

# Tab B



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

November 13, 2018

Meridith H. Moldenhauer  
Cozen O'Connor  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

**Re: Chain Bridge Road Subdivision - Square 1425, Lots 831-839 (the "Property")**

Dear Ms. Moldenhauer,

This letter is in reference to the meetings that you and your client had with my office on October 5 and October 24, 2018 regarding your client's plan of subdividing the Property into seven (7) single family residential lots (the "Project") (a copy of the plans are attached as "**Tab A**"). The Property is known as Lots 831-839 in Square 1425 and has a total land area of approximately 143,190 s.f. of land abutting Chain Bridge Road, N.W.

The Property is located in the R-21 Zone District and is not located in a historic district. All of the proposed seven lots are unimproved and the sizes of the lots are as follows: Lot 1 is 34,577 s.f.; Lot 2 is 16,009 s.f.; Lot 3 is 20,392 s.f.; Lot 4 is 32,074 s.f.; Lot 5 is 12,350 s.f.; Lot 6 is 13,535 s.f.; and Lot 7 is 13, 573 s.f..

The Property is irregularly-shaped with street frontage on Chain Bridge Road NW. It abuts other improved residential properties on all sides, all of which are similarly zoned R-21, and one of which is a historic landmark (Lot 814). A copy of the Zoning Map is attached here at Tab "B".

The project involves the subdivision of the Property into seven record lots and the zoning requirements would apply to each lot individually.

In summary, at our meeting, my office found the following:

**The Project**

As represented in the conceptual plans attached as Tab "A", the Project is comprised of a seven lot Subdivision, each suitable to be eventually improved with a newly constructed single family home. As illustrated below, each of the proposed lots conforms with the requirements set forth in the Zoning Regulations and as such, the subdivision of the existing tax lots to record lots should be able to proceed as a matter-of-right pursuant to Subtitle C § 302.1.

I. Subdivision

As outlined below, each of the proposed lots complies with the Lot Frontage, Lot Width, and Lot Area requirements set forth in Subtitle C § 300 et seq. of the Zoning Regulations regarding the development standards for subdivisions.

*Lot Frontage*

Pursuant to Subtitle C § 303.2, the lot frontage in a zone with a minimum lot width must be at least 75% of the lot width. Because, the lot width in zone R-21 is 75 feet (Subtitle D § 1302.1) the minimum lot frontage permitted is 56.25 feet.

As specifically noted and shown on Tab "A", Lots 1 and 7 have a lot frontage of 56.25 feet, Lot 2 has a lot frontage of 80 feet, Lot 3 has a lot frontage of 88 feet, Lots 5 and 6 have a lot frontage of 86 feet, and Lot 4 has a lot frontage of 101 feet. Therefore, the proposed Project complies with the lot frontage requirement.

*Lot Width/Lot Area*

Under Subtitle D § 1302.1, the minimum lot width for lots in the R-21 zone is 75 feet and the minimum lot area for lots created after July 20, 1999, is 9,500 square feet. Pursuant to Subtitle C § 304.1, pertaining to interior lots, lot width is measured by establishing a point on each side lot line 30 feet from the intersection of the side lot line and the street lot line. The lot width is determined by measuring the length of the straight line between the two points at 30 feet in on the side lot lines. In the case of an irregularly shaped lot or angular lot line, the Zoning Regulations provide no specific clarity.

As demonstrated and noted on Tab "A", the lot widths of the proposed lots, measured according Subtitle C § 304.1 as described above, are as follows: Lots 1, 2, 3, 5, 6, and 7 have a lot width of 75 feet and Lot 4 has a lot width of 77 feet 6 inches. Therefore, each of the proposed lots conforms with the minimum lot width requirement for the R-21 zone as set forth under Subtitle D § 1302.1.

Also, as illustrated on Tab "A", the lot area measurement of each lot is as follows: Lot 1 is 34,557 s.f.; Lot 2 is 16,009 s.f.; Lot 3 is 20,392 s.f.; Lot 4 is 32,074 s.f.; Lot 5 is 12,350 s.f.; Lot 6 is 13, 535 s.f. and Lot 7 is 13, 573 s.f. Each lot exceeds the minimum lot area requirement of 9,500 s.f. and therefore each lot conforms with the minimum lot area requirement set forth in Subtitle D § 1302.1.

II. General Development Standards

As outlined below, each of the proposed seven lots will individually allow for improvement with a new single dwelling unit in compliance with the following general development standards.

### *Front Setback*

Pursuant to Subtitle D § 1305.1, the front setback in R-21 zones “shall be provided within the range of existing front setbacks of all residential buildings within an R-21 zone, on the same side of the street in the block where the building is proposed.” Under Subtitle B § 314.2(c), for an “existing range of blockface,” the range is determined by the distance of the closest existing building to the street and the furthest existing building from the street on the same blockface.

As shown on the zoning map in “Tab B”, the building closest to the street appears to be 29 feet from the street lot line, and the building furthest from the street appears to be 315 feet from the street lot line. As shown in “Tab C”, as all seven lots provide for a building site allowing a front set back of at least 29 feet and no further than 315 feet, all the building sites shown on the proposed lots are in compliance with the front set back requirement set forth in Subtitle D § 1305.1.

### *Lot Occupancy*

Under Subtitle D § 1304.2 the maximum lot occupancy permitted for lots in the R-21 zone over 9,000 square feet is thirty percent (30%), but not less than 3,150 square feet.

While the specific design plans for each single family dwelling unit are to be determined, the building sites shown for each lot provides enough space for a single family dwelling to be sited so as to comply with the lot occupancy standards of Subtitle D § 1304.2.

### *Floor Area Ratio (FAR)*

There are no Floor Area Ratio restrictions for R-21 zones.

### *Rear Yard*

Pursuant to Subtitle D § 1306.1, a property in the R-21 zone must provide a rear yard of 25 feet. In general, as stated under Subtitle B § 318.2 “the depth of a required rear yard shall be measured as the mean horizontal distance between the rear line of a building and the rear lot line, except as provided elsewhere in this title.”

The Zoning Regulations provide different measurement procedures for irregularly shaped lots. Subtitle B § 318.1 provides that for irregularly shaped or triangle lots “the furthestmost point or line from the street lot line shall be deemed the point or line from which the required rear yard shall be measured. Pursuant to Subtitle B § 318.3, where a rear lot line is not parallel to the street lot line, or where more than one rear lot exists and the rear lot lines intersect at an angle more than ninety degrees (90°), “the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines.” In cases where there is no rear lot line because the side lot lines intersect or where two rear lot lines

intersect at less than ninety degrees (90°), Subtitle B § 318.4 states that the rear yard “shall be measured as an arc from the point opposite the front lot line.

In this case, as illustrated on **Tab A**, the building sites shown for each lot are providing at least a 25 foot rear yard. The 25 foot rear lot lines for lots 2-3 and 5-7 are measured pursuant to Subtitle B §§ 318.1 and 318.2. As a note, Lot 3 has a 25 foot rear yard is provided along the rear lot line parallel to the street lot line. The map also specifically notes that the rear yard measurement for Lot 1, as shown on the Preliminary Lot Configuration on **Tab A**, that is based on the measurement standard set forth in Subtitle B § 318.4 and the rear yard measurement for Lot 4 (see **Tab A**) that is based on the rear yard measurement procedure in Subtitle B § 318.3. Therefore the Project complies with the rear yard requirement.

#### *Side Yard*

Pursuant to Subtitle D § 1307.1, a minimum side yard of 8 feet must be provided. The building sites shown for each lot provides for a side yard of at least 8 feet and therefore each lot is compliant with the side yard requirements.

#### *Courts*

Pursuant to Subtitle D § 203.1, there are no court dimension requirements for single family dwellings in the R zones. As each lot will have a single family dwelling, no court requirements apply to the Project.

#### *Pervious Surface*

As set forth in Subtitle D § 1308.1, the “minimum percentage of pervious surface of shall be fifty percent (50%).” Subtitle D § 1308.1(b) further provides that the minimum pervious surface requirement shall not “create nonconformity of a structure as regulated by Subtitle C, Chapter 2.”

As shown on **Tab A**, all proposed lots provide for building sites compliant with the minimum pervious surface requirements and therefore the Project is compliant with Subtitle D § 1308.1.

#### *Vehicle Parking and Access*

The minimum parking requirements for the R-21 zone are set forth in Subtitle C § 701 et seq. Pursuant to Subtitle C § 701.5, a single family dwelling unit is required to have one parking spot. Subtitle C § 711.3 sets forth the requirement that all parking spaces must have access to an improved street. Under Subtitle C §§ 711.5, a driveway for up to three single family dwelling units “shall be at least eight feet (8 ft.) wide and not more than ten feet (10 ft.) wide” within twenty feet (20 ft.) of all street lot lines. In addition, Subtitle C § 711.8 requires driveways to required parking spaces to have “a maximum grade of twelve percent (12%) with a vertical transition at the property line.

The Project will provide at least one parking spot on each lot with access to Chain Bridge Road NW. Each of the proposed lots provides enough space for a driveway access that is 8-10 feet

wide within 20 feet of each lot's street lot line to parking spots on each lot and no more than three single family dwelling units will share one driveway. The Project provides the requisite space and configuration for all driveways to be provided to have no more than a twelve percent (12%) grade with a vertical transition at the property line. Therefore, the vehicle parking and access to be provided on each lot is compliant with the parking requirements per Subtitle C §§ 701.5, 711.3, 711.5 and 711.8.

#### *Bicycle Parking*

Pursuant to Subtitle C §802.1, no bicycle parking is required for residential houses.

#### *Inclusionary Zoning*

Subtitle C § 1001.2(c) requires that a development would be subject to IZ requirements when the proposed project would have ten or more new dwelling units constructed concurrently or in phases, on contiguous lots or lots divided by an alley if such lots were under common ownership, control, or affiliation within one year before the application for the first building permit.

The proposed project is not subject to any IZ requirements as each lot will only have one single family dwelling, which will then total seven (7) dwellings, which is less than the ten (10) dwelling threshold that triggers IZ.

#### *Easement Requirements*

There is a restrictive covenant that runs with the land prohibiting any construction within 25 feet of Chain Bridge Road NW. The relevant provisions are attached as "**Tab D.**"

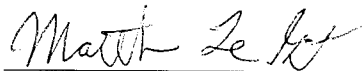
Each of the proposed lots provides for a building site more than 25 feet from Chain Bridge Road NW. Therefore, all of the proposed single family dwelling units will be built in compliance with the restrictive covenant. Nothing in the covenant restricts the development of the Project from proceeding as a matter-of-right.

#### **Conclusion**

Based on the review of the attached plans and exhibits, the Project on the Property complies with the R-21 Zone District requirements, and the Project may be permitted as a matter-of-right.

Accordingly, when the Subdivision application for the Project is filed, my office will sign off on the plat drawings that are consistent with the lot dimensions so long as the plat is consistent with the plans attached to this letter at Tab "A". Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant  
Zoning Administrator

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a “final writing”, as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator’s review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

Attachments:

Tab “A”: Preliminary Seven Lot Subdivision Plans

Tab “B”: Zoning Map

Tab “C”: Preliminary Lot Configuration

Tab “D”: Restrictive Covenant

**TAB A**



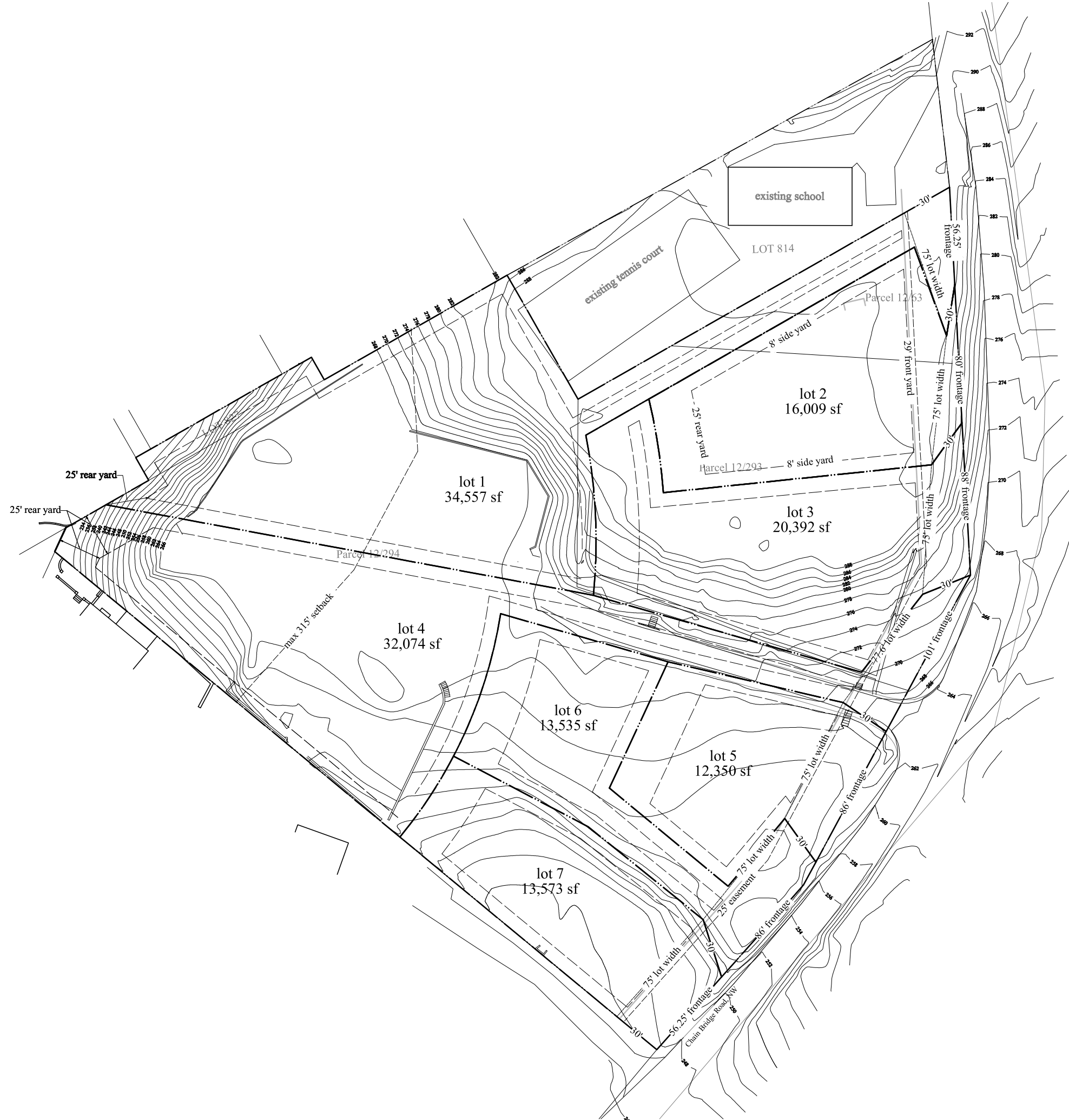


**TAB B**



Zoning Map-Chain Bridge Road Project

TAB C



**Preliminary Lot Configuration**  
(with grade & road)

**7- 75' Subdivision Lots**  
**Chain Bridge Road Project**

Square 1425 Lots 831-839  
Washington, DC

November 5, 2018



**TAB D**

23

34084

BOOK 3014 PAGE 211  
THIS DEED

Made this 1st day of August, in the year one thousand nine hundred and fifty, by and between THE BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA, party of the first part, acting pursuant to the authority contained in an Act of Congress, approved August 5, 1939 (53 Stat. 1211), entitled "An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes," and in accordance with a resolution adopted by the National Capital Park and Planning Commission at its meeting held on January 25, 26 and 27, 1950, and a finding made by the Commissioners of the District of Columbia and the National Capital Park and Planning Commission that the hereinafter described land is no longer required for public purposes,

a certificate of the approval of the National Capital Park and Planning Commission being attached hereto as a part of these presents; and H. GABRIEL MURPHY and wife, MARIE McINTYRE MURPHY, parties of the second part;

WITNESSETH, that for and in consideration of the sum of Twenty-One



THIS CONVEYANCE is made subject to the following covenant and re-  
tion, which shall run with the land hereby conveyed and shall be  
ing upon the grantor and grantees herein named, their heirs, suc-  
ors and assigns, and all persons claiming under them:

That no building or buildings shall be constructed or  
erected within twenty-five (25) feet of the westerly line  
of Chain Bridge Road as publicly owned on the date of the  
execution of this deed.

AND the said party of the first part covenants that it and its  
essors in office will execute such further assurances of said land  
ay be requisite.