

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist *JM*
 Radhika Mohan, Deputy Director, Development, Design & Preservation
DATE: February 13, 2026
SUBJECT: BZA Case 21368: Request for area variance relief to construct two attached, three-story w/ cellar residential flats in the RF-1 Zone.

I. BACKGROUND

The Applicant has constructed two (2) flats at 507 L Street NE (Square 0830, Lot 0073), and 509 L Street NE (Square 0830, Lot 0074). Each flat is set back eight feet from the front yard property line. Citing nonconformance with Subtitle E § 206.2, the Zoning Administrator directed the Applicant to obtain front yard setback relief for the subject properties. The Applicant also states that they have requested variance relief from Subtitle B § 315.1 (c) out of an abundance of caution.

II. OFFICE OF PLANNING RECOMMENDATION

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

- **Front Setback, E § 206.2** (Front yard setback must be consistent with existing front setbacks on the same side of street and block)
- **Rules of Measurement for Front Setbacks for Residential House (R) and Residential Flat (RF) Zones, B § 315.1 (c)** (For interior-lot row or semi-detached building, should not be not be further forward or further back than the building façade of one of the immediately adjoining buildings.)

III. LOCATION AND SITE DESCRIPTION

Address:	507 & 509 L Street NE
Applicants:	505 L Street NE, LLC represented by Sullivan & Burros
Legal Description:	Square 0830, Lots 0073 and 0074
Ward / ANC:	Ward 6 / ANC 6C
Zone:	RF-1, Residential Row Homes
Historic Districts:	N/A

Lot Characteristics:	Both lots are rectangular in shape and have a combined 84 feet of frontage along L Street NE. Both lots have approximately 40 feet of combined frontage along a 10-foot-wide public alley in their rear yards: <ul style="list-style-type: none"> • Lot 0073: 1,901 square feet • Lot 0074: 1,890 square feet
Existing Development:	The lots are currently improved with two (2) flats (two-unit dwellings).
Adjacent Properties:	The property is bounded by residential dwellings in the RF-1 Zone.
Surrounding Neighborhood Character:	The surrounding neighborhood character can be described as low to moderate-density single family row houses on relatively narrow lots.
Proposed Development:	The Applicant has already developed 2 flats that does not meet the required front setback.

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

R Zone (RF-1)	Regulation	Existing	Proposed	Relief
Lot Width (Row) E § 202	18 ft. min.	Lot 0073: 21 ft. Lot 0074: 21 ft.	No change	None requested
Lot Area (Row) E § 202	1,800 sq. ft. min.	Lot 0073: 1,901 sq. ft. Lot 0074: 1,890 sq. ft.	No change	None requested
Height E § 203	35 ft. max. 3 stories max.	Lot 0073: 34 ft. Lot 0074: 34 ft.	No change	None requested
Front Yard E § 206	Must be within range of existing front yard setbacks on same street	8 ft. (inconsistent with the 0 ft. front yard setbacks on same street)	8 ft.	Area Variance requested
Rear Yard E § 207	20 ft. min.	Lot 0073: 32 ft. 5 in. Lot 0074: 32 ft. 5 in.	No change	None requested
Side Yard E § 207	N/A	0 ft.	No change	None requested
Lot Occupancy E § 210	60% max.	Lot 0073: 57% Lot 0074: 60%	No change	None requested
Pervious Surface (Lot Area 1,801-2,000 sq. ft.) E § 211	10% min.	Not given	No change	None requested
Parking C § 701	1 space per 2 dwelling units min.	Lot 0073: 1 space Lot 0074: 1 space	No change	None requested

V. OFFICE OF PLANNING ANALYSIS

Subtitle X § 1000 GENERAL PROVISIONS (AREA VARIANCES)

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

A. Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

(1) Extraordinary or Exceptional Situation

The DC Court of Appeals has found that exceptional conditions that are common to multiple lots in proximity to each other can be part of meeting the variance test through a “confluence of factors”, but that an Applicant must demonstrate that the property in question exhibits an exceptional or extraordinary condition unique to their property in order to be granted an area variance.

In the case of the subject application, the Applicant cites the existence of a heritage tree located in front of Lots 0073 and 0074. OP has confirmed with the Urban Forestry Division of the District Department of Transportation (DDOT) that a Special/Heritage Tree Permit was issued on November 7, 2022 for the preservation of the heritage tree in the front yard of Lot 0074, as well as for the two other adjacent street trees. OP accepts this situation as being extraordinary/exceptional due to no other property on the block having a heritage tree.

(2) Condition Resulting in Practical Difficulty

To obtain variance relief, the Applicant must demonstrate exceptional practical difficulties that are caused by an extraordinary or exceptional condition that is unique to the property. As stated above, the subject property has been issued a Special/Heritage Tree Permit. The strict application of Subtitle E § 206.2 would result in undue hardship to the Applicant, as they are unable to build to the requisite front yard setback without intentionally damaging or removing the existing heritage tree in the front yard, and thus violating District law.

B. No Substantial Detriment to the Public Good

The requested area variance from the front yard requirements of Subtitle E § 206.2 for the subject property should not result in substantial detriment to the public good. The currently constructed front yard setback of eight feet would be compatible with other residential buildings along the same side of L Street NE.

Furthermore, granting the area variance would preserve the existing heritage tree and contribute to the public interest of avoiding significant environmental harm, as signified by the issuance of the property's Special/Heritage Tree Permit.

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

The requested variance relief for front yard setback should not result in a building form, bulk height, or use unanticipated in zoning, and should not appear as an overdevelopment of the site on the block. The request is limited in scope and would be furthering the public interest by protecting an existing heritage tree. Furthermore, the request for variance relief would not compromise the subject property's ability to conform with the intent, purpose, and intent of the RF-1 Zone.

VI. OTHER DISTRICT AGENCIES

As of the filing of this report, comments from other District agencies have not been submitted into the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

As of the filing of this report, a report from ANC 6C has not been submitted into the record.

VIII. COMMUNITY COMMENTS

As of the filing of this report, comments from the community have not been submitted into the record.

Location Map

