

July 20, 2023

Alex and Lacey Loehr
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Scott Siegel
Scott Siegel Architects
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Re: PDRM – 3111 10th St NE – Lot 3877 Square 0036

Dear Mr. and Mrs. Loehr and Mr. Siegel,

This letter will confirm the substance of the PDRM with my staff on March 17, 2023.

3111 10th St NE is a single family detached home in the R-2 Zone, built in 1922. The second floor has two bedrooms, with a rear balcony above the back of the original home. Since purchasing the house in 2016, Mr. and Mrs. Loehr have had two children and wish to enclose the balcony to create a bedroom. Mr. and Mrs. Loehr are a government worker and recently self-employed, respectively, and this addition will allow them to remain in the home with their growing family and in the community they love.

The rear yard setback and lot occupancy are to remain as-is with the proposed addition. It is understood that the existing house is non-conforming with regards to the rear yard requirement (13 vs. 20 feet). Additions/extensions to the existing dwelling may be constructed as long as the existing rear yard is not reduced. I have reviewed the addition for portions that extend beyond the 20-foot rear yard, and these comply with the regulations of 11 DCMR as the footprint or existing rear yard is not reduced. **This permission is consistent with similar examples of small additions to older homes with insufficient rear yard setback requirements (such as [6100 33rd St NW](#)).** Construction to 3111 10th St NE (expanded second story) was also permitted by DC Zoning and completed in 2016.

Additionally, a relevant code is D-205.3, which states, "in the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958." As you can see in the attached plat, a 10-foot addition was included off the back of the home in 1922. The proposed addition to the second story does not exceed this 10-foot addition from 1922. Furthermore, the second story addition will be limited to the existing footprint.

Importantly, the proposed addition is in the back of the home and does not visually intrude upon the character of the house from the street. This is a single family, detached dwelling, with the nearest neighboring dwelling over 60 feet away, ensuring the use, enjoyment, light, and air of neighboring properties will not be unduly affected by the proposed addition.

I have reviewed the concept plan as proposed and concur that the development of an addition to the existing single family detached dwelling, as shown/proposed, meet the requirements of 11 DCMR. Accordingly, when building permits are filed for, I will approve permits for this property consistent with the above. Please let me know if you have any further questions.

Sincerely,

MWdaw for ML

Matt LeGrant
Interim 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.

