

Hampton East Owner LLC

BZA Application No. 21377

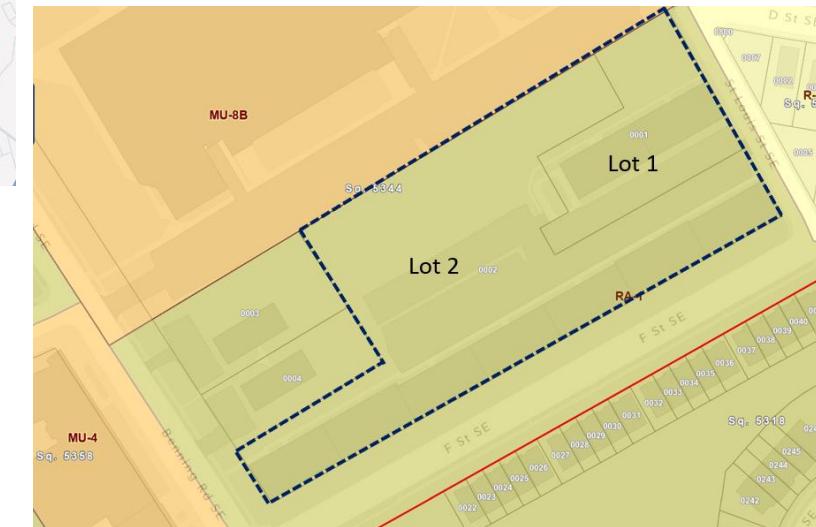
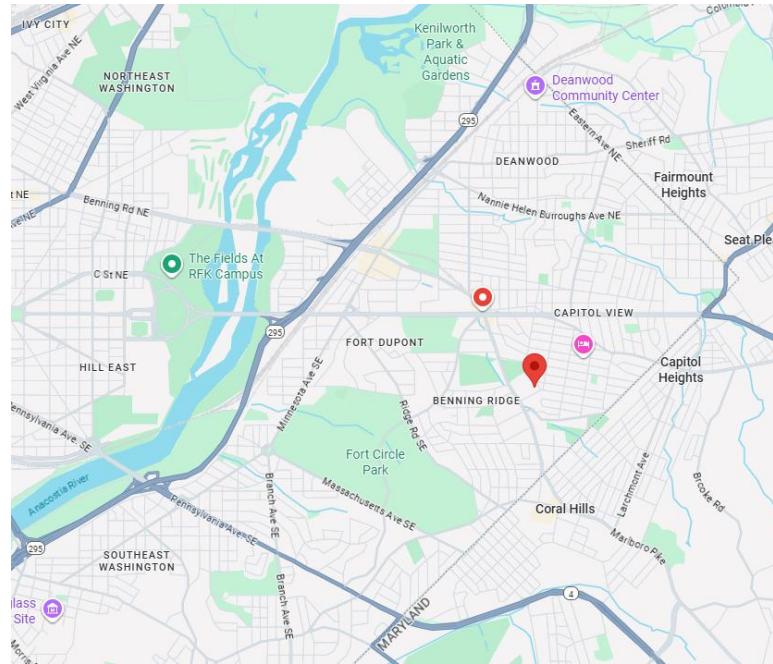
4730 & 4750 Benning Road SE (Square 5344, Lots 1 and 2)

Applicant's Prehearing Submission (30-Day Filing)
January 2, 2026

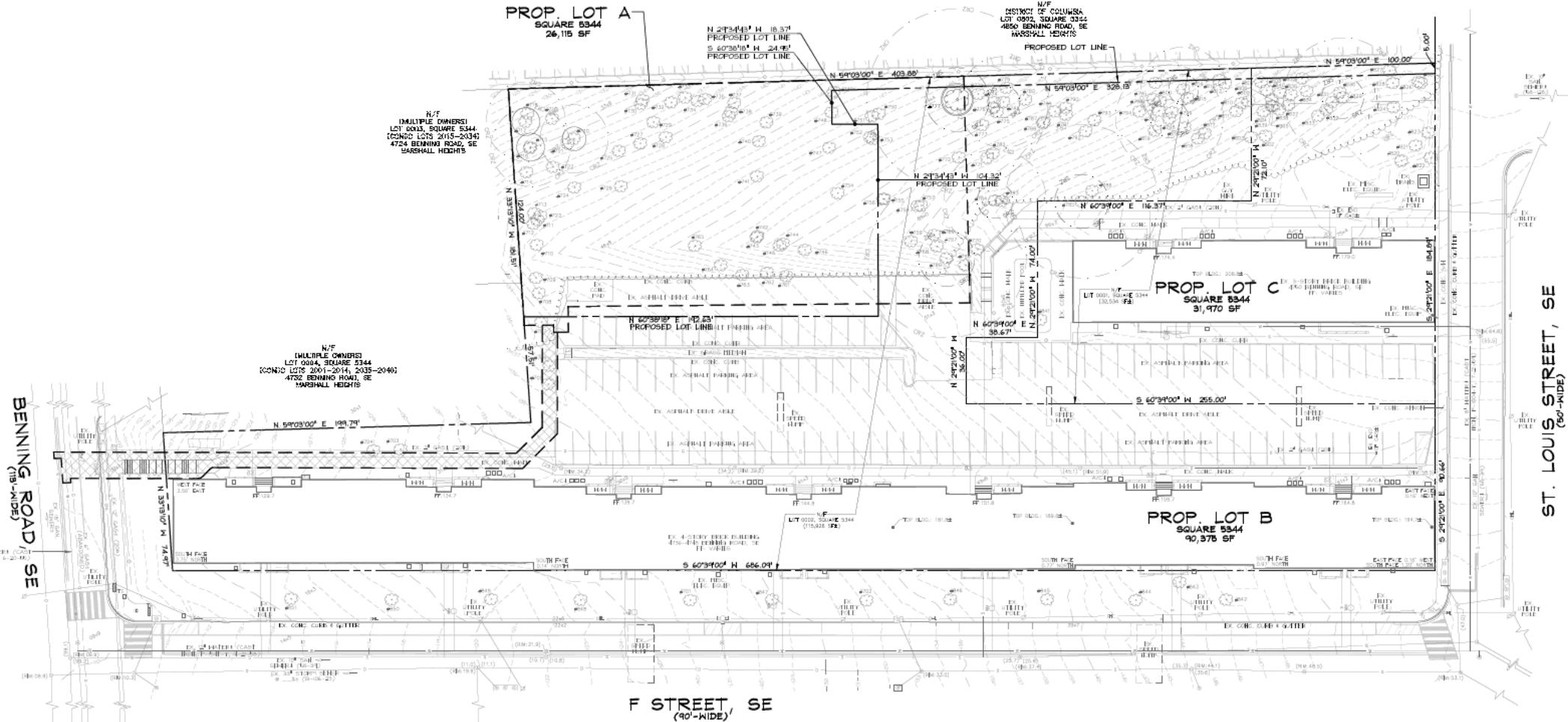
Holland & Knight

Property Location – 4730 & 4750 Benning Road SE (Square 5244, Lots 1 and 2)

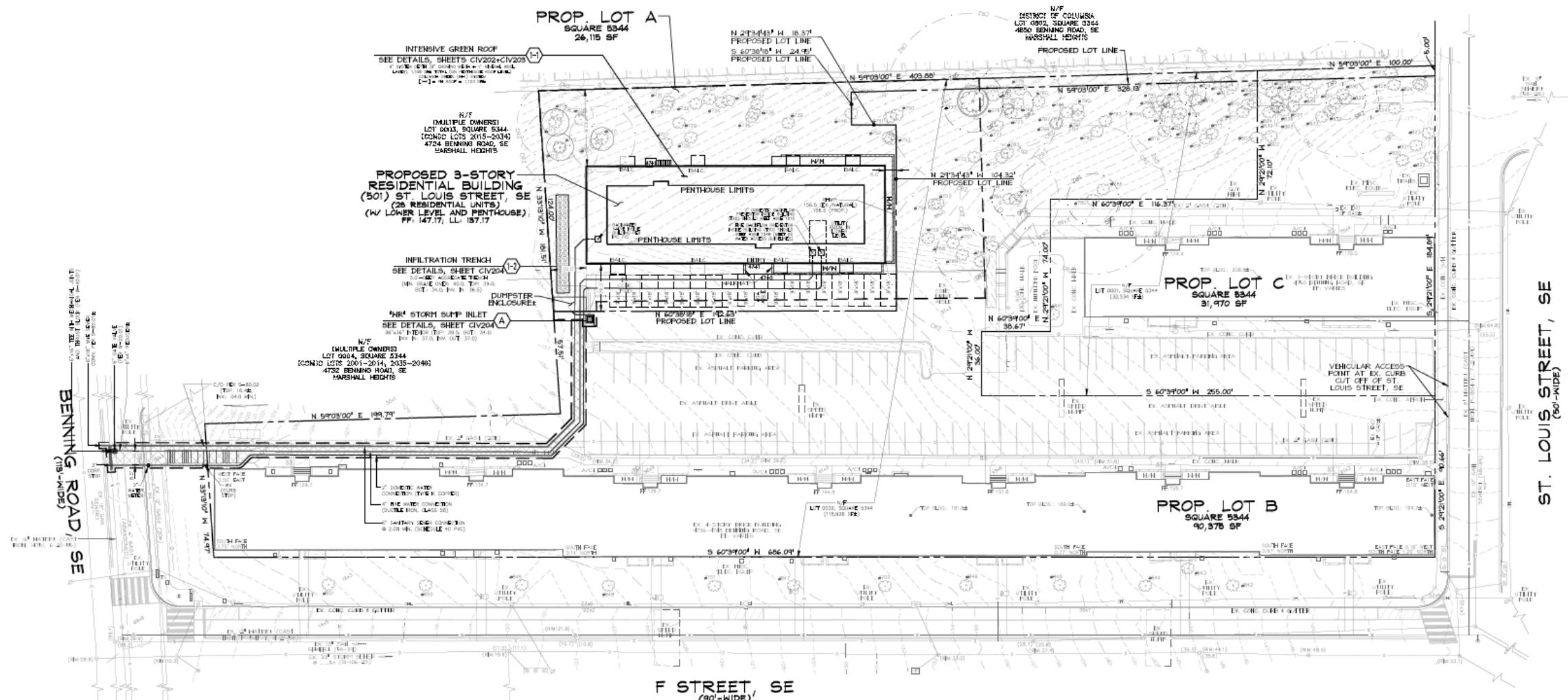
- Located in the Marshall Heights neighborhood.
- Bounded by Fletcher-Johnson Recreation Center to the north, F Street SE to the south, Benning Road SE to the west, and St. Louis Street SE to the east.
- Within the RA-1 zone.



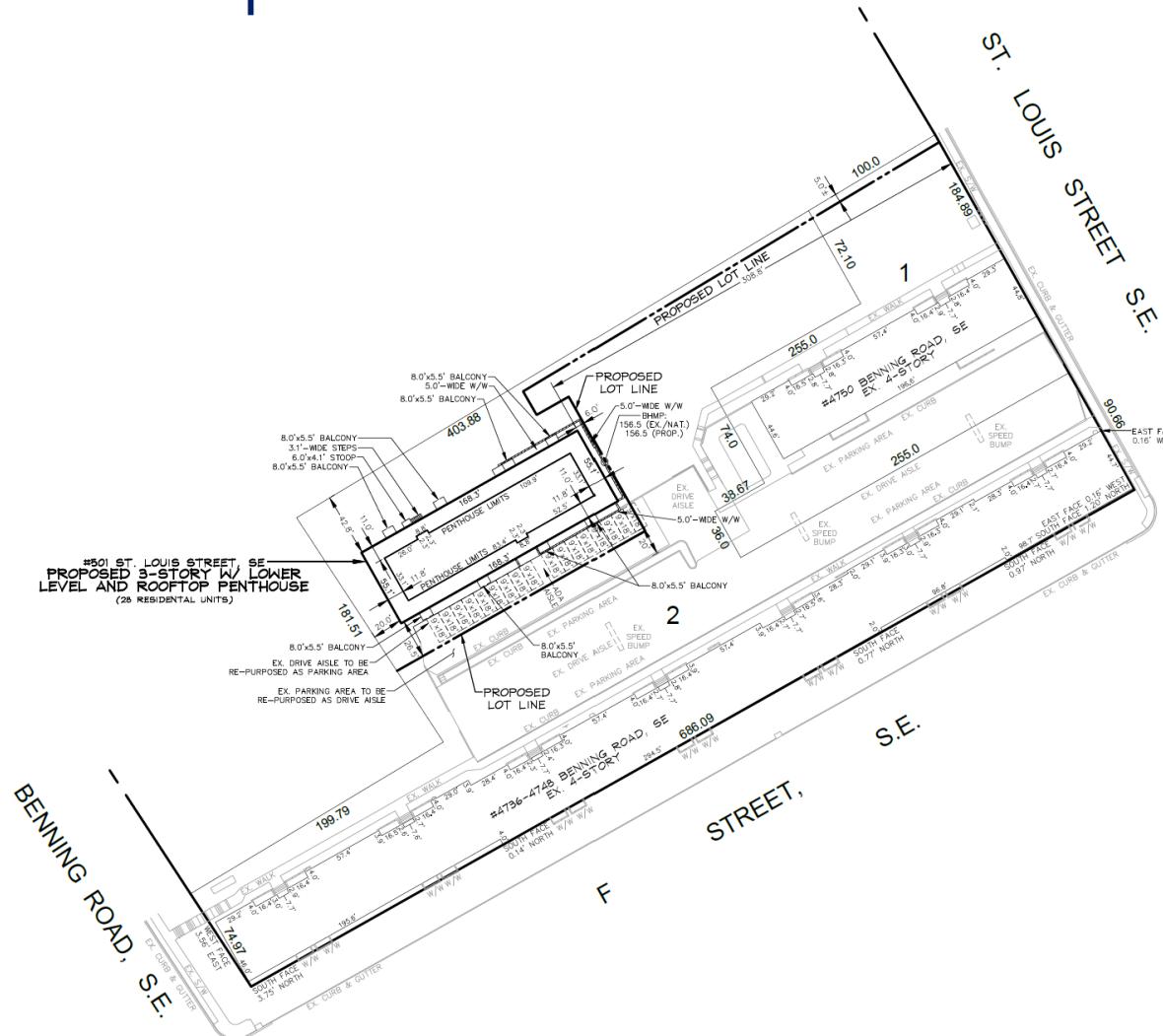
Existing Conditions



Proposed Development – Site Plan



Proposed Development – Plat



Overview of BZA Application and Zoning Relief Requested

- BZA Application **No. 21377** filed on August 19, 2025.
- Request for:
 1. **Special exception** approval pursuant to Subtitle U § 421 and Subtitle X § 901.2 to permit the construction of a new residential development in the RA-1 zone, and
 2. **Area variance** approval pursuant to Subtitle X § 1000.1 from the lot frontage requirement of Subtitle C § 303.4, which requires a minimum street frontage of 30 feet for new lots to be used and occupied by an apartment house.
- Summary of justifications for relief:
 - Number and mix of units, including family-sized and Inclusionary Zoning (IZ) units
 - Consistent with purposes and of RA-1 zone
 - Compatible with existing development in the area
 - Physical configuration of Property is an exceptional and unique condition
 - Existing multifamily building presents a peculiar and exceptional practical difficulty for compliance with frontage requirement
- BZA public **hearing February 4, 2026.**

Existing Conditions



Photograph #1: Subject Property and Existing Conditions



Photograph #2: Subject Property and existing multifamily building on Lot 2 in Square 5344 (looking SW)



Photograph #3: Existing multifamily buildings on Lots 1 and 2 in Sq. 5344



Photograph #4: Existing curb cut on St. Louis Avenue, SE (looking NW)

Existing Conditions



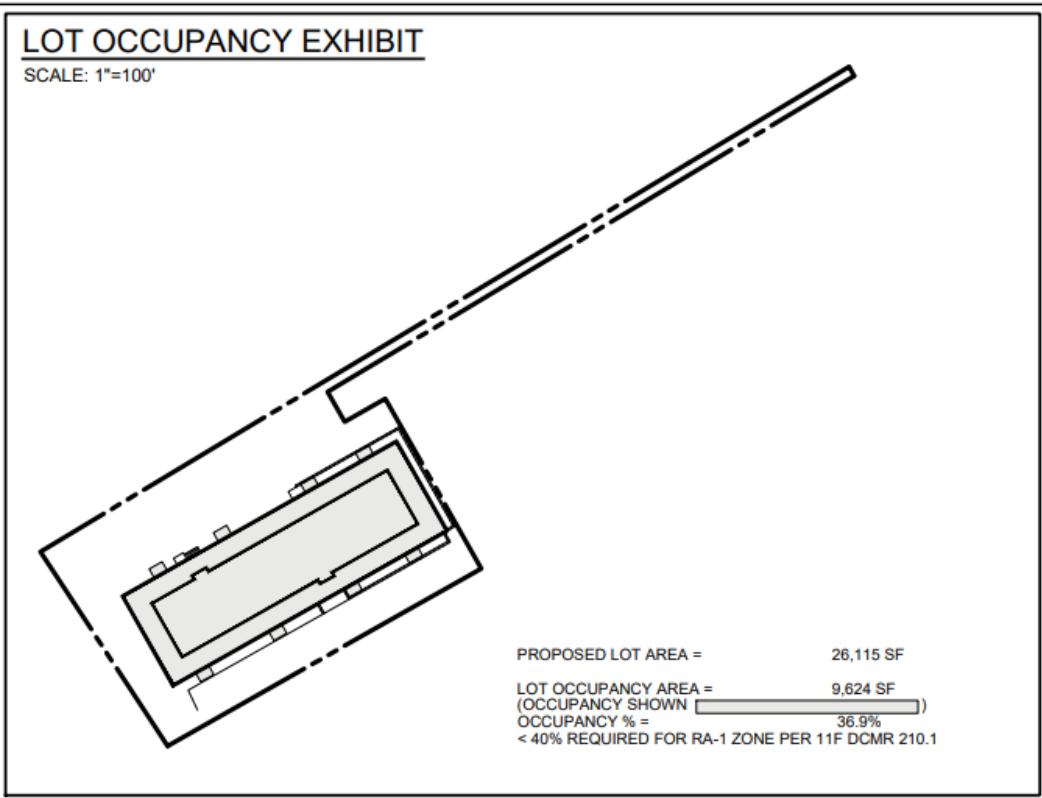
Proposed Residential Development

- Three-story apartment house consisting of 28 units with a mix of two-, three-, and four-bedroom units
- Inclusionary Zoning (IZ) units will contribute to affordable housing stock
- Amenities
 - Some units with balcony or outdoor deck space
 - Green roof
 - Solar panels
 - 11 long-term bicycle spaces (above minimum requirements)

Proposed Residential Development



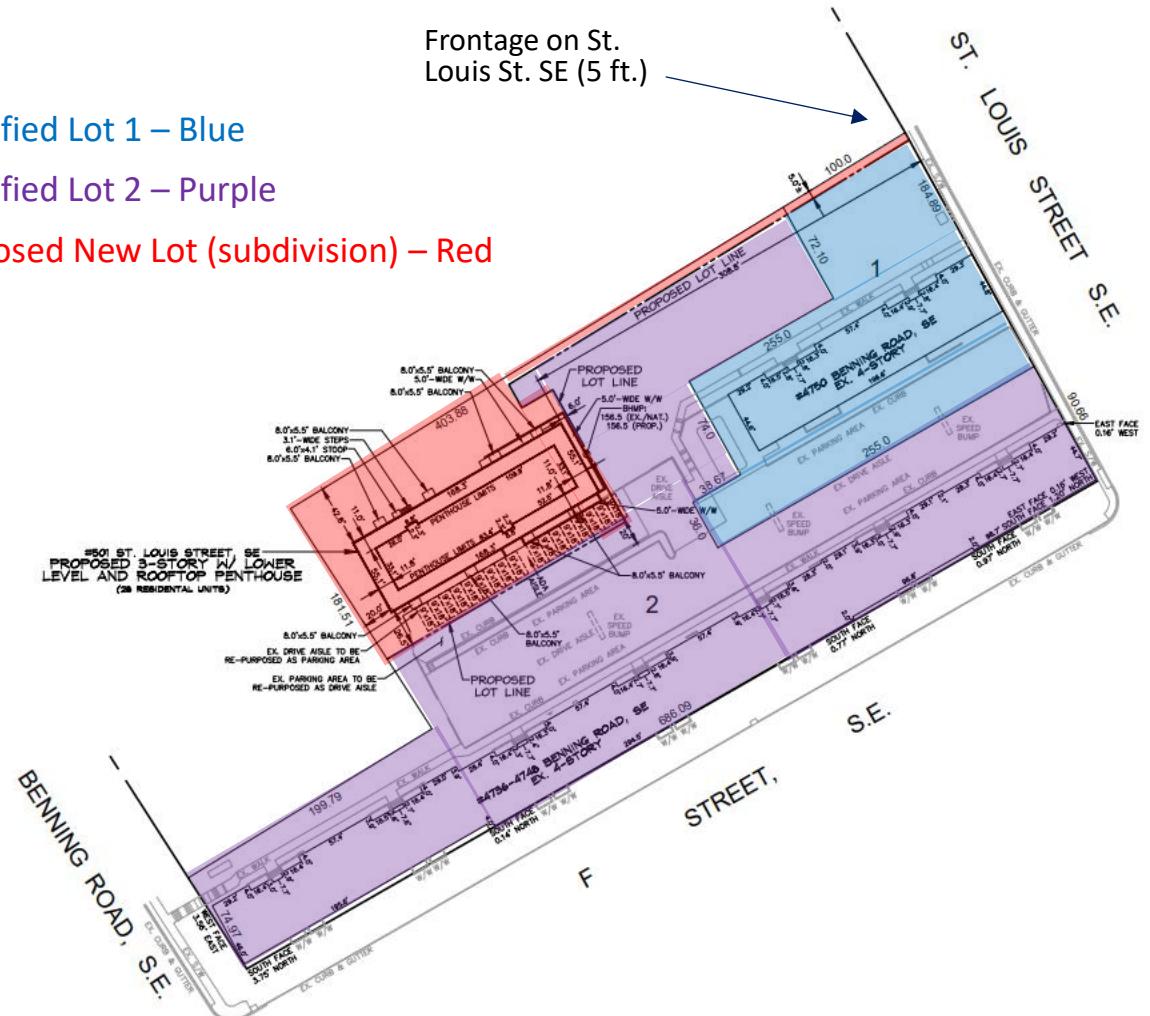
Proposed Subdivision



Modified Lot 1 – Blue

Modified Lot 2 – Purple

Proposed New Lot (subdivision) – Red



Special Exception Criteria

Subtitle U § 421.1-421.4 – New Residential Developments (RA-1)

421.1 – In any of the **RA-1 zones, all new residential developments**, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment **as special exceptions** pursuant to Subtitle X, Chapter 9, in accordance with the standards and requirements in that section.

421.2 – The Board of Zoning Adjustment shall **refer the application to the relevant District of Columbia agencies** for comment and recommendation as to the adequacy of the following:

- a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and
- b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

421.3 – The Board of Zoning Adjustment shall **refer the application to the Office of Planning** for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

421.4 – In addition to other filing requirements, the **developer shall submit** to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

Special Exception Justification

Subtitle U § 421.1-421.4 – New Residential Developments (RA-1)

421.1 – Special exception requirement for new development in RA-1 Zone

- *Applicant has requested special exception relief under Subtitle X § 901.2.*

421.2 – District agency review of adequacy of schools, public streets, and other services to accommodate new residents

- *Proposed number of mix of unit sizes is intended to accommodate family-sized households.*
- *The estimated SY27-28 utilization rates for schools in which the Property is zoned indicate that the expected student population could be accommodated.*
- *Subject BZA application will be reviewed by relevant District agencies as needed to ensure expected population can be supported.*

421.3 – OP review of development compatibility

- Applicant will work with the Office of Planning to ensure Project's compatibility with the surrounding neighborhood.

421.4 – Additional submission requirements

- Applicant has submitted the requirements of this provision.

Special Exception Criteria

Subtitle X § 901.2 – Special Exception Review Standards

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;
- b) Will **not tend to affect adversely**, the **use of neighboring property** in accordance with the Zoning Regulations and Zoning Maps; and
- c) Will meet such **special conditions** as may be specified in this title.

Special Exception Justification

Subtitle X § 901.2 – Special Exception Review Standards

- a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
 - *Project is consistent with the purposes of the RA-1 zone, which is intended to “provide for areas predominantly developed with low- to moderate-density development.” (Subtitle F § 101.4)*
- b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - *Project is designed to integrate with the surrounding multifamily buildings.*
 - *Surrounding services and infrastructure are capable of accommodating new residents.*
 - *Project will not result in adverse impacts on parking availability as existing multifamily buildings have sufficient parking.*
 - *Project will contribute to affordable housing stock without introducing any substantial negative impacts.*
- c) Will meet such special conditions as may be specified in this title.
 - *Project complies with criteria of Subtitle U § 421 as previously outlined.*

Area Variance Criteria

Subtitle X § 1000.1 – Area Variance Review Standards

The Board of Zoning Adjustment is authorized under D.C. Code § 6-641.07(g)(3) and Subtitle X § 1000.1, to grant a variance from “the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02” when the following conditions are met:

1. The property is affected by exceptional size, shape, or topography or other extraordinary or **exceptional condition or situation**;
2. The owner would encounter **peculiar and exceptional practical difficulties or undue hardship** if the zoning regulations were strictly applied; and
3. The variance would **not cause substantial detriment** to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Area Variance Justification

Subtitle X § 1000.1 – Area Variance Review Standards

1. The property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation;
 - Physical configuration – *The Property comprises Lots 1 and 2, which have an irregular, interlocking configuration that effectively traps the Property between Lots 1 and 2 and lacks independent street frontage.*
 - Surrounding uses – *The Property cannot obtain street frontage from the north, west, or south as the Property is bounded by H.D. Woodson High School, residential buildings, and a multifamily building, respectively. Therefore, the only available frontage is on St. Louis Street SE with the lot configuration provided the Applicant's proposed subdivision.*
 - Zoning requirements – *Subtitle C § 302.2 requires any new primary building to be located on a separate lot of record. As such, the Property's unique configuration along with the mandatory subdivision requirement gives rise to the practical difficulty outlined on the next slide.*

Area Variance Justification

Subtitle X § 1000.1 – Area Variance Review Standards

2. The owner would encounter peculiar and exceptional practical difficulties or undue hardship if the zoning regulations were strictly applied; and
 - *Due to the existing multifamily building on Lot 1, the Property can only obtain five feet (5 ft.) of street frontage along St. Louis Street SE.*
 - *There is no alternative means to comply with the street frontage requirement without demolition of existing improvements, acquisition of adjoining property, or other infeasible measures.*
3. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.
 - *Project would deliver 28 new residential units, including family-sized and IZ units, in a transit-accessible location.*
 - *Requested relief advances the purpose and preserves the integrity of the frontage requirement.*
 - *Requested relief also supports the purpose of RA zones, which are intended to promote flexibility by allowing a variety of resident development types.*

Precedents – Area Variance from Frontage Requirements of Subtitle C §303.4

- BZA 21237 (2025) – OP recommended approval (Exhibit 23)

- Extraordinary or Exceptional Situation or Condition:

“The subject property is an existing tax lot that was developed prior to the zoning regulations and has **lot frontage that is below the minimum required** for lot recordation for apartment houses.

There is **no new land immediately available to rectify this nonconformity** for subdivisions.

The **existing lot width of the property** along with the existing use of the lot as a 4 unit apartment building **create an exceptional condition that prohibits the lot from being compliant** with the subdivision requirements under the zoning regulations.”

- Practical Difficulty

“Strict application of the zoning regulation would result in practical difficulty as **it prohibits the development of the property**, as the **lot cannot physically meet the lot frontage standard** for new record lots with apartment houses. **Granting this relief** would allow the recordation of the property as a lot of record, and **allow the applicant to begin the project.**”

Precedents – Area Variance from Frontage Requirements of Subtitle C §303.4

- BZA 20951A (2024) – OP recommended approval (Exhibit 23)

“The Applicant has **no ability to widen its street frontage** as they do not have ownership of either abutting property, and owners of those lots have not indicated a willingness to sell their abutting lots for the purposes of widening the street frontage of the newly created record lot.

Therefore, the **physical pre-existing condition of the street frontage, without the ability to add street frontage**, creates an **exceptional situation** of the lot resulting in a **practical difficulty for the Applicant in satisfying the condition** of Subtitle C § 303.4.”

Community Outreach

- September 2025 – present:
 - Presented to ANC 7E Executive Committee
 - Presented at full ANC 7E Monthly Meeting twice
 - Door knocking and meeting with nearby residents
- Filings in support:
 - Petition in support (Ex. 17)
 - 12 letters in support (Ex. 18-29)
- No letters in opposition have been filed in the record as of the date of this submission

Questions?

Hampton East Owner LLC

BZA Application No. 21377

4730 & 4750 Benning Road SE (Lots 1 & 2 in Square 5344)

Applicant's Prehearing Submission (30-Day Filing)

January 2, 2026