

March 14, 2023

Via Emailed PDF

Martin Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW
Suite 1003
Washington, DC 20005

Re: Square 4510, Lots 801, 802, 803, 818

Dear Mr. Sullivan:

This letter confirms the conversation you had with Brittany Bullock on February 7, 2023, regarding the property located at Square 4510, Lots 801, 802, 803, and 818 (the “Property”). The Property is located in the RF-1 Zone. The Subject Property consists of four alley tax lots, including Lot 818, which is 16’ x 85’, with a lot area of 1,360 square feet; Lot 802 and Lot 803, which are each 12’ x 85’ with a lot area of 1,020 square feet each; and Lot 801, abutting the rear of the other three alley tax lots, which is 40’ x 10’, with a lot area of 400 square feet. The total lot area of the four Alley Tax Lots is 3,800 square feet. (See plat attached as Exhibit A.)

According to the 1919 Baist Map for this square (attached as Exhibit B), these tax lots were recorded prior to 1958. The alley on the north side of the Subject Property is twenty feet wide and is less than 300 feet from the 16th Street, NE right-of-way.

Pursuant to Section C-306.3(b) of the Zoning Regulations, an Alley Tax Lot created before May 12, 1958 may be combined with an abutting Alley Tax Lot created before May 12, 1958 to create a larger Alley Record Lot.

You have asked for my determination affirming the compliance of the following proposal: to combine existing tax lots 801, 802, 803, and 818 together, into two separate alley record lots, in the dimensions generally in the attached sketch (Exhibit C). The resulting lots would have approximate dimensions of 18.75’ x 95’ for Lot 1, and 21.25’ x 95 feet for Lot 2.

C-306.3 reads:

306.3 An Alley Tax Lot recorded with the Office of Tax and Revenue prior to May 12, 1958, may be converted into an Alley Record Lot without meeting the requirements of Subtitle C § 306.1, if the Alley Tax Lot:

(a) Has a minimum square footage of four hundred and fifty square feet (450 sq. ft.); or

(b) Is combined with an abutting Alley Tax Lot created before May 12, 1958, or with an abutting Alley Record Lot, to create a larger Alley Record Lot.

I interpret this provision to allow the combination proposed herein. The critical requirements to satisfy this provision are: (1) all lots involved must be alley tax lots created before May 12, 1958, and (2) the resulting lot or lots must be “larger” than any of the lots which are part of the combination. I do not interpret this provision to mean that you can only combine the alley tax lots in their existing boundaries only. If that were true, then the phrase at the end of subsection (b) – “to create a larger Alley Record Lot.” – would not be necessary. If the only option was to combine applicable lots in their existing boundaries only, there would be no need to add the qualifying requirement that a larger Alley Record Lot must be created. For this reason, I have interpreted subsection (b) as providing that a combination of these four lots may result in two lots of any size, provided the two resulting lots are both larger than each one of the four original Alley Tax Lots.

Once this subdivision is completed, you may construct and use a single-family dwelling on each of the two resulting Alley Record Lots, because the alley is more than 15-feet wide and the Property is within 300 feet of 16th Street. (U-600.1(f)).

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

Sincerely, *mamadou ndaw*

Mamadou Ndaw
Zoning Administrator (Interim)

Enclosures

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and 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 decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal 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. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.

