max.	N/A	22 ft.	None requested
Rear Yard D § 207	20 ft. min.	N/A	11 ft. 9 in.	Special Exception requested
Front Setback D § 1103	Consistent with one (1) of the immediately adjacent properties on either side.	N/A	Consistent with both properties.	None requested
Side Yard D § 1104	5 ft. for all detached buildings	N/A	East: 5.3 ft. West: 0.75 ft.	Special Exception requested
Lot Occupancy E § 210	50 % max.	0 %	70 %	Area Variance requested
Parking C § 701	None required, no alley access, per C § 702.4 (a)	0	0	None requested

IV. OP ANALYSIS

Area Variance from Lot Area and Lot Occupancy – pursuant to X § 1000

- i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner*

a. *Extraordinary or Exceptional Situation*

As noted above, it appears from the filings that the lot occupancy relief would be permitted by special exception pursuant to § 5201. However, the applicant has requested area variance relief and OP will review it accordingly. The lot area variance relief is required as the property would be required to be converted to a record lot in order to allow new construction.

The property is faced with an exceptional situation due to the existing size, shape, and configuration. The subject property was created in the 1980's during the development of the Eton Court Condominiums to the south and was withdrawn from the land subject to that subdivision. The

lot is not a lot of record and is significantly smaller than the 4,000 sq. ft. minimum lot size. Without area variance the lot would essentially be undevelopable or, if compliant with zoning regulations, would result in a dwelling unsuitable for habitation.

b. Exceptional Practical Difficulties

The owner has several practical difficulties in that the property is surrounded by other existing buildings, therefore there is no ability to purchase additional land without creating similar nonconformities or noncompliant situations on adjacent properties. Complying with the lot occupancy would result in a significantly smaller home that would impact usability and livability. Additionally, the applicant must obtain an area variance for the tax lot to be developed as it is not a record lot that would allow the development of a substandard lot such as this per C § 301.1.

ii. No Substantial Detriment to the Public Good

The applicant is requesting the area variance to develop the lot with a single dwelling unit consistent with the type of development envisioned by the R-3/GT zone. The area variance for lot dimensions would allow the applicant to maintain the existing lot size and shape while enabling the development of a single unit dwelling on the property. The development is generally compatible with the surrounding area, which is developed with a mix of rowhomes, multifamily, and mixed-use properties.

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

The purpose of the R-3 zone is to permit attached row houses on small lots, with the R-3/GT zone additionally intended to “encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood”. Given the land surrounding the subject property is developed, the applicant cannot meet the dimensional standards and requires an area variance. The design of the proposed dwelling is consistent with the scale and character of the surrounding homes, meeting the intent of the R-3/GT zone. Given the lot is existing and the proposed dwelling is in keeping with the intent of the regulations, granting the requested variances would not significantly impair the integrity of the zoning regulations.

Special Exception from Side Yard and Rear Yard Requirements - Pursuant to Subtitle X § 901.2

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy subject to the following table:

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All R-3 zones except R-3/GT	All Structures	70

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
R-3/GT	Row	
R-3/GT	Detached Semi-detached	50
All other R zones	All Structures	

(b) Yards, including alley centerline setback; and

(c) Pervious surface.

The applicant has requested special exception relief from side and rear yard setbacks to allow for the construction of a new principal dwelling unit as permitted by this section.

5201.2 & 5201.3 not relevant to this application

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal 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 building should not unduly affect light and air available to neighboring properties. The square is densely developed with row dwellings, multi-family, and mixed-use properties, in a configuration that already casts shadows across properties. The applicant has provided a shadow study in [Exhibit 19](#) demonstrating the impact of the proposed construction.

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

Due to the configuration of the square with a condominium complex located at the center, surrounded by row dwellings, and other mixed-use properties, none of the existing properties have a high degree of privacy that would be impacted by the addition of a single additional property on this vacant lot. Therefore, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(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

This would be the only building in the square to front Prospect Street NW, as the adjacent properties face the street with their side yards. Properties do face Prospect Street NW on the adjacent block face, and the proposed building would be compatible with the scale and pattern of these buildings. The applicant also has conceptual approval from the Old Georgetown Board under Case Number [OG 25-111](#) further demonstrating that the design is appropriate for the location.

(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 plans, photographs, and a sun study sufficient to represent the relationship of the proposed new building to adjacent buildings and views from public ways.

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.

OP does not recommend additional treatment.

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 property would be developed with a new single unit dwelling consistent with the purpose and intent of the R-3/GT zone. As demonstrated above, the proposal adequately meets the standard for granting the relief requested.

Subtitle X § 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;*

The requested relief would not be inconsistent with the general purpose and intent of the Zoning Regulations and Zoning Maps. The applicant is requesting relief for side and rear yards as allowed by special exception.

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

Approval of the requested special exception to reduce rear and side yards is unlikely to affect the neighboring properties, the home is on an undersized lot, but the proposed dwelling itself is similar in size and form to other homes within the square and is consistent with the R-3/GT zone.

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

OP does not recommend any special conditions.

V. OTHER DISTRICT AGENCIES

At the writing of this report, no comments from any District Agencies have been submitted to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At the writing of this report, no comments from ANC 2E have been submitted to the record.

VII. COMMUNITY COMMENTS

At Exhibit 20 is a letter from the Eton Condo Association. At Exhibit 21 is a letter in opposition. At Exhibit 22 is a request for party status in opposition.

Figure 1: Location Map

