



**DEPARTMENT OF BUILDINGS  
OFFICE OF ZONING ADMINISTRATION**

November 28, 2022

**Via Emailed PDF**

Amanda Ganginis ,Architect, LLC  
17604 Lisa Drive,  
Derwood, MD 20855  
Email: [amanda@amandaganginis.com](mailto:amanda@amandaganginis.com)

**RE: 1725 Newton St NW – Square 2620, Lot 0645 (Subject Property)**

Dear Ms. Ganginis,

This letter is in reference to the PDRM meeting you had with Greg Garland of my staff on October 12, 2022, regarding your client’s request to rebuild her second floor rear balcony in place. I would like to memorialize the discussion regarding the non-conformity of the existing second floor balcony in terms of Lot Occupancy and the Rear Yard setback.

**Background**

1725 Newton St NW is located on Lot 0645 in Square 2620 and has a lot area of 1,250 square feet. The Property is approximately 16.67 feet wide along Newton St NW and 75 feet long. The Property is in the RF-1 zone and is an attached Single Family Dwelling (see **Exhibit A**).

**Description of Proposed Project**

Your client seeks to rebuild her existing second floor balcony in place due to several factors. First, the balcony is structurally unsound. The existing balcony posts are bearing on the decking boards of the existing ground floor deck. These posts are required to sit on a structural foundation and are likely undersized at 4x4. The existing balcony is visibly coming away from the existing rear wall. Second, the existing balcony guardrails are not built to code (they are 30” tall). Third, the decking and other framing materials are deteriorated. The client would like the balcony to be built to current structural and building codes. Photographs of the existing balcony can be found on **Exhibit B**. The balcony was built before your client purchased the house, so the permit history of the balcony is unknown.

### **Description of Non-Conformance to Current Zoning Code**

The existing second floor balcony is situated in the required rear yard. Current Zoning code for RF-1 requires a 20' rear yard setback per 11 DCMR § 306.1. The existing balcony is setback from the rear property line 6.62 feet (see **Exhibit C**).

The existing lot occupancy including the existing second floor balcony is 62% (the balcony represents 6% of the lot occupancy). Current Zoning code for RF-1 requires a 60% maximum Lot Occupancy per 11 DCMR § Table E 304.1. Rebuilding the balcony in place would maintain the 2% overage of the maximum Lot Occupancy (see **Exhibit D**).

### **Conclusion**

In viewing your submitted photographs, as well as other publicly available aerial photos, I see that the balcony configuration on the subject property is consistent with other rear balconies of the buildings on the block and adjacent to the property. Therefore, despite the lack of the building permit history for the subject property's balcony, I conclude that the balcony is part of the original building construction, and therefore is deemed an existing non-conforming feature of the property.

Consequently, the existing balcony may be rebuilt in place, and can maintain the existing location and size.

Please feel free to contact me if you have any questions.

Sincerely, *Matthew Le Grant*  
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 Department of Building 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 the Department of Building.

Attachments:     A- Summary of Statistics  
                      B- Photographs  
                      C- Plat  
                      D- Lot Occupancy Tabulation

Zoning Technician: Greg Garland

File: Det Let re 1725 Newton St NW to Ganginis 11-28-22