

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION - § 223
APPLICANT'S STATEMENT

John Rosenthal (Applicant)
3128 P Street, NW; Square 1256, Lot 861
Expedited Review Pursuant to 11 DCMR § 3118

RECEIVED
D.C. OFFICE OF ZONING
2014 AUG -2 PM 1:05

I. Introduction.

John Rosenthal (the "Applicant") is the owner and occupant of the property and improvements located at 3128 P Street, NW, Square 1256, Lot 861 (the "Property" or the "Subject Property"). The improvements include a three story one-family semi-detached dwelling (the "House") and a one-story detached garage. The Applicant hereby requests special exception relief pursuant to 11 DCMR § 223 to construct an addition to the House which includes (i) a one-story enclosure of an existing 6'9" x 7'6" porch and (ii) a 3' x 10'8" bay window.

Because the existing lot occupancy on the Property (42.65%) exceeds the maximum permitted lot occupancy of forty percent (40%), and because the addition of the bay window extends the lot occupancy to 44.54%, the Applicant is requesting the § 223 special exception relief from the requirements §2001.3 (which prohibits additions to structures which are currently nonconforming as to lot occupancy) and §403.2 (lot occupancy).

The Applicant is requesting an expedited review of this request pursuant to 11 DCMR § 3118.

II. Description of the Property and the Proposed Additions.

The Property is located at 3128 P Street, NW (Square 1256, Lot 861) in Georgetown and in the R-3 zone district. It is mid-block between 31st and Wisconsin Streets, on the south side of the block. The Property is rectangular in shape and has a land area of 4,763 square feet. The House is a semi-detached structure which abuts the western property line and has a 15- foot-wide driveway between the House and the eastern property line. The Property includes a 20'6" x 20'8" one-story garage (the "Garage") in its southeast corner. The current lot occupancy of the Property, including the House and the Garage, is 42.65%. On the eastern side of the Property is a fifteen foot (15 ft.) side yard. The abutting property to the east includes a one-family semi-detached dwelling that abuts a portion of the Subject Property's property line.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18645
EXHIBIT NO. 6

Board of Zoning Adjustment
District of Columbia
CASE NO.18645
EXHIBIT NO.6

As it currently exists, the House includes a small open porch on its southeast corner, with no roof. There are currently 10 windows on this (eastern) side of the house. The Applicant is proposing to enclose this 6'9" x 7'6" porch area with a one-story addition, and also to add an 8'10" x 3' bay window near this same southeast corner of the House.

III. Expedited Relief Requested.

The maximum permitted lot occupancy for semi-detached dwellings in the R-3 zone district is forty percent (40%) – in contrast to the sixty percent (60%) maximum permitted lot occupancy for row dwellings in that same district. The existing lot occupancy on the Property is 42.65%. Because the Property is currently nonconforming as to lot occupancy, and also because it will extend the current nonconformity, the proposed addition requires § 223 special exception relief. The Application safely satisfies the requirements for such special exception relief, and the Applicant is also requesting expedited review of this Application pursuant to 11 DCMR § 3118.

IV. The Application Satisfies Special Exception Requirements of Sections 3104.1 and 223.

A. Overview. Pursuant to Section 3104.1 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under § 223 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. Requirements of Section 3104.1.

The granting of a special exception in this case “*will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property...*”. (11 DCMR § 3104.1.)

The proposed porch enclosure and bay window (the "Addition") will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The existing porch to be enclosed is already within the existing envelope of the building, representing a small corner niche in the southeast corner of the House. The bay window is a very minor addition and located in an area with a fifteen foot side yard (seven more than the minimum required side yard). The applicant is proposing relief to increase the Property's lot occupancy by less than two percent (2%), from 42.65% to 44.54%, and will exceed the permitted lot occupancy by only 4.54%. As the porch enclosure is enclosing an open porch, there is no change from the existing situation, as it relates to the privacy of abutting properties.

C. Requirements of Section 223.

The proposal in this application satisfies the requirements of Sections 223, as follows.

Section 223.2 *"The addition or accessory structure shall not have a substantially adverse affect on the use of enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*
- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways."*

The Addition will not have a substantially adverse effect on the use or enjoyment of neighboring properties. As noted above, the Addition is very minor in nature and will have no impact at all on any neighbors' use or enjoyment of their property.

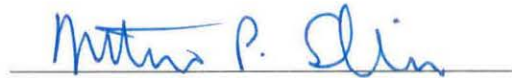
Section 223.3 *"The lot occupancy of all new and existing structures on the lot shall not exceed seventy percent (70%) in the R-3 District..."*

The proposed lot occupancy is only 44.54%., 4.54% over the maximum permitted lot occupancy of 40% and well below the 70% lot occupancy permitted in the R-3 zone with §223 relief.

V. Conclusion.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief pursuant to the expedited review process under § 3118.

Respectfully submitted,

A handwritten signature in blue ink, reading "Martin P. Sullivan", is written over a horizontal line.

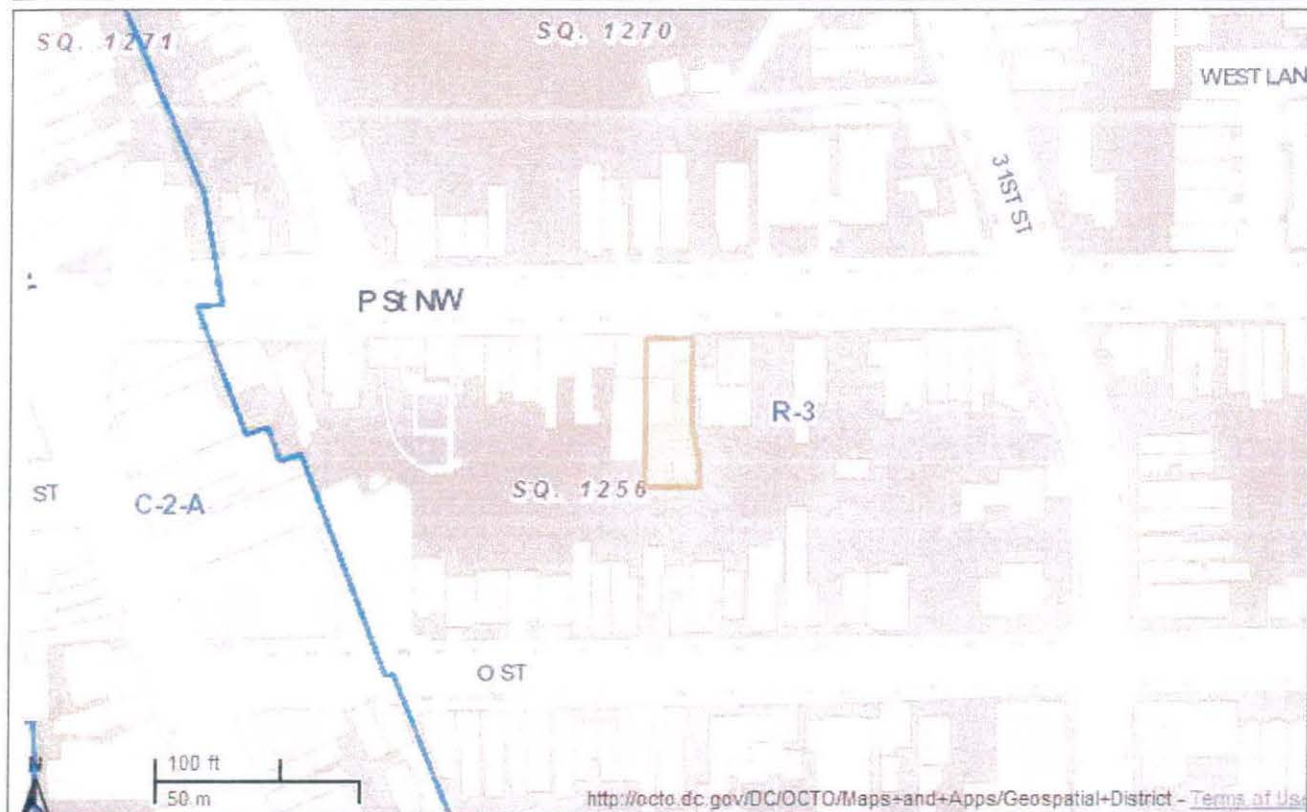
Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

Attachments to the Applicant's Statement,
Including Maps and Photographs



Zoning Report for Square: 1256 Lot: 0861

July 25, 2013



Zoning Layers

Zone Districts	Pending Overlays	Active PUDs	Latitude: 38.909015 Longitude: -77.062481
Pending Zones	Baist Index	Pending	Campus Plans
Overlays	Historic Districts	TDRs	CEA

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

Zoning Data Summary*

Square/Suffix/Lot	1256 na 0861
Premises Address	3128 P St NW
Zoning District (s)	R-3
Overlay District (s)	
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	2
Council Member	Jack Evans
ANC	2E
ANC Chairperson	Ron Lewis
SMD	2E03
Commissioner	Jeffrey Jones

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.

