

**BZA Application No. 21368**

**505 L ST NE, LLC  
507 & 509 L Street, NE**

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 21368  
EXHIBIT NO. 33

## Summary

- The Applicant constructed two flats (507 and 509) and both are pending Certificates of Occupancy. Each flat is set back 8 ft. from the front property line.
- On June 4, 2025, the Applicant was informed by its contractor that the zoning reviewer assigned to 509 L Street, NE had denied the Certificate of Occupancy application, despite all inspections being completed and approved. The Zoning Administrator then placed the C of O application for 507 L Street, NE on hold as well.
- There is a heritage tree in public space in front of the property.
- At a meeting on June 11, 2025, the Zoning Administrator directed the Applicant to seek front yard setback relief, as well as relief from B-315.2(c) asserting that the permits should not have been issued because the constructed flats allegedly do not comply with Subtitle E § 206.2: “For all residential buildings, a front setback shall be provided within the range of existing front setbacks of all residential buildings on the same side of the street in the block where the building is proposed.”
- The Applicant seeks area variance relief from those provisions in order to maintain the constructed setback. In addition to the equitable principle of estoppel, given the Applicant’s substantial and good-faith reliance on DOB’s issuance of valid permits, the location of the heritage tree also makes it impossible to meet the front yard setback requirements.

## Summary

- The Properties are located within the RF-1 zone. Both are interior lots situated adjacent to one another, with 507 L Street, NE to the west and 509 L Street, NE to the east.
- The Applicant was issued Building Permit No. B2301079 on July 19, 2023, for 509 L Street, NE, and Building Permit No. B2301078 on August 10, 2023, for 507 L Street, NE. Each permit authorized the construction of a new two-unit flat.
- Construction commenced in August 2023 in full reliance on the validly issued permits. The Applicant constructed both buildings precisely in accordance with the approved plans, including the eight-foot (8 ft.) front setback—within the range confirmed by the Office of the Zoning Administrator during plan review.
- Approved Wall Test Reports for each property were subsequently recorded in Book 220 of the Office of the Surveyor, page 100, confirming the as built conditions.
- On June 4, 2025, after all inspections had been approved and the Applicant had submitted the Certificate of Occupancy application for 509 L Street, NE, the Applicant was informed that the zoning reviewer had denied the application. Shortly thereafter, the Office of the Zoning Administrator placed the C of O application for 507 L Street, NE on hold as well, despite no prior indication of any zoning-related issue.
- At a meeting on June 11, 2025, DOB directed the Applicant to seek BZA relief from Subtitle E § 206.2.

## Agency Support

- The Office of Planning recommends approval.
- ANC 6C voted unanimously in support.
- DDOT has no objection.
- CHRS submitted a letter in support.



509 L St

507 L St

# De Novo Area Variance Argument

## Exceptional condition

- The Heritage Tree in Public Space in front of the property prevents compliance with the front-yard setback.
- The property had an existing building, and this proposed development used the same foundation wall. Removing this foundation wall would threaten the survival of the Heritage Tree root system.

## Practical difficulty

- The property is not developable without the front setback relief.

## No Substantial Detriment to the Public Good

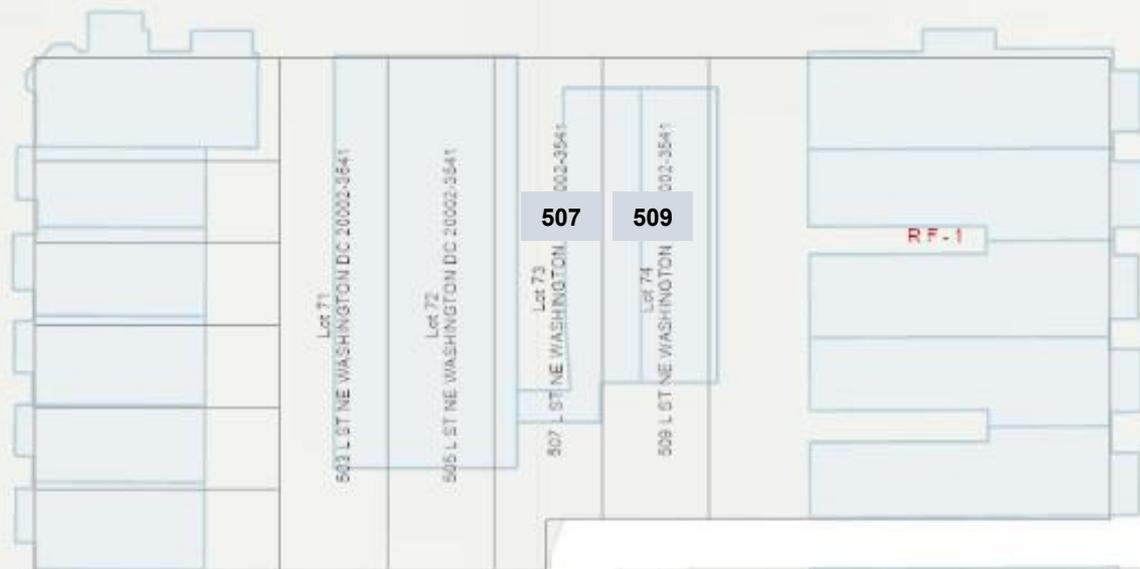
- The sole purpose of the building being set back from the property line was to preserve the heritage tree. This setback does not affect design quality or any other aspect of the public good.

## No Substantial Detriment to the Integrity of the Zone Plan

- The resulting condition meets the spirit and intent of the front setback regulations in that each of the four row houses aligns with an adjoined building and the two sets of new rowhouses set the range of all front setbacks on this block.

Applicant's Counsel believes that the Zoning Administrator erred in the C of O decision (and not in the original decision). The Applicant's four row buildings are the only buildings with front setbacks on this block. When new buildings are built on a block with no other building fronts, the new buildings can set the range for the front setback. This may be why it was originally approved before it was retracted a year later.

# L St NE



# Reliance Area Variance Argument

## Exceptional conditions

- A permit application and plans were provided in good faith and associated permits were duly approved by Department of Buildings on July 19, 2023, and August 10, 2023.
- The project was built in accordance with those approved building permit plans, including certain changes that did not affect the character of the building or the application. The project was never considered to be an addition to the previously existing building and was always characterized as new buildings with a zoning raze, despite the retention of the front foundation wall.
- When construction was complete and the units were about to be sold, DOB refused to issue a Certificate of Occupancy (CO) despite their building permit approval, claiming that they mistakenly approved the building permits when they should have cited non-compliance with the front yard setback requirement.

## Practical Difficulty

- The property owner would suffer catastrophic 7-figure losses without the variance relief.

## No Substantial Detriment to the Public Good

- The reason for the original design was to preserve a heritage tree in public space.

## No Substantial Detriment to the Integrity of the Zone Plan

- This is an extremely unique situation with two independent justifications for the area variance relief. Without relief, the building will be demolished, and the property will remain idle indefinitely.

**PROJECT INFO**

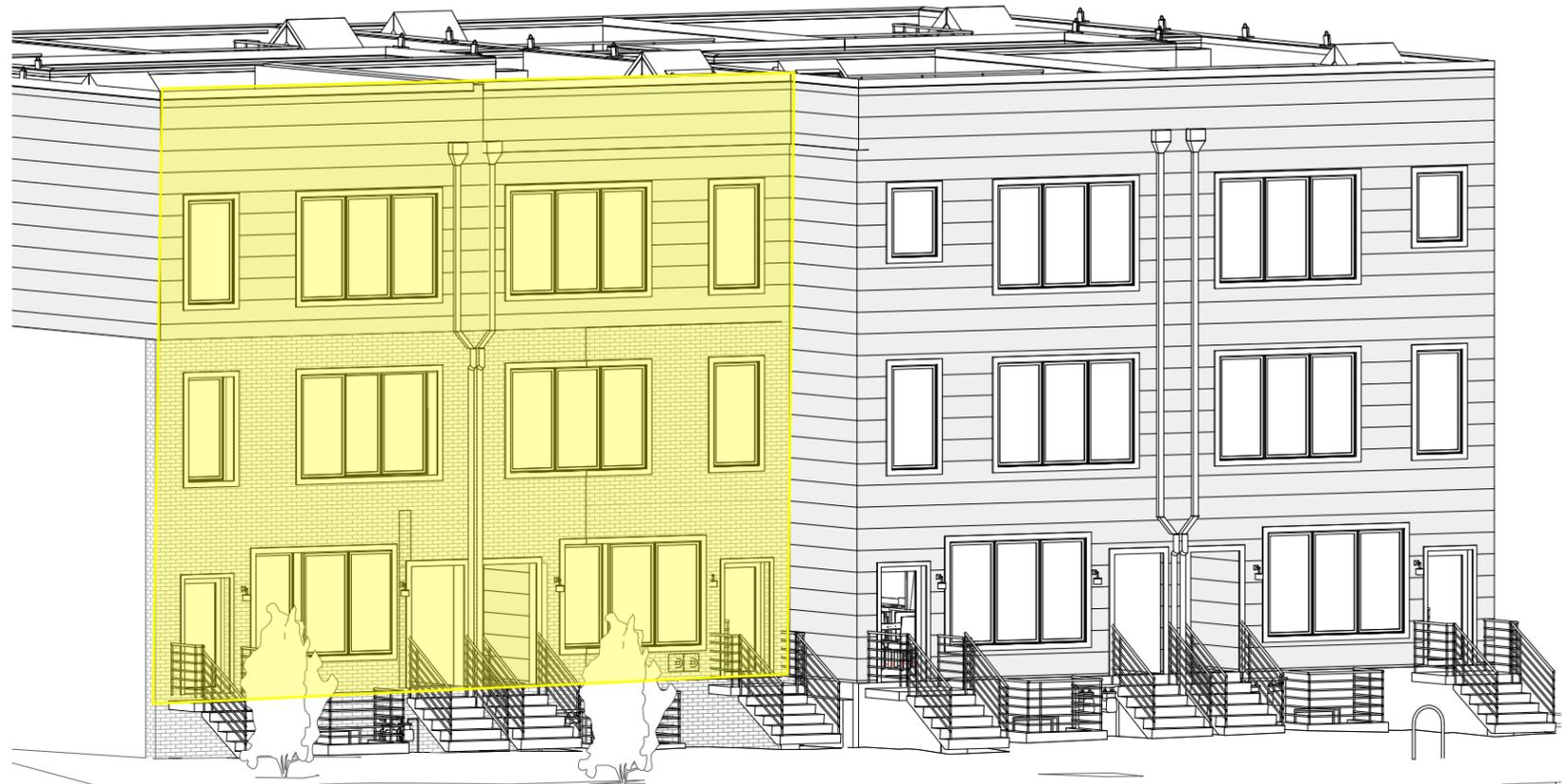
PROPERTY OWNER: 505 L ST NE LLC  
 OWNER ADDRESS: 1717 N ST NW, STE 1  
 WASHINGTON DC 20036

ARCHITECT: R. Michael Cross Design Group  
 2001 S St NW Suite 230  
 Washington DC 20009  
 202.536.3006

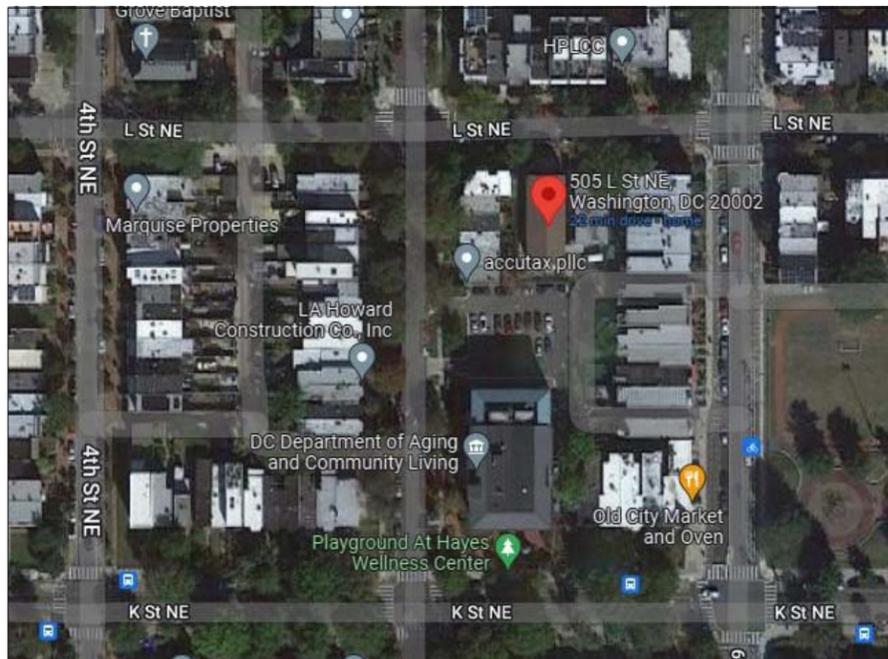
**ZONING INFO - 507**

Address:	507 L ST NE WASHINGTON DC 20002
SSL:	0830 0073
Zoning:	RF-1
Historic District:	N/A
Lot Area:	1991 SF
Lot Width :	21 FT
ANC:	6C

	EXISTING	ALLOWED/REQ.	PROPOSED
Land Use:			2-Unit Multi-Family
# of Stories:		3 MAX	3 + CELLAR
Rear Yard:		20 FT MIN	32'5" FT
Side Yard:		5' MIN IF PROV.	0 FT
Building Height:		35 FT MAX	34 FT
FAR:		N/A	2.1
Lot Occupancy:		60%	57% (1,143 SF)
Gross Building Area:		N/A	3,184 SF
Pervious Surface:		20% (398 SF)	28% (567 SF)
Parking:		1 Space	1 Spaces



**LOCATION MAP**



**ZONING INFO - 509**

Address:	509 L ST NE WASHINGTON DC 20002
SSL:	0830 0074
Zoning:	RF-1
Historic District:	N/A
Lot Area:	1891 SF
Lot Width :	21 FT
ANC:	6C

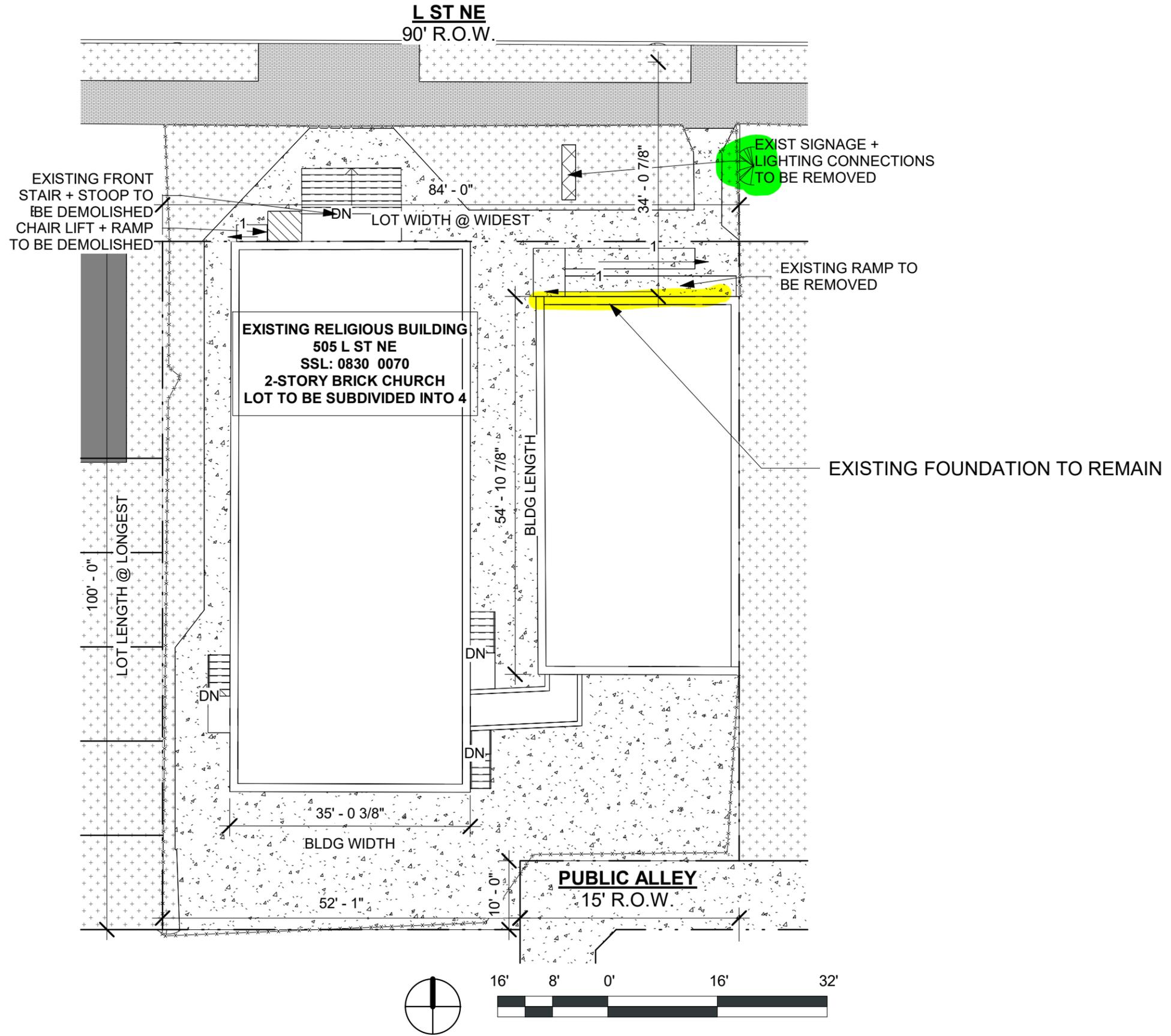
	EXISTING	ALLOWED/REQ.	PROPOSED
Land Use:			2-Unit Multi-Family
# of Stories:		3 MAX	3 + CELLAR
Rear Yard:		20 FT MIN	32'5" FT
Side Yard:		5' MIN IF PROV.	0 FT
Building Height:		35 FT MAX	34 FT
FAR:		N/A	2.2
Lot Occupancy:		60%	60% (1,144 SF)
Gross Building Area:		N/A	3,245 SF
Pervious Surface:		20% (1,616 SF)	25% (470 SF)
Parking:		1 Space	1 Spaces

DRAWING LIST - BZA	
Sheet Number	Sheet Name
BZA1	COVER SHEET
BZA2	EXISTING SITE PLAN
BZA3	PROPOSED SITE PLAN

**R. MICHAEL CROSS  
 DESIGN GROUP**

**VAL LS**

06/30/25  
 505 L ST NE  
 505 L ST NE, LLC  
**BZA1**



**1 BZA SITE PLAN - EXISTING**  
BZA2 1/16" = 1'-0"

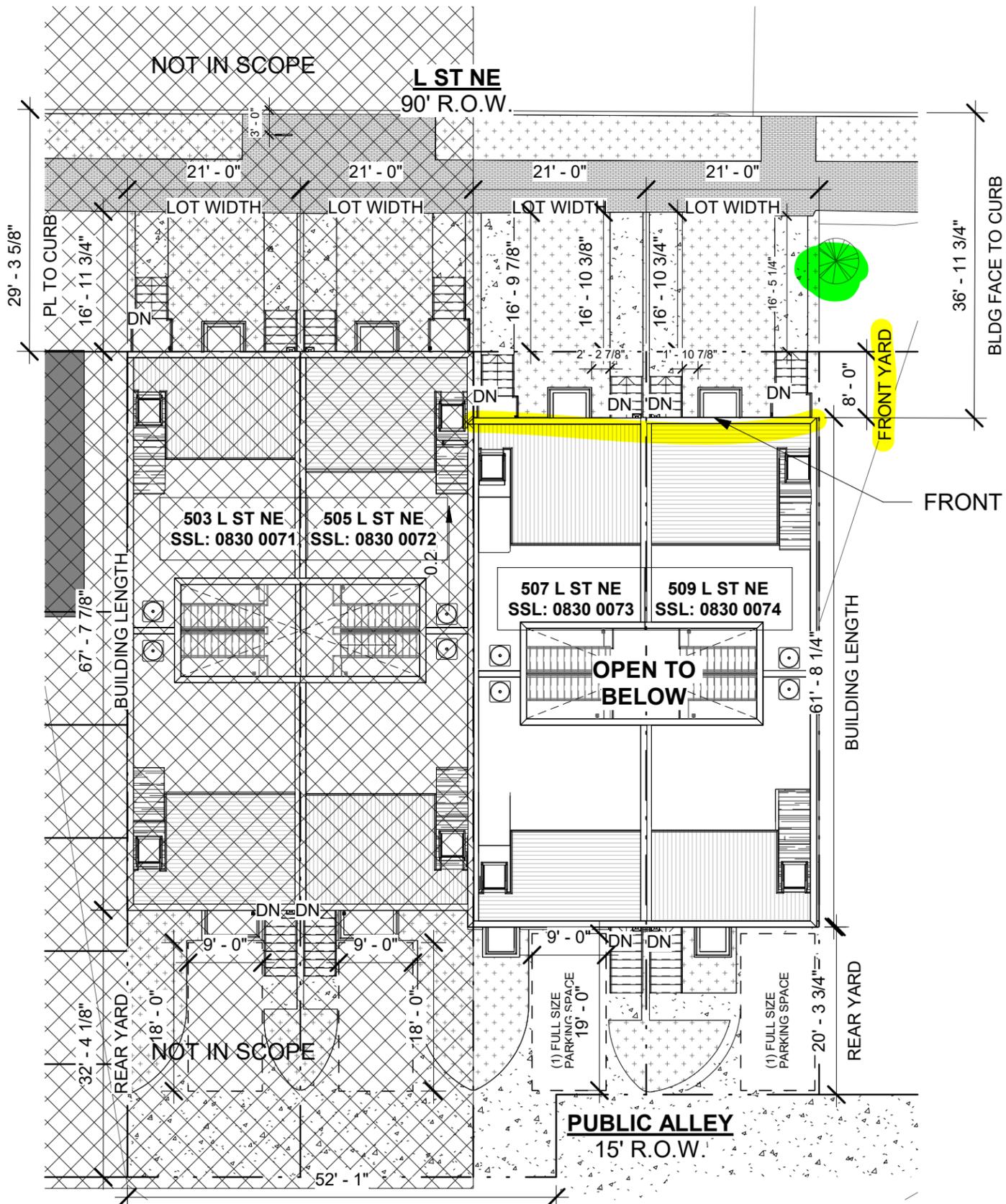
VAL LS

**BZA2**

06/30/25  
505 L ST NE  
505 L ST NE, LLC



**R. MICHAEL CROSS  
DESIGN GROUP**



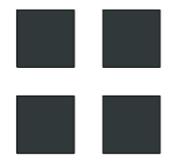
FRONT WALL ON EXISTING FRONT FOUNDATION

**1 BZA SITE PLAN - PROPOSED**  
 BZA3 1/16" = 1'-0"

VAL LS

**BZA3**

06/30/25  
 505 L ST NE  
 505 L ST NE, LLC



**R. MICHAEL CROSS  
 DESIGN GROUP**

NOTE: EXISTING UTILITY LOCATION ARE APPROXIMATE. THEY ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY. ALL UTILITY LOCATION MUST BE FIELD VERIFIED

UTILITY DISCLAIMER

THE UNDERGROUND UTILITIES HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

WASA BENCHMARK

WASA BENCHMARK - SEWER MANHOLE LOCATED AT PROPERTY BETWEEN 505 AND 501 L STREET NE  
NO# B-5 NE-SEWER SHEET  
RIM ELEVATION = 46.78

UTILITY COMPANIES

POTOMAC ELECTRIC POWER CO.  
701 9th STREET, N.W.  
WASHINGTON D.C. 20068  
202-331-6237

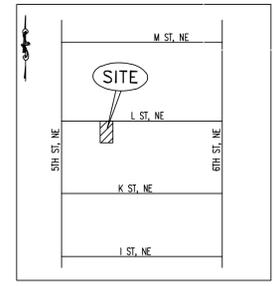
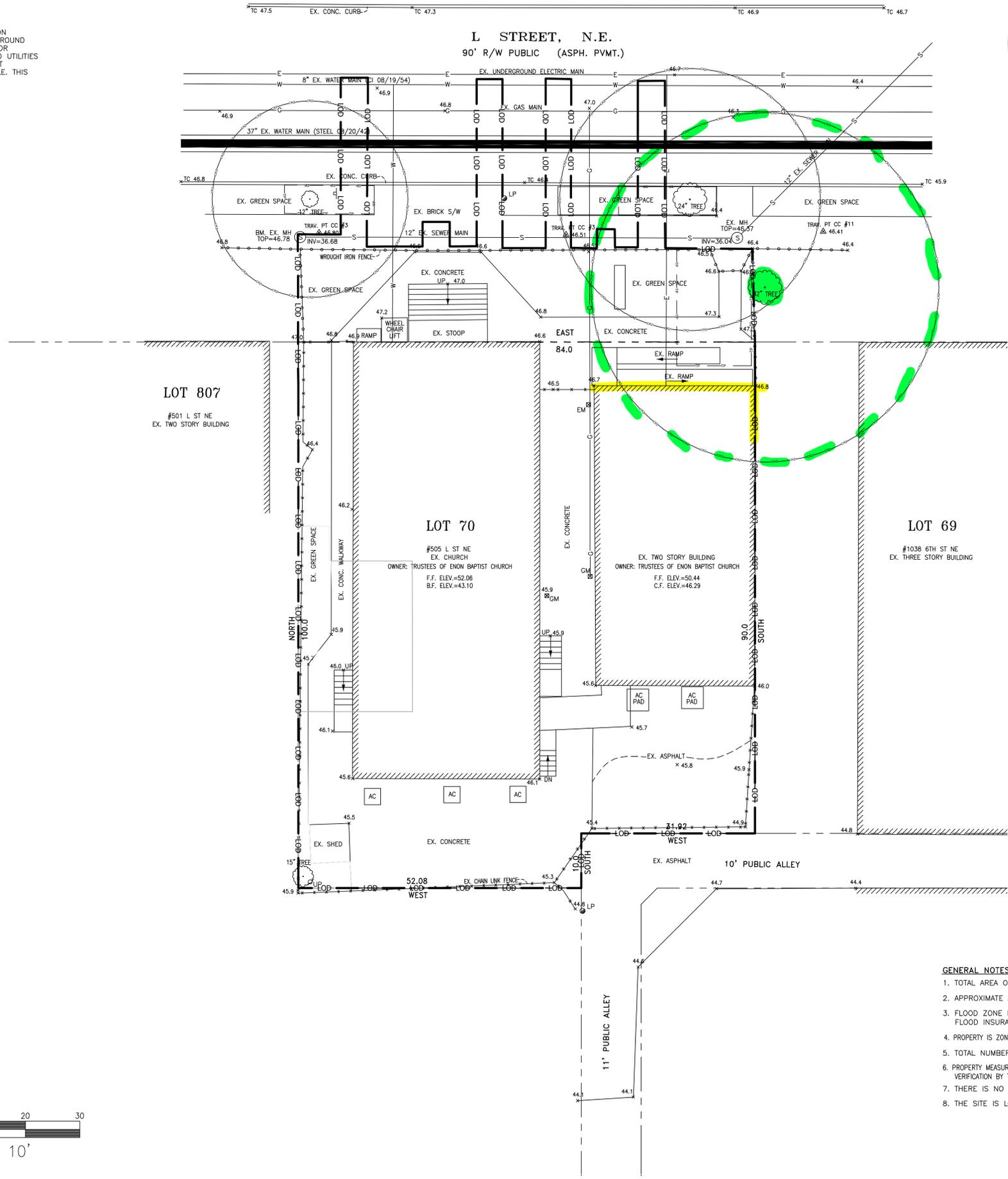
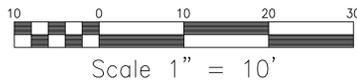
GAS SERVICE  
WASHINGTON GAS COMPANY  
6801 INDUSTRIAL RD  
SPRINGFIELD VA. 22151  
703-750-1000

TELEPHONE SERVICE  
VERIZON  
3901 CALVERTON BOULEVARD  
BELTSVILLE, MD. 20705  
301-595-6052

SEWER & WATER SERVICE  
D.C. WATER & SEWER AUTHORITY  
1100 4TH STREET, S.W.  
WASHINGTON, D.C. 20024

LEGEND

- ⊕ UNKNOWN MANHOLE
- ⊕ PEPCO MANHOLE
- ⊕ SEWER MANHOLE
- ⊕ TELEPHONE MANHOLE
- ⊕ WATER MANHOLE
- FH ⊕ FIRE HYDRANT
- GV ⊕ GAS VALVE
- GM ⊕ GAS METER
- LP ⊕ LIGHT POLE
- UP ⊕ UTILITY POLE
- WM ⊕ WATER METER
- WV ⊕ WATER VALVE
- W/M ⊕ MONITORING WELL
- E— ELECTRIC POWER LINE
- G— GAS LINE
- S— SEWER LINE
- T— TELEPHONE LINE
- W— WATER LINE
- x—x CHAIN LINK FENCE
- W— WOOD FENCE
- OHW— OVER HEAD WIRE
- P— PROPERTY LINE

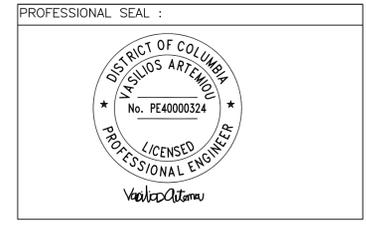


VICINITY MAP  
NOT TO SCALE

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PERMIT OPERATIONS DIVISION  
PLANS APPROVED  
Permit No. B2301079 Date 07/18/23

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical or Plumbing

Structural Review - Dominic Evans - 07-18-2023  
DC Water Review - Valdir Bissardi - 07-18-2023  
DOEE SE-SW Review - Nykia Barnes - 07-18-2023  
Zoning Review - Ernesto Warren - 07-18-2023  
DDOT Review - Shawntanisha Zackery - 07-18-2023  
Neighbor Notification - Koles Elton - 07-18-2023  
Energy Review - Wendy Talarico - 07-18-2023



NOTE:

REV:	DESCRIPTION:	BY:	DATE:
	PERMIT SET		

**ARCILL ENGINEERING**  
929 WEST BROAD STREET #249  
FALLS CHURCH, VA 22046  
☎: 703 594 7992  
✉: AR@ArcillEng.COM

CLIENT: 505 L ST NE, LLC  
560 HERNDON PKWY  
HERNDON VA 20170-5286

ARCHITECT: **R. MICHAEL CROSS DESIGN GROUP**

SITE: 505 L ST NE  
WASHINGTON DC 20002  
SQUARE: 0830 LOT: 0073

TITLE: EXISTING CONDITION PLAN

SCALE : 1"=10'	DATE: 10-25-2022	DRAWN: A.R	CHECKED: A.R
PROJECT NO: 2022-60	CIV 100	REVISION: 00	

- GENERAL NOTES:
- TOTAL AREA OF PROPERTY BY RECORD 8,081.0 SQ. FT..
  - APPROXIMATE AREA OF BUILDING FOOTPRINT 4,370.19 SQ. FT..
  - FLOOD ZONE DESIGNATION "X" MINIMAL HAZARD FEMA FLOOD INSURANCE MAP PANEL NO. 110001 0038C.
  - PROPERTY IS ZONED RF-1, A RESIDENTIAL ZONE AS PER CURRENT AVAILABLE ZONING MAP.
  - TOTAL NUMBER OF PARKING SPACES ON SITE = 3
  - PROPERTY MEASURED DIMENSIONS SUBJECT TO MODIFICATION AND/OR VERIFICATION BY THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA.
  - THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES ON THE PROPERTY.
  - THE SITE IS LOCATED IN CSS TUNNEL SEWER SYSTEM.

A&H CONSULTANTS LLC  
4200 FORBES BLVD, SUITE 111  
LANHAM, MD 20706  
08-03-22