

Robert L. Thorsen
775 Fairmont Street NW Rear
Washington D.C. 20036

775 Fairmont Street NW Rear (Square 2885 Lot 0862)

You have requested for a Zoning Determination letter in respect of the proposed conversion and addition to an existing structure or building situate on the property of reference above.

The subject property, Rear of 775 Fairmont Street NW is located in the Columbia Heights neighborhood in Square 2885 and is legally described as Assessment and Tax (A&T) Lot 0862 and for zoning purposes is located within the RF-1 zone district

The subject property is improved by a one-story brick structure with history of commercial use; specifically, last known use as a Millwork/Woodwork shop establishment.

As you intimate, the objective is to convert the existing building for purposes of a single-family dwelling, including construction of a second story addition and expansion of building footprint to occupy one hundred percent (100%) of the lot.

You contend and I concur that the proposed project, including the proposed use as a single-family dwelling, may be constructed as a matter of right provided that the project complies with the applicable provisions set forth in the Development Standards in Subtitle D, Chapter 52, §§ 5102 through 5107 and related subsections as follows:

1. §5102.1 Height

The provision above sets forth a maximum twenty feet (20 ft.) and two stories, including the penthouse for alley buildings in R zones.

The subject property is located in the RF-1 zone district, which is an R zone by definition.

According to the conceptual or schematic drawings submitted for review in conjunction with this request for zoning determination letter, the proposed second story or floor addition to the existing one-story building will not exceed the twenty feet (20 ft.) maximum prescribed, measured from the Building Height Measurement Point (BHMP), which for zoning purposes is the North elevation, in accordance with the Rules of Measurement provision specifically set forth in Subtitle B, Chapter 3, § 308.3.

2. §5103.1 LOT OCCUPANCY

In accordance with Table D, § 5103.1, there is no limit on maximum percentage of lot occupancy prescribed buildings on alley lots less than eighteen hundred square feet in lot area or size.

As public records, including the attached Surveyor's Plat attest, the subject property is one thousand six hundred and twenty-five square feet (1,625 ft²) in area or size; therefore, less than eighteen hundred square feet.

In light of the foregoing, the project may occupy one hundred percent (100%) of its lot as proposed.

The existing building occupies approximately ninety-two percent (92%) of its lot, save for a portion which constitutes an open court by definition. The project proposes the expansion of building existing footprint by elimination of the courtyard which appears to have served the historical purpose of driveway apron access to the interior of the building.

3. §5104.1 REAR YARD

This provision requires a minimum setback of five feet (5 ft.) provided along "any lot line of all abutting non-alley lot"

According to the Baist's Maps or Surveys of the District of Columbia, Volume 3, Plan 14, upon which the District of Columbia Surveyor's Records are predicated,

the subject property abuts the rear of seven (7) non-alley lots with frontage on Fairmont Street.

You contend and I determine that to the extent that the existing building footprint already occupies near one hundred percent of the lot and does not setback from any of its property lot lines, including the open court located opposite Sherman Avenue, the subject property is grandfathered from compliance with this provision, and further that the proposed second story addition does not expand upon an existing nonconformity or create a nonconformity not in existence prior to the adoption of the District of Columbia Zoning Regulations, 2016 DCMR Title 11 (ZR16).

4. §5105. SIDE YARD

You further contend and I determine that to the extent that a side yard is not provided along the seven (7) abutting non-alley lots fronting on Fairmont Street by virtue of existing building footprint, this provision is inapplicable because the existing condition is grandfathered and the proposed addition will not expand on that nonconformity or create a nonconformity not presently in existence

5. §5106.1 ALLEY CENTERLINE SETBACK

I determine that the subject property is not required to comply with the provision set forth under Subtitle D Chapter 52, §5106.1 which stipulates a setback of twelve feet (12 ft.) from the centerline of all abutting alleys because the existing building footprint walls are constructed to respective lot lines.

The foregoing condition is therefore protected under the grandfather clause since said condition predates the adoption of the 1958 D.C. Zoning Regulations (ZR58) and ZR16

6. §5107.1. PERVIOUS SURFACE

According to the concept drawings and other documents attached to your request for this zoning determination letter, including other public records

adduced, I determine that the subject property is currently improved by one hundred percent (100%) impervious surface or zero percent (0%) pervious surface and the condition predates the adoption of ZR16.

I therefore determine that the proposed addition, including the expansion of building footprint to encapsulate the concrete open court which serves the purpose of access into the interior of the existing building is not subject the provision of reference by virtue of the grandfather clause of the zoning regulations.

I have also reviewed the applicable Use Provisions and associated subsections set forth in Subtitle U, Chapter 6 §§ 600.1, (e) (1) through (5) as itemized below in determining that the conversion of the existing building to establish the proposed use as a single-family dwelling is allowed as a matter of right, as follows:

“(e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:”

The project proposes the conversion and adaptive use of an existing building located on the subject property for purposes of a single-family dwelling, which by definition is a one (1) dwelling unit Residential dwelling.

“(1) The alley lot is wholly within an R-3, R-13, or R-17 zone, an RF zone, or an RA zone;”

The subject property, according to the DC Zoning Maps is located within the RF-1 zone.

“(2) A residential dwelling may not be constructed or other building converted for a dwelling unit unless there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;”

The subject property, according to available public records and as attested by the Surveyor’s Plat attached to the request for zoning determination letter, is approximately one thousand six hundred and twenty-five square feet (1,625 ft²), in

excess of the minimum lot area requirement to allow the establishment of a one-unit residential dwelling.

(3) The alley lot has access to an improved public street as follows:

(A) Through an improved alley or alleys twenty-four feet (24 ft.) or more in width; or

The subject property does not have access to an improved street through a twenty-four feet alley or more in width

“(B) Through an improved alley no less than fifteen feet (15 ft.) in width and within three hundred (300) linear feet of an improved public street;”

The subject property abuts an alley that is fifteen feet (15 ft.) in width and within three hundred feet (300 ft.) of Sherman Avenue NW, which is an improved street

“(4) The residential dwelling shall meet all building code requirements for a permanent residential structure; and”

You contend that the residential dwelling shall be designed to meet all building code requirements for a permanent residential structure, and further attest that the Building Code Official is not authorized to issue a building permit, unless a project complies with all applicable provisions of the Building Codes.

(5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment.

The proposed project meets and exceeds the minimum width of alley set forth in Subtitle U, Chapter 6, §600,1 (3) (B) and is less than the prescribed three hundred feet (300 ft.) distance to an improved street.

In light of all the foregoing, including a review of available public records and drawings and other documents attached to this request, I have determined that the proposed project may be constructed as designed as a matter of right, provided that the permit drawings submitted for the purpose of obtaining a building permit shall not deviate from the concept design/schematic drawings attached and are incorporated by reference to this determination letter; further subject to the determination of other authorized building official that access from a proposed dwelling on abutting alley lot is sufficient to provide the intended public safety, hygiene or other building code requirement, as set forth in Subtitle U, Chapter 6, §600.1 (e), (5).

The determination contained herein is predicated on the applicable provisions set forth in the Zoning Regulations in effect at the date of this letter.

Please be advised that the project shall be subject to the Zoning Regulations in effect at the time of the submission for a building permit, to the extent that an amendment to the applicable provisions of ZR16 is adopted

I hope this responds to your request for ZA determination letter sufficiently.

Please do not hesitate to let me know if I can be of further assistance.

Sincerely

Matthew LeGrant

Zoning Administrator for the District of Columbia