



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Philip Bradford, AICP, Case Manager

*JL* Joel Lawson, Associate Director Development Review

**DATE:** January 6, 2026

**SUBJECT:** BZA Case 21360: Area variance request to construct a new two-story with cellar principal dwelling unit.

### **I. BACKGROUND**

This case was heard by the Board at the October 29<sup>th</sup> public hearing where the Board requested the applicant to clarify whether the code allowed for special exception relief pursuant to Subtitle D § 5201 given the subject property is a tax lot and not a record lot. Subtitle D § 5201.1 states, *“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 limited scope hearing was scheduled to discuss whether the application should move forward with relief pursuant to the special exception criteria. On November 19<sup>th</sup>, 2025 the Board determined that the applicant should return at a continued hearing with a new report from OP written to address the rear yard and side yard relief under the area variance criteria.

### **II. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following area variance relief 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 typically be permitted.
- 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)

### **III. 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.

#### IV. 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	<b>Area Variance requested</b>
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.	<b>Area Variance requested</b>
Front Setback D § 1103	Consistent with one (1) of the immediately adjacent properties on either side.	N/A	Consistent with both adjacent properties.	None requested
Side Yard D § 1104	5 ft. for all detached buildings	N/A	East: 5.3 ft. West: 0.75 ft.	<b>Area Variance requested</b>
Lot Occupancy E § 210	50 % max.	0 %	70 %	<b>Area Variance requested</b>
Parking C § 701	None required, no alley access, per C § 702.4 (a)	0	0	None requested

## V. OP ANALYSIS

### **Area Variance from Lot Area, Lot Occupancy, Side, and Rear Yards – 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*

The lot area variance relief is required as the existing tax lot property would be required to be converted to a record lot in order to allow new construction. The area variance relief for lot occupancy, side, and rear yards, which normally would be permitted by special exception, are required to be reviewed as area variances as the special exception criteria only permits granting relief if the property is a lot of record.

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 granting the area variances the lot would be practically undevelopable.

##### *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, which would impact usability and livability. The side and rear yard development standards would further impact the developability of this lot by placing even more constraints on the building envelope that would result in a non-habitable design and one that would not fit the context of the neighborhood. 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 variances to develop the lot with a single dwelling building which is 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 through expanding the size of the

lot, 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. As noted elsewhere in this report, the relief needed for lot occupancy, side, and rear yards would typically be permitted by special exception, but given that this is a tax lot, they must be processed as area variances.

The applicant's updated statement at [Exhibit 41](#) focuses on the size and shape of the tax lot, which would result in a practical difficulty either rendering a reasonably sized home unbuildable or the lot itself undevelopable. While there has been discussion whether the practical difficulty is self-created, as the applicant stated during their testimony that while the ownership entity remains the same, the design, lot configuration, and previous zoning cases for the lot pre-date their time at the partnership. OP concurs with the applicant that the lot size and shape and lack of ability to create a conforming solution result in a practical difficulty and thus meets the variance review standards.

## **VI. OTHER DISTRICT AGENCIES**

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

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

At Exhibit 27, is a report from ANC 2E.

## **VIII. 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. At Exhibits 24-26, 28-31, 34-35, and 37 are letters in opposition.

**Figure 1: Location Map**

