

Advisory Neighborhood Commission 3D

Government of the District of Columbia



July 19, 2026

Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20001

Re: Appealing Building Permit B260316 for Front Setback Regulations (11-D DCMR § 206.2) as Applied to Nonconforming Corner Lots in R-1-A and R-1-B Zones

Dear Chairperson Pourciau:

At a duly-noticed regularly scheduled monthly meeting on July 1, 2026, with a quorum (4) present at all times, Advisory Neighborhood Commission 3D voted 7-0-0 to both approve this letter and appeal building permit B260316 as appropriate and permissible under DC law in this matter to protect the rights of the ANC and the community.

Advisory Neighborhood Commission 3D objects to how the front setback regulations at 11-D DCMR § 206.2 are being applied in R-1-A and R-1-B zones. A flaw in the current application of this rule is accelerating front setback creep and changing the character of some of our streets. The 3D Commission has been hearing complaints around this issue for years and it has accelerated in recent months as the Spring Valley neighborhood is beginning to be re-developed with a plethora of teardown homes being replaced by new significantly larger homes. The size of these structures makes the front setback all the more significant. We believe this issue warrants the Office of Planning's attention.

Background

Section D-206.2, adopted in 2016, requires that residential buildings in the R-1 zones provide a front setback within the range of existing front setbacks of all residential buildings on the same side of the street on the block where the building is proposed. On many streets within ANC 3D, the corner lots in the R-1-A and R-1-B zones are nonconforming as to minimum lot size or width, and as a result the corner house is sometimes 10 to 12 feet closer to the street than every other house on the block. The house itself may also be a nonconforming structure. In most cases, these corner lots and houses were never intended to establish the blockface or define the block's street scape. When new construction is permitted to use that nonconforming corner lot to establish the front setback for the whole blockface, the new home is built much closer to the street than the rest of the block. We are seeing a ripple effect on several streets, with each new home pushing closer to the street on the strength of a single nonconforming corner lot, while residents are left to complain, after the fact, about the changing character of their street.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21521
EXHIBIT NO. 3

The Tilden Street Appeal

This issue is squarely presented in this appeal involving the property at 4823 Tilden Street, where the owner has proposed using the corner house at 4801 Tilden Street to establish the new home's front setback. The house at 4801 Tilden Street is nonconforming on several grounds, and was built with no setback at all from the front lot line; if it were proposed today, it could not be sited facing Tilden Street without either violating the rear setback requirement or encroaching significantly into the public space.

In March, ANC3D posed this question directly to the Zoning Administrator: should a nonconforming corner house be allowed to set the new front setback standard for the rest of the street? In response, the Zoning Administrator confirmed that, in evaluating the blockface under D-206.2, her office includes corner properties among “all residential buildings on the same side of the street,” without addressing whether the nonconformity of a corner lot should affect that analysis.

Why This Reading Is Inconsistent with the Zoning Regulations

We believe this application of D-206.2 overlooks the nonconformity provisions in Chapter 2 of Subtitle C, which were reorganized in 2016 as general rules applicable to all zones. Among other things, Subtitle C bars the creation of new nonconformities where none currently exist. Section C-201.1 specifically provides that a nonconforming structure may not “be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district.” A nonconforming corner house built with no front setback is, on a plain reading of C-201.1, exactly this kind of nonconformity, and it should not be used to justify a reduced setback on a separate, conforming lot elsewhere on the block. To do so is effectively extending the nonconformity further up the street where the houses are in general alignment, an important component to the neighborhood’s character. And in the case of Tilden Street, allowing the corner lot setback elsewhere on the block violates a 75-year old street scape established by the neighborhood’s original developer. Section C-101.1 states that Subtitle C's general rules apply to all zones “unless otherwise stated in this title.” Subject to this general rule, Section D-206.2 does not otherwise state that nonconforming structures may be used to determine front setbacks. Given that the drafters of D-206.2 would have been aware of the nonconformity provisions in Subtitle C, their silence on this point suggests they did not intend for D-206.2 to override C-201.1's general prohibition. This reading is also consistent with the stated purpose of the R-1-A and R-1-B zones. Section D-101.2(b) provides that residential zones “are intended to recognize and reinforce the importance of neighborhood character,” and permitting a single nonconforming corner lot to reset the front setback for an entire block undermines that purpose. It likewise runs counter to the Comprehensive Plan's Land Use Policy RCW-1.1.1 (Neighborhood Conservation) and Policy

LU-2.1.5 (Support Low-Density Neighborhoods), both of which call for preserving the existing scale and character of established neighborhoods.

Our request is laid out in the formal appeal submitted to the BZA record.

Sincerely,

A handwritten signature in blue ink that reads "Bernie Horn". The signature is written in a cursive, flowing style.

Bernie Horn
Chair, ANC 3D