

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Request for a Modification without Hearing to BZA Order No. 20302
of 512 Taylor LLC
512 Taylor Street, NW (Square 3231, Lot 98)

I. INTRODUCTION

This request for a modification without hearing (the “**Modification**” of “**Modification without Hearing**”) is submitted on behalf of 512 Taylor LLC (the “**Applicant**”), the owner of 512 Taylor Street, NW (Square 3231, Lot 98) (the “**Property**”). The original application (BZA Case No. 20302) was filed by the original owner for a conversion from one single-family dwelling to a 3-unit residential building pursuant to U-320.2, as well as an addition within the matter-of-right building envelope of the RF-1 zone. The new owner/Applicant is proposing minor changes to the BZA-Approved plans that do not require any additional relief and are entirely within the permitted development standards of the RF-1 Zone. Accordingly, the Applicant is seeking a Modification without Hearing. The ANC previously supported the original request for approval, as did the directly adjacent neighbor.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the Modification without Hearing pursuant to Subtitle Y § 703 and review of the original special exception approval pursuant to Subtitle X § 901 and U § 320.2.

III. MODIFICATION WITHOUT HEARING STANDARDS.

A. Technical Requirements

Pursuant to Y-703.7 “a modification without hearing” is a modification in which the impact may be understood without witness testimony, including, but not limited to a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. The determination that a modification can be approved without witness testimony is within the Board’s discretion.

B. Justification and Proposed Changes

The original application (BZA Case No. 20302) was filed by the original owner for a conversion from one single-family dwelling to a 3-unit residential building pursuant to U-320.2. That owner also proposed a rear and third story addition which are within the matter-of-right footprint. The Board of Zoning Adjustment (“BZA”) voted to approve the application on November 18, 2020. The original building permit (B2103007) was filed on January 1, 2021, while that owner waited for the order. The order became effective April 12, 2021. The building permit was issued on November 21, 2022.

About a year later, in December 2023, the current owner purchased the Property. The original plans were designed prior to or right around the time of the COVID-19 outbreak. The pandemic created new market demands, including additional outdoor space and room to both live and work. As discussed more fully below, the revisions proposed reflect those market demands as the decks provide outdoor living space. A permit revision was filed on January 25, 2024. The Applicant originally intended to avoid BZA relief as the majority of the changes could be approved by the ZA administratively.

The Applicant is proposing to extend the deck area across the full width of the rear of the building for each floor. The original deck and stair occupied approximately the same depth as proposed, but the increase across the width of the rear increases the lot occupancy. This increase in lot occupancy from 49% to 52% exceeds the permitted changes permitted administratively under A-304.10 and is not the direct result of a structural or building code requirement.¹ This is an RF-1 zone which permits a lot occupancy of 60%, so the increase is within the matter-of-right envelope. One other positive change is the addition of a third parking space so that there will be one parking space for each unit. While DOB approved this change without any comment, the Zoning Regulations explicitly state an increase in parking cannot be approved administratively.²

As the proposed use has already been approved, the conditions of the original approval under U-320.2 are still met, and the proposed changes do not require any relief as they are entirely permitted by right but for the original conversion, then the impact—or lack thereof—of the proposed changes can be understood without additional witness testimony.

¹ 304.10 (f) [An Applicant may not...] Increase by more than two percent (2%) the building gross floor area, the percentage of lot occupancy, building height, or penthouse or rooftop structure height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements.

² 304.10(h) [An Applicant may not...] Increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans.

In addition to the lot occupancy increase, the original self-certification form listed the rear yard at 81 feet, but that appears to have not accounted for the approximately 15 ft. set of stairs and deck from the cellar to the first floor. With that included, the original rear yard proposed is approximately the same as the modified plans, which have a rear yard of 57 ft. 3 inches, nearly triple the requirement for the RF-1 zone. The Applicant is also enclosing some space under the existing front porch—although this should not have any impact on lot occupancy or other development standards. The rear yard, below grade space, and other interior changes, detailed under “Project Description” on Page 2 of the Plans, could have otherwise been approved administratively but for the decks and parking space.

If this were a single-family or flat without a previous BZA approval, a BZA modification would not be required, and the proposal could be approved at DOB as a matter of right. These changes do not require any additional relief, nor does it change the basis of the approval for the relief under U-320.2 which was only related to the use and not the structure. The proposal is still meeting the requirements of U-320.2:

(a)The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;

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(b)The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and

Only three units are proposed.

(c)There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

The Property has 2,772 square feet of land area and therefore has a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.

IV. CONCLUSION.

Modification without Hearing
512 Taylor Street, NW

For the reasons stated above, this Application meets the requirements for a modification of without hearing and the request continues to comply with the original special exception approval by the Board.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
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