



## SUPPLEMENTAL MEMORANDUM

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

**FROM:** *MBR* Shepard Beamon, Development Review Specialist  
Maxine Brown-Roberts, Associate Director, Development Review

**DATE:** May 22, 2026

**SUBJECT:** BZA #21405 – 3207 6<sup>th</sup> Street NW – Request to subdivide an existing alley record lot and construct two row dwellings units in the RF-1 zone.

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### **I. RECOMMENDATION**

OP recommends **approval** of the following requested area variance relief:

- C § 306.4(a) New Alley Record Lots, pursuant to X § 1002 – Minimum alley width for an alley lot subdivision – 24 ft.; Existing 10 ft.; and
- C § 306.4(b) New Alley Record Lots, pursuant to X § 1002 – Public street access through a public alley with minimum width of 24 ft.; Existing 10 ft.

OP recommends **approval** of the following requested special exception relief

- E § 5100.1(d) Side Yard (RF-1), pursuant to C § 5200 and X § 901 – 5-foot minimum side yard for alley lots abutting non-alley lots; Proposed: 0 ft.; and
- U § 600.1(f)(4)(B) Use Permissions Alley Lots, pursuant to X § 901 and U § 601.1(f) – Minimum alley width: 15 ft.; Existing 10 ft.

### **II. BACKGROUND**

The applicant proposes two row dwellings on each proposed alley lot, which require a minimum lot area of 1,800 square feet and a minimum lot width of 30 feet in the RF-1 zone. The proposed lots would meet the lot size requirements for row dwellings.

The applicant originally proposed two semi-detached units on each proposed lot, which requires new alley record lots to have a minimum of 3,000 square feet in lot area, per Subtitle C § 306.1(c). Both proposed lots would not meet the minimum alley lot area and would need a variance. OP determined that applicant did not demonstrate how they met the variances from the minimum 3,000 square foot lot area, pursuant to E §202 (RF-1) and X § 1002 and would recommend denial of the proposal to subdivide into two lots.

The applicant modified their application to propose two row dwellings on each proposed record alley lot. Each proposed lot would meet the minimum lot area for a row dwelling on each new record lot and would not require a variance.

However, the RF-1 zone alley lot regulations require a minimum five-foot side yard for alley lots that abut non-alley lots. The proposed northern lot abuts a non-alley lot, and the applicant requests special exception relief from the side yard requirement.

ZC [25-06](#) is a pending petition for a text amendment to alley lots regulations, proposes a reduction of the minimum alley width from 24 feet to 15 feet. However, since the existing alley width is 10 feet, a special exception is still required. The amendment proposes allowing up to two principal units on lots that have 1,800 square feet or more of lot area in the RF zone and reducing the required minimum alley lot width from 24 feet to 15 feet (Subtitle U § 600). With the text amendment, the applicant would not require area variance relief for lot dimensions but would still require relief for the minimum alley width.

Per Subtitle U § 600(f), Use Permissions for Alley Lots, the use shall be limited to one dwelling unit per lot, and accessory apartments are not permitted. A building cannot be constructed unless the alley lot is a lot of record. The alley lot must have access to an improved street through a minimum alley width of 24 feet, or a public street is within 300 linear feet of the alley lot as measured along an improved public alley with an alley width of not less than 15 feet. The proposed alley lots would be within 300 feet of a public street, but the alley width is less than 15 feet, and therefore the applicant has requested needs special exception relief from this requirement.

### III. LOCATION AND SITE DESCRIPTION

Address	3207 6 <sup>th</sup> Street NW
Applicant	Olusoya Pyne on behalf of Azanach Haile, owner
Legal Description	Square 3046, Lot 808 (Tax Lot)
Ward / ANC	Ward 1, ANC 1E
Zone	RF-1 (Moderate Density Rowhouses and Flats)
Historic District or Resource	None
Lot Characteristics	Irregular shaped corner alley lot with an area of 3,664 square feet.
Existing Development	Vacant land
Adjacent Properties and Neighborhood Character	The surrounding area primarily consists of attached and semi-detached single-family dwellings. The property to the east (526 Lamont Street, NW) has six single-family, semi-detached condominium units, four of which are accessed via the alley. There are additional nearby alley-accessible residential buildings; however, those buildings are located in the rear yards of larger lots that have existing development and public street access and frontage.
Proposed Development	Subdivide the existing record alley lot into two record lots and construct two, row, single-family dwellings.

### IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

The applicant requests area variance for the lot area and special exception relief for the alley width requirements in order to subdivide the existing record lot into two new record lots and construct two row dwellings. The Zoning Administrator has provided a revised memo with the most recent updated zoning relief needed in [Exhibit 22](#).

Item	Requirement	Existing	Proposed	Relief
Subdivisions – New Alley Record Lots C § 306.1(a) Min. Alley Width	Minimum 24 ft.	10 ft.	No change	<b>Area Variance Relief Requested</b>
Subdivisions – New Alley Record Lots C § 306.1(a) Alley Frontage	Minimum 14 ft.	43.113 ft.	Northern Lot – 20 ft. Southern Lot – 23.113 ft.	None Requested
Subdivisions – New Alley Record Lots C § 306.1(b)	Alley not less than 24 ft. at any point between the lot and the street	10 ft.	No change	<b>Area Variance Relief Requested</b>
Subdivisions – New Alley Record Lots C § 306.1(c)	Meet the lot area standards applicable for non-Alley Lots in the same zone.	3,664 sq. ft.	Northern Lot – 1,850 sq. ft. Southern Lot – 1,813 sq. ft.	None Requested
Lot Area Standards E §202 (RF-1)	1,800 sq. ft. for row dwellings			
Lot Area Standards E §202 (RF-1)	Min. Lot Width – 18 ft. for row dwellings		Northern Lot – 19 ft. Southern Lot – 24 ft.	None Requested
Height E § 5100.1(a)	20 ft. and 2 stories	n/a	19’ 10” (2 stories)	None Requested
Lot Occupancy E § 5100.1(b)	90% maximum (alley lots between 1,800 and 2,000 sq. ft. of lot area)	n/a	Northern Lot – 62% Southern Lot – 72.8%	None Requested
Rear Yard E § 5100.1(c)	5 ft. from any lot line of all abutting non-Alley Lots	n/a	Northern Lot – 33 ft. Southern Lot – 14.5 ft.	None Requested
Side Yard E § 5100.1(d)	5 ft. from any lot line of all abutting non-Alley Lots	n/a	N/A	<b>Special Exception Relief Requested</b>
Alley Centerline Setback E § 5100.1(e)	7.5 ft. min.	n/a	12’ 6” (6 <sup>th</sup> Street NW) 14’ 6” (Lamont Alley)	None Requested
Pervious Surface E § 5100.1(f)	10% min.	n/a	Northern Lot – 30% Southern Lot – 45%	None Requested
Alley Lot Use Permissions U § 600	Minimum alley width 24 ft.	10 ft.	No change	<b>Special Exception Relief Requested</b>

## V. OP ANALYSIS

### AREA VARIANCE REVIEW STANDARDS

#### Subtitle C § 306 New Alley Record Lots

*306.1 A new Alley Record Lot shall:*

- (a) *Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.), with the alley frontage no less than fourteen feet (14 ft.);*

The proposed alley record lots are located on a 10-foot alley and do not meet the 24-foot alley frontage; therefore, the applicant has requested variance relief. The proposed alley record lots would both exceed the minimum 14-foot alley frontage.

- (b) *Have access to a public street through a public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the new Alley Record Lot and the street;*

The proposed alley record lots would have access to two public streets 6<sup>th</sup> Street, NW and Keefer Place, NW; however, the alley width is less than 24 feet, and the applicant seeks variance relief.

- (c) *Meet the lot area standards applicable for non-Alley Lots in the same zone; if no minimum lot area standard is provided, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and*

The property is located in the RF-1 zone, which requires a minimum of 1,800 square feet of lot area for row dwellings and a minimum 18-foot minimum lot width. Each proposed record alley lot would meet the minimum lot area and width requirements.

- (d) *Not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.*

The proposed alley record lots would not be created by subdividing an existing record lot. The existing tax lot is the remainder of a record lot (Lot 23) subdivision in 1915 with the northern portion becoming Lot 54.

*306.2 An Alley Record Lot may be combined with an abutting Alley Record Lot to create a larger Alley Record Lot without meeting the requirements of Subtitle C §§ 306.1.*

The applicant does not propose combining the existing tax lot or proposed alley record lots with abutting alley lots.

*306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:*

- (a) *Has a minimum square footage of four hundred and fifty square feet (450 sq. ft.);*  
*or*

- (b) *Is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.*

The property has a recorded plat with the Surveyor's Office dated 1940 (Recorded in [Book 48, Page 6](#)) and the existing tax lot measures more than 450 square feet.

306.4 *An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:*

- (a) *The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and*

The alley tax lot has a connection to an improved public street through an improved alley.

- (b) *The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:*

- (1) *Department of Transportation (DDOT);*
- (2) *Department of Public Works (DPW);*
- (3) *Metropolitan Police Department (MPD);*
- (4) *Fire and Emergency Medical Services Department (FEMS);*
- (5) *DC Water (WASA); and*
- (6) *If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).*

The application has been referred to the agencies. OP has not received comments from any of the agencies and no comments have been filed to the record.

### **Subtitle X § 1002 Variance Review Standards**

The application requests variance relief for alley width which the Board is authorized to grant pursuant to X § 1000. The application must meet the three-part area variance test, which is analyzed below.

- i. *Extraordinary or Exceptional Situation or Condition Resulting in Peculiar and Exceptional Practical Difficulties To the Property Owner*
  - a. *Extraordinary or Exceptional Situation*

#### C § 306.4(a-b) Minimum Alley Width

The subject property is located on an improved 10-foot wide alley; however, the property is located within 300 feet of a public street. The property is faced with the challenge of not being able to meet the minimum 24-foot alley width.

OP proposes reducing the minimum alley lot width to 15 feet as part of text amendment 25-06; however, even with this proposed change, the applicant would still need relief to develop the property along the alley. Widening the alley to meet the required width would mean giving up a portion of the subject property. However, this could affect the creation of the alley lots as they would not meet the minimum lot size. Trying to enlarge only this portion of the alley would create an alley of varying widths. Therefore, the alley width is an exceptional condition that was not established by the property or property owner and without the requested relief, the cannot develop the site.

*b. Strict Application of the Zoning Regulation Would Result in Exceptional Practical Difficulties*

The applicant is impacted by practical difficulty resulting from the exceptional conditions affecting the property. As mentioned above, the strict application of the zoning regulations would result in a practical difficulty for the owner as the existing alley width is smaller than the minimum alley width allowed for alley record lots. The existing alley width cannot be widened to meet the requirement, thus inhibiting the applicant from any future development.

*ii. No Substantial Detriment to the Public Good*

Granting the requested relief should not result in a substantial detriment to the public good. The proposed lots are less than 300 feet from an improved public street and fire hydrant. Although the alley is 10 feet wide, FEMS has informed OP they have no objection to development of the site. The 10-foot alley is adequate to move vehicles through, including emergency and public utility services. The proposed form of development facilitated by the relief would not be inconsistent with other surrounding dwellings. The applicant would provide the required off-street parking, which should reduce the burden of on-street parking. The proposed development should not result in negative impacts to light or air for neighboring properties.

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

The alley lot regulations seek to ensure adequate alley width for any development on alley lots. The subject alley is presently used for city services such as trash pick-up and emergency services. Granting the proposed relief would not impede the use of the alley as these services will maintain access through the alley.

**SPECIAL EXCEPTION REVIEW STANDARDS (Side Yard - North Lot Only)**

**Subtitle C § 5200 RF-1 Special Exception Review**

*5201.1 For an addition to a principal residential building 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:*

Not Applicable

5201.2 *For a new or enlarged accessory structure to a residential building on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

Not applicable.

5201.3 *For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

(a) ***Yards, including alley centerline setback; and***

(b) *Pervious surface.*

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The light and air for the neighboring property should not be unduly impacted. Row dwellings are the primary development pattern in the neighborhood and are permitted in the RF-1 zone. The applicant proposes similar development. The proposed development would impact the property to the north, which has windows on the south-facing side façade; however, the neighboring dwelling is setback from the side property line. It is not uncommon to have five feet or less of separation between dwellings throughout the District. The proposed northern dwelling would not directly touch the adjacent building and would still provide airflow and some light for the adjacent property.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed dwellings should not compromise the privacy of use and enjoyment of the neighboring properties. The northern dwelling would be constructed on the property line and would not have side windows. The rear wall of the proposed dwellings are approximately 20 feet from the rear property line, which provides adequate separation from the neighboring property to the rear.

(c) *The proposed addition or accessory structure, together with the original building, or the proposed new building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street and alley frontage; and*

When viewed from the street and alley, the proposed dwellings should not substantially intrude upon the character, scale, height, and pattern of houses along

the street. However, **OP recommended the applicant enhance the front façade with some architectural details including lintels above the windows, a cornice along the roofline, front porch covering, and some landscaping.**

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided sufficient graphical representation showing the relation of the proposed dwellings to the existing surrounding development.

*5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

As previously mentioned, OP recommends the applicant incorporate architectural details to the front façade of each dwelling to resemble the other architectural features on surrounding dwellings. This can include lintels above the windows, a cornice along the roofline, and a front porch covering.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.*

The requested relief would not introduce a nonconforming use. Row dwellings are permitted in the RF-1 zone.

*5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:*

- (a) *District Department of Transportation (DDOT);*
- (b) *Department of Public Works (DPW);*
- (c) *Metropolitan Police Department (MPD);*
- (d) *Fire and Emergency Medical Services Department (FEMS);*
- (e) *DC Water (WASA); and*
- (f) *If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).*

The application was referred to the appropriate agencies.

### **Subtitle U § 601 Use Permission for Alley Lots**

Subtitle U § 600.1(f), Matter-of Right Uses on Alley Lots (RF Zones), allows residential use in RF zones, subject to limitations. The proposal meets all of the above criteria, except U § 600.1(f)(4) due to the existing alley width being 10 feet. Therefore, the proposal requires special exception relief. Per Subtitle U § 601.1, Special Exception Uses on Alley Lots (RF Zones), residential use

not meeting the criteria of Subtitle U § 600.1 is permitted by special exception, subject to the following conditions:

- (1) *The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;*

The property is fully located in the RF-1 zone.

- (2) *A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;*

The applicant requests relief for the recordation of two proposed lots and each lot would measure over 1,800 sq. ft.

- (3) *The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;*

The applicant proposes one dwelling unit per record lot.

- (4) *The Alley Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety and infrastructure availability;*

Each lot would have access to an improved 10-foot alley that is within 300 feet of a public street.

- (5) *The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211;*

(a) *Department of Transportation (DDOT);*

(b) *Department of Public Works (DPW);*

(c) *Metropolitan Police Department (MPD);*

(d) *Fire and Emergency Medical Services Department (FEMS);*

(e) *DC Water (WASA); and*

(f) *If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and*

The application has been referred to each District agency listed above.

- (6) *The Board of Zoning Adjustment shall consider relevant agency comments concerning:*

(a) *Public safety;*

(b) *Water and sewer services;*

(c) *Waste management;*

(d) *Traffic and parking;*

(e) *Historic preservation;*

Comments from District agencies are listed below.

## **Subtitle X § 901 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;*  
The requested special exception would be in harmony with the purpose and intent of the zoning regulations. The RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots; therefore, the proposed row dwellings are appropriate for the site. The requested side yard relief would not result in development that would detract from the character, scale, or uses in the neighborhood.
- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*  
It is unlikely the proposal will adversely affect the use of neighboring properties. The alley is currently used by other neighboring properties for access to parking and by public works for trash and recycling collection. The proposed development would also use the alley for the same purposes. Construction of buildings on the site may cause temporary noise or use of the alley for public utilities; however, the applicant has indicated that they intend to minimize the duration of use of the alley. The requested elimination of the side for the row dwelling to the north should not adversely impact on the neighboring property as there will be no direct views into the neighboring dwelling.
- (c) *Will meet such special conditions as may be specified in this title.*  
As demonstrated above, the proposal meets of the requirement of the title and OP does not recommend any special conditions.

## **VI. OTHER DISTRICT AGENCIES**

Fire and Emergency Services (FEMS) informed OP verbally that they have no objection to the proposed development.

DDOT will provide a report under separate cover.

As of this writing of this report, no other government agencies have provided comments to the record.

## **VII. ANC COMMENTS**

Exhibit 25 is a memo from ANC E1 in support of the application.

## VIII. COMMUNITY COMMENTS

At the time of filing this report, there is a letter in opposition at Exhibit 18, a letter in support at Exhibit 36, and a petition with signatures in support at Exhibit 34.

### LOCATION MAP

