

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



November 19, 2009

By US Mail and Email PDF

Jeffrey Utz
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Re: Subdivision of 2910 Garfield Street, NW, Washington, DC (Square 2113, Lot 828) – Approval of Subdivision and Granting of Zoning Administrator Flexibility Provided Under Section 407.1 of the Zoning Regulations

Dear Mr. Utz:

The purpose of this letter is to confirm the matters discussed in our meeting on Friday, November 13, 2009, concerning the above-referenced subject. Specifically, the issues discussed were whether the Property can be subdivided into two (2) record lots and if the Zoning Administrator's flexibility described in Section 407.1 of the Zoning Regulations can be granted for lots within two percent (2%) of the minimum lot area threshold under Section 401.3 of the Zoning Regulations.

As you know, the R-1-B Zone District requires a lot area of 5,000 square feet and a minimum lot width of 50 feet. Your proposal shown on Exhibit A is comprised of Lot A which contains 5,045 square feet and a lot width of 51.9 feet and Lot B which contains 4,901 square feet and a lot width of no less than 65.31 feet.

The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirement of Section 401.3 provided that (a) a building shall be allowed to deviate from the requirements of not more than two (2) of Sections 401, 403, 404, 405 and 406 and (b) the deviation shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations. The configuration shown on Exhibit A satisfies both of these elements of Section 407.1 since you are not requesting any other area of deviation from the Zoning Regulations and since your request will not impair the purpose of the otherwise applicable Zoning Regulations. Therefore, the configuration shown on Exhibit A is approved as shown.

Further, the method of calculation of the width of Lot A on Exhibit A is approved. As you know, the required lot width may be met, in the case of an irregularly shaped lot such as Lot A, by an average width of lot calculation, as further described in this letter. Section 199.1 of the Zoning Regulations defines "lot width" as follows:

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“the distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines....”

As a matter of standard interpretative practice, the Zoning Administrator has determined average width of lot by a method which (a) draws lines perpendicular to and intersecting the side property lines at ten (10) foot intervals, starting from and parallel to the front property lot line, (b) sums up the linear distance of drawn lines, and (c) divides the total linear distance by the number of lines drawn to arrive at the average width of lot. Further, the definition of lot width under Section 199 I of the Zoning Regulations clearly defines lot width as “the distance between the *side* lot lines” (emphasis added). Therefore, additional ten (10) foot distance measurements are not required for portions of the lot that do not include side lot lines, such as the rear portion of Lot A.

If you have any questions about this matter, please do not hesitate to contact me.

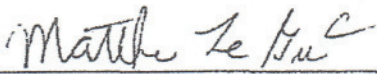
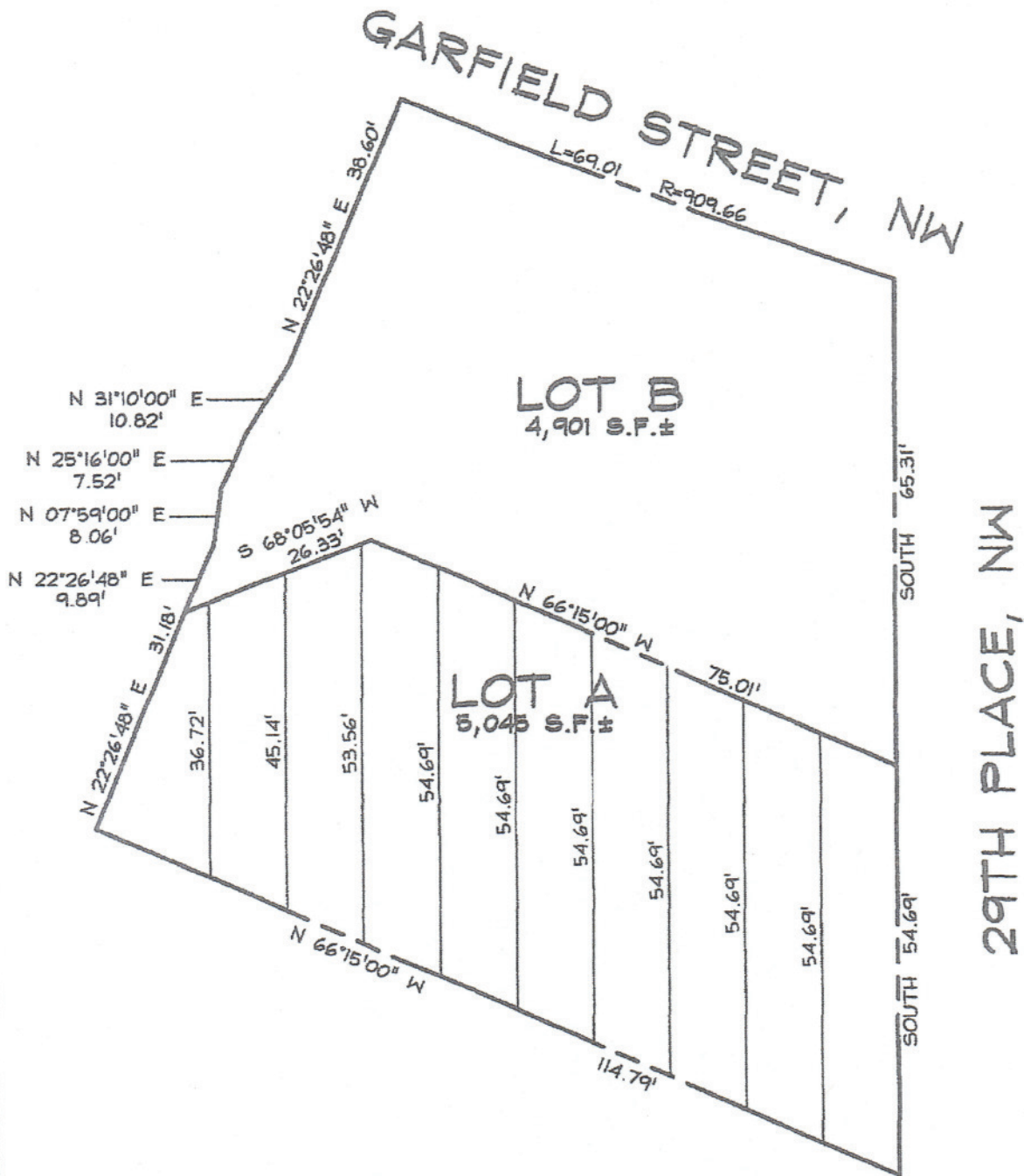
Sincerely, 
Matthew Le Grant
Zoning Administrator

Exhibit A



AVERAGE INTERVAL METHOD

$$36.72' + 45.14' + 53.56' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' + 54.69' = 518.25$$

$$518.25 / 10 = 51.825$$

51.9 > 50 - THEREFORE, GOOD



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2910 GARFIELD STREET, NW
 LOT 828, SQUARE 2113
 SUBDIVISION CONCEPT SKETCH "A"

SCALE:	N.T.S.
DRAWN BY:	DCL
JOB NO.:	09-174