

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: ^{MBR}Maxine Brown-Roberts, Case Manager

DATE: January 23, 2026

SUBJECT: BZA 21377 – 4730 - 4750 Benning Road, SE to permit the subdivision of two lots into three lots and the construction of a new apartment building on one of the new lots.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested area variance and special exception as follows:

- Subtitle C § 303.4, Lot frontage (30 ft. required, 5 ft. provided) pursuant to Subtitle X § 1002; and
- Subtitle U § 421, new residential development in the RA-1 zone pursuant to Subtitle X § 901.2.

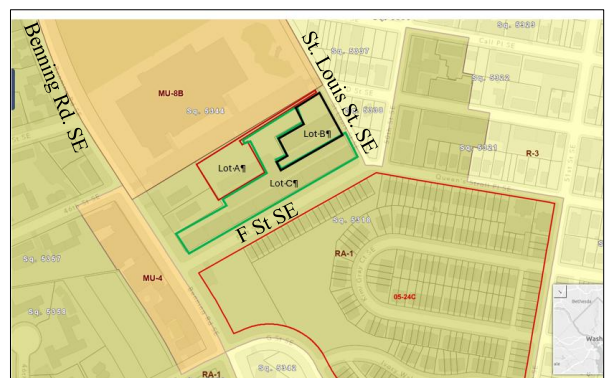
II. LOCATION AND SITE DESCRIPTION

Address	4730-4750 Benning Road, SE
Applicant	Hampton East Owner LLC represented by Holland & Knight
Legal Description	Square 5344, Lots 1 and 2
Ward, ANC	7 / 7E
Zone	RA-1 - provides for areas predominantly developed with low- to moderate-density development, including detached houses, row houses, and low-rise apartments.
Lot Characteristics	The current subject property consists of two irregularly shaped lots which combine for an area of 148,460 square feet. Lot 1 fronts on St. Louis Street, SE and Lot 2 fronts on St. Louis Street and Benning Road, SE. The property consists of a gently rolling terrain with the steepest slopes on the northwestern portion of the property (where the proposed development will be located). The undeveloped portion of the overall property is also fairly wooded.
Existing Development	The property (Lots 1 and 2) is improved with the Hampton East apartments consisting of two, 2- and 3-story buildings and associated surface parking lots.

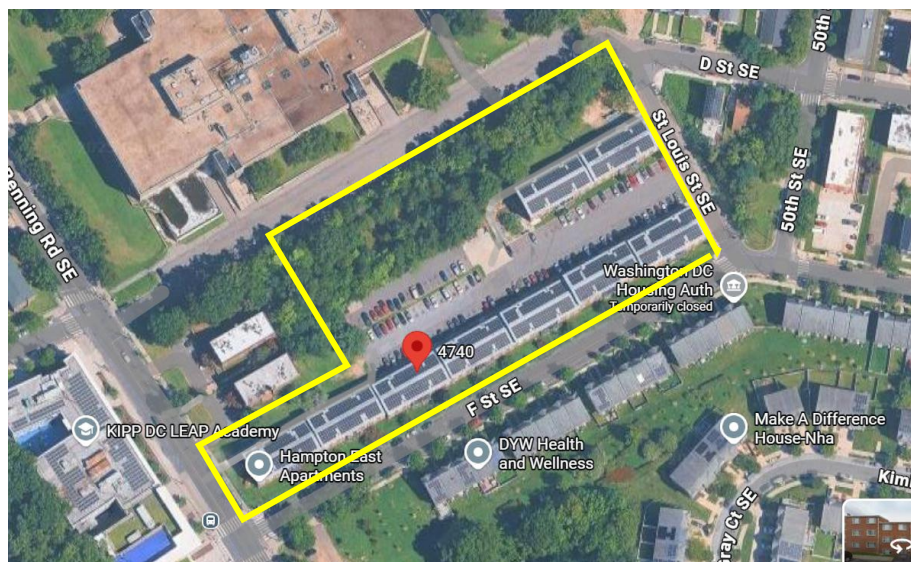
Adjacent Properties	The adjacent properties to the south and east are developed with row dwellings, to the west are two, 4-story apartment buildings and the KIPP DC school across Benning Road and to the north is the former Fletcher-Johnson School which is being demolished to make way for a mixed used development.
Surrounding Neighborhood Character	The surrounding neighborhood is predominantly residential in nature with a mix of detached single-family, row dwellings and low-rise apartments with some institutional uses.
Proposed Development	<p>The Applicant is proposing to subdivide the existing lots and create three new lots by taking portions of the existing lots to create a third, Lot A. The new 26,670 square foot lot would be a “flag lot” panhandle and would be developed with a 2-story apartment building with penthouse and cellar and 28-units.</p> <p>No changes are proposed to be made to the existing apartment buildings.</p>



Existing Lots



Proposed Lots



Aerial View

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone – RA-1	Regulation	Proposed ¹	Relief
New Residential Development, U § 421	Apartment Building	New Apartment Building	Required: Special Exception
Height, F § 203.2	40 ft. max./ 3 stories	21.17 ft./3 stories, penthouse	None Required
Penthouse Height, F § 205.1	12 ft. max.	10 ft.	None Required
Lot Area	N/A	25,738.6 sq. ft.	None Required
Lot Occupancy, F § 201	40% max.	36%	None Required
FAR, F § 202.1	0.9 1.08/IZ	1.04	Non required
FAR Penthouse, F § 204.2	0.4	0.19	None Required
Rear Yard, F § 207.1	20 ft. min.	20.39 ft.	None Required
Side Yard, F § 208.3	3 ins./ft. of height or 8 ft. min.	30.52 – south side 38.14 - north side	None Required
GAR, F § 211.1	0.4	0.547	Not provided
Lot Frontage, C § 303.4	30 ft.	5 ft.	Required: Area Variance
Parking C § 701	1 space/4 unit = 8	16 spaces	None Required
Bicycle Spaces, C § 802.1			None Requires
Long Term	1 space/3 unit = 9	11	
Short Term	1 space/20 units= 1	2	

IV. OFFICE OF PLANNING ANALYSIS

The overall property consists of two tax lots, each with an apartment building and parking lots with undesignated spaces. The proposal is to re-subdivide the two lots into three lots and develop the new vacant lot. The Applicant states that the resulting configuration will not affect the zoning compliance or create any new nonconformities for the new lots with the existing buildings (Shown as Lots B and C on the Applicant's plans). The Applicant provided some information on the existing lots to demonstrate compliance with the development standards for existing and new lots at [Exhibit 37](#), page SDO4.

The building on existing Lot 1 has frontage on St. Louis Street and is accessed from St. Lewis Street and Benning Road through the shared parking lots. Lot 2 has frontage along St. Louis Street, Benning Road and F Street with vehicular access from St. Louis Street and Benning Road. A large portion of Lot 2, northwestern portion, remains undeveloped and the proposal is to create a new lot and build an apartment. To accommodate a new principal building on that portion of Lot 2 requires the creation of a new lot as two principal buildings are not permitted on a single lot in the RA-1 zone. That portion of Lot 2 is essentially land locked as none of the property lines in that area abut

¹ Information provided by the Applicant at [Exhibit 37](#), page SC03 and [Exhibit 37B](#), page CIV500 and applies only to the newly created lot to house the new apartment building.

a street. That portion of the lot abuts the Fletcher-Johnson property to the north, and apartment buildings to the west, south and east. Subtitle C § 303.4 states:

Each new lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.).

Due to the location of the buildings on existing Lots 1 and 2 and adjacent properties, lot frontage is not easily accessible for the new lot. The proposal is to take portions of Lots 1 and 2 to create a connection to St. Louis Street. However, the Applicant states that if they were to meet the 30-foot frontage requirement along St. Louis Street, it would affect the FAR and lot occupancies of Lots 1 and 2 and would create new non-conforming lots. Therefore, the frontage is limited to a width of 5 feet which is below the required 30-foot width and requires variance relief.

The new lot which is the subject of this application would be a new flag or pan handle lot which the regulations are intended to discourage, and OP would generally not support. However, in this case, the proposed five-foot lot frontage would not be used for access, and the panhandle portion of the lot would remain wooded and undeveloped.

A. Subtitle X § 1000 Area Variance

i. Extraordinary or Exceptional Situation Resulting in Practical Difficulty

The property exhibits an exceptional situation that results in practical difficulty to the property owner. A large portion of Lot 2 remains undeveloped but is able to accommodate another building. However, a second building is not allowed on Lot 2 and therefore has to be subdivided to create a new record lot to accommodate a new building. Lot 2 has enough space to accommodate the subdivision to create two lots and a new building that can meet all the RA-1 development standard except for lot frontage for the new lot. Because of the irregular configuration of the existing lots, the location of the existing buildings and the location of the vacant portion of Lot 2, there is currently no direct access to the adjacent streets from that portion of the lot. There is no access to F Street as this is blocked by the apartment building which occupies the entire F Street frontage. There is also no direct access to Benning Road or to St. Louis Street as both are occupied by either Lots 1 or 2. The next option is therefore to subdivide one or both lots to provide frontage from either street. The Applicant proposes to provide access from St. Louis Street. However, providing the required 30-foot-wide frontage would affect the FAR and lot occupancies of the other two lots making them non-conforming. Therefore, the Applicant proposes a five-foot wide lot frontage from St. Louis Street which would allow the new Lots B and C to remain conforming. Taken together, the irregular configuration of the lots, the location of the vacant portion of Lot 2, lack of public street frontage, and the need maintain conforming record lots for the existing apartments, the Applicant is faced with an extraordinary situation resulting in practical difficulty in providing the required 30-foot-wide lot frontage for the subject lot.

ii. No Substantial Detriment to the Public Good

Not providing a 30-foot-wide frontage would not be a detriment to the public good. In fact, it seems to be a better solution to access the property. If a 30-foot-wide frontage would be provided, it would result in another curb-cut along St. Louis Street which would mean the intermingling of pedestrians and vehicles. The proposed 5-foot-wide frontage would only be on “paper” but would not be used as an entrance to access the new apartment and would remain undeveloped and wooded. Therefore, the requested variance should not result in substantial detriment to the public good.

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

The requested variance is necessary for the Applicant to create a new record lot to accommodate the new apartment building. Without the relief, a building permit cannot be issued, and no improvements can occur on that portion of the overall property. The building is designed to meet all the requirements of the RA-1 zone except for lot frontage. If the proposed lot was to meet the lot frontage requirements, it could result in creating non-conforming lots for the existing apartments. The proposed lot frontage along St. Louis Street would not be used to access the building as access would be provided through the adjacent lots from St. Louis Street and Benning Road. As demonstrated below, the creation of the new lot would meet the requirements of Subtitle U § 421 and therefore would not substantially impair the intent, purpose, and integrity of the Zoning Regulations.

B. Subtitle U § 421, Special Exception for New Residential Development

421 NEW RESIDENTIAL DEVELOPMENTS (RA-1 and RA-6)

421.1 In the RA-1 and RA-6 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 under Subtitle X, in accordance with the standards and requirements in this section.

The application proposes constructing a new 28-unit apartment building with a mix of two-, three-, and four-bedroom units; four of which would be affordable at 50% and 60% MFI.

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

The application was referred to the Office of the State Superintendent for Education (OSSE) at Exhibit 16. While comments were not received, the 2025 Updated DME Master Facilities Plan presents the 2025-2026 and the projected 2026-2027 utilization data for the relevant in-boundary public schools which would serve the students from the proposed development:

- Nalle Elementary – 50% utilization
- Kelly Miller Middle – 82% utilization
- Woodson High – 65% utilization

It is not anticipated that the addition of students generated by the development would result in significant overcrowding at these schools.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

OP defers to the District Department of Transportation (DDOT) to comment on the adequacy of the public streets and transportation infrastructure. The application was referred to DDOT at Exhibit 16. The apartment would be served by sixteen parking spaces on a surface parking lot to the east of

the building. Eleven short-term bicycle parking spaces would be provided in the vehicular parking area, and long-term spaces would be provided in a bicycle room in the cellar level of the building.

The application was referred to the Department of Parks and Recreation (DPR) at Exhibit 16, and OP defers to DPR to comment on neighborhood recreation facilities. The proposed building would have 2-, 3-, and 4-bedroom units and cater to families. At OP's recommendation, the Applicant is providing an 800 square foot area for a tot-lot (play area) on Lot B. The area would be off the subject lot due to its steep topography, the probability of having to remove trees, and the probable location at the back of the building. The proposed location would be in an area which would require less grading or removal of trees and the play areas would also be accessible to residents of the new building as well as the existing buildings. The Applicant at [Exhibit 37B](#), pages CIV200 and CIV500 shows access to the play area, the turf to be used and examples of equipment that would be provided.

The larger Benning Terrace Recreation Center is a nine minute (0.4 mile) walk from the site, and the Woody Ward Community Center is a 14-minute walk (0.6 mile) from the site and have a variety of recreational facilities for all ages which residents of the building can utilize.

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.

The proposal is to construct a new 28-unit building on the undeveloped portion of a larger property that is already developed with apartment buildings. The building would be located so that it would not be visible from Benning Road, F Street or St. Louis Street. Although visible from the existing apartment buildings on the larger overall property, there would be a significant separation between the buildings. It would also be buffered by vegetation from the apartments to the west and the future development of the Fletcher Johnson property to the north.

The massing of the building would be similar to the adjacent apartment buildings. The building would be similar in architecture to the existing buildings and utilize the existing topography. Unlike the existing buildings which are completely brick, the building materials would include brick on the lower floor and the introduction of off white/warm grey siding on the upper floors and penthouse. The building would have green roof and solar panels for energy efficiency. All the HVAC units are on the roof of the building and therefore should have minimal to no noise impact to the residents of the building on those in the adjacent buildings.

It is not envisioned that there would be negative impacts in terms of access to light or air flow for the new residents or to the residents of adjacent buildings. The degree of privacy for adjacent properties should also not change.

The existing grading on the site is shown on [Exhibit 37B](#), CIV100. The topography on the site is generally steep to gently rolling from the northeast, St. Louis Street, down towards the west, Benning Road. The Applicant states that there would be limited grading and that most of the building would be set into the existing grade causing minimal disturbance. The proposed grading is shown on Exhibit 37, CIV200. Most of the parking area is already graded so minimal additional

grading would be necessary. A series of retaining walls would be constructed to allow for and support the areaway on the north, east and western half of the building, all of which appear to be below grade.

[Exhibit 37B](#), page CIV101, indicates tree coverage on the site and states that there are no Heritage trees on the site. The site contains several Special Trees, some of which would be removed to accommodate the construction. A permit would have to be granted for the removal of these trees and will be addressed by DDOT. [Exhibit 37B](#) shows plantings at the base of the building on either side of the entrance.

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.

The Applicant has provided a Site Plan, floor plans, elevations, landscaping and grading plan sufficient for the review of the proposal against the relevant criteria. No new rights-of-way or easements are proposed.

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 RA-1 zone permits moderate density development including low-rise apartments through Special Exception. Except for the lot frontage requirements for which the Applicant has requested variance relief and is addressed in Section IV (A) of this report, the proposal is consistent with the provisions of the regulations, and the building would not be inconsistent with the intended use or building bulk or height. Therefore, the proposed apartment building would be consistent with the intent of the RA-1 zone requirements.

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

The requested special exception review should not result in an undue impact on the use of the existing apartment buildings on Lots 1 and 2 or those to the west of the property. This building would be in character with the bulk and height of adjacent buildings. Much of the existing vegetation would be preserved and would serve as a buffer between the apartments to the west and the future development envisioned on the former Fletcher-Johnson property to the north.

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

In this case, the proposal is subject to the criteria of Subtitle U § 421 and is addressed above.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) will provide their report under separate cover.

VI. ANC COMMENTS

The property is in ANC-7E. At the time of this report, the ANC has not provided a report or comments.

VII. COMMUNITY COMMENTS

At the time of this report several letters of support have been provided.