

## CHAPTER 51 ALLEY LOT REGULATIONS

### 5100 GENERAL PROVISIONS

5100.1 All alley lots must be recorded in the records of the Office of the Surveyor as a record lot.

5100.2 New alley lots may be created as provided in Subtitle C, Chapter 3.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 5101 DEVELOPMENT STANDARDS

5101.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

### 5102 HEIGHT

5102.1 The maximum height and stories of buildings on alley lots in RF zones shall be twenty feet (20 ft.) and two (2) stories, including the penthouse.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### 5103 LOT OCCUPANCY

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE E § 5103.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT**

| Alley Lot Size                          | Maximum Lot Occupancy |
|---|-----------------------|
| Less than 1,800 sq. ft.                 | N/A                   |
| Between 1,800 sq. ft. and 2,000 sq. ft. | 90%                   |
| Larger than 2,000 sq. ft.               | 80%                   |

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016); Final Rulemaking & Order No. 08-06E published at 63 DCR 10932 (August 26, 2016).

### 5104 REAR YARD

5104.1 A required rear yard shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5105           SIDE YARD**

5105.1           A required side yard shall be provided with a minimum depth of five (5) feet from any lot line of all abutting non-alley lots.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5106           ALLEY CENTERLINE SETBACK**

5106.1           A required twelve foot (12 ft.) setback from the centerline of all alleys to which the alley lot abuts shall be provided.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5107           PERVIOUS SURFACE**

5107.1           The minimum required pervious surface shall be ten percent (10%).

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

**5108           SPECIAL EXCEPTION**

5108.1           Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle E § 5204.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **CHAPTER 52 RELIEF FROM DEVELOPMENT STANDARDS**

### **5200 GENERAL PROVISIONS**

- 5200.1 The following provisions provide for relief to the development standards and regulations in the RF zones as a special exception subject to the provisions of this chapter and the general special exception criteria at Subtitle X, Chapter 9.
- 5200.2 Requested relief that does not comply with specific conditions or limitations of a special exception shall be processed as a variance.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

### **5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE**

- 5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones, relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.
- (a) Lot occupancy;
  - (b) Yards;
  - (c) Courts;
  - (d) Minimum lot dimensions;
  - (e) Pervious surface; and
  - (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.
- 5201.2 Special exception relief under this section is applicable only to the following:
- (a) An addition to a residential building;
  - (b) A new or enlarged accessory structure that is accessory to such a building;  
or
  - (c) A reduction in the minimum setback requirements of an alley lot.
- 5201.3 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
- (c) The addition or accessory structure, together with the original 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 subject street frontage;
- (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 or accessory structure to adjacent buildings and views from public ways; and
- (e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

5201.4 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.

5201.5 This section shall not be used to permit the introduction or expansion of a nonconforming use as a special exception.

5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5202 SPECIAL EXCEPTION CRITERIA CAPITOL INTEREST ZONES (RF-3)**

5202.1 In the RF-3 zone, in addition to any conditions relative to the specific special exception, any special exception application shall be subject to consideration by the Board of Zoning Adjustment as to whether the proposed development is:

- (a) Compatible with the present and proposed development of the neighborhood;
- (b) Consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub.L. No. 94-59, 89 Stat. 288); and

(c) In accordance with the plan promulgated under the Act.

5202.2 Upon receipt of the application, the Board shall submit the application to the Architect of the Capitol for review and report.

5202.3 The Board may require special treatment and impose reasonable conditions as it deems necessary to mitigate any adverse impacts identified in the consideration of the application.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5203 BUILDING HEIGHT**

5203.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:

- (a) The building is not on an alley lot;
- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
- (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;
- (d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (e) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
  - (1) The light and air available to neighboring properties shall not be unduly affected;
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
  - (3) The conversion and any associated additions, 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 subject street or alley; and
- (f) In demonstrating compliance with Subtitle E § 5203.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation

and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

- 5203.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5203.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5203.1(e).
- 5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 206.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1(b)(3) and (4)..
- 5203.4 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 or nearby properties, or to maintain the general character of a block.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2); Final Rulemaking & Order No. 08-06D published at 63 DCR 10620 (August 19, 2016).

## **5204 SPECIAL EXCEPTION CRITERIA ALLEY LOTS**

- 5204.1 The Board of Zoning Adjustment may approve as a special exception a reduction in the minimum yard requirements of an alley lot in an RF zone may be approved as a special exception pursuant to Subtitle X, Chapter 9.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

## **5205 SPECIAL EXCEPTION FROM PENTHOUSE PROVISIONS**

- 5205.1 The Board of Zoning Adjustment may grant special exception relief from the penthouse requirements of this subtitle pursuant to the provisions of Subtitle C §§ 1504.1 and 1504.2.

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).