

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

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Kenneth Scott Davies and Edel Quinones (Applicants)
1421 Swann Street, NW; Square 206, Lot 115
Expedited Review Pursuant to 11 DCMR § 3118

I. Introduction.

Kenneth Scott Davies and Edel Quinones (the "Applicants") are the owners and occupants of the property and improvements located at 1421 Swann Street, NW, Square 206, Lot 115 (the "Property" or the "Subject Property"). The improvements on the Property include a two-story one-family row dwelling (the "House") and a one-story detached carport/deck (the "Accessory Structure"). The Applicant hereby requests special exception relief pursuant to 11 DCMR § 223 to construct an addition to the House consisting of filling in a 5'1" x 13'2" open court at the northeast corner of the House. The Applicant further requests that the Board grant expedited approval of the Application pursuant to 11 DCMR § 3118.

Because the existing lot occupancy on the Property (69.17%) exceeds the maximum permitted lot occupancy of sixty percent (60%), and because the proposed addition (when combined with a reduction in lot occupancy of the Accessory Structure) will extend the lot occupancy from 69.17% to 69.99%, 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 lot is also currently nonconforming as to minimum lot area and lot width under § 401.3.

II. Description of the Property and the Proposed Additions.

The Property is located at 1421 Swann Street, NW (Square 206, Lot 115) in the Dupont Circle neighborhood, in the R-4 zone. (See a copy of the Zoning Map for the Property attached as Exhibit A.) The House on the Property is similar in footprint, or smaller, than other houses on this block. The existing Accessory Structure makes up a large portion of the overall lot occupancy. The Property is rectangular in shape and has a land area of 1,464 square feet. The House is a row structure which abuts row dwellings on each side.

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At the northeast corner of the House is an open court with a width of 5.1 feet and a length of 13.2 feet (the "Court"). The proposed work consists of filling in the Court, and removing a portion of the existing footprint of the Accessory Structure so that the total lot occupancy remains within the seventy-percent (70%) maximum permitted with a § 223 special exception approval. The abutting property on this side is a similar two-story structure on the common property line, with no windows on the side facing the area of the proposed addition.

III. Expedited Relief Requested.

The maximum permitted lot occupancy for one-family row dwellings in the R-4 zone district is sixty percent (60%). The maximum permitted lot occupancy with § 223 special exception relief is seventy percent (70%). The existing lot occupancy on the Property is 69.17%. Because the Property is currently nonconforming as to lot occupancy, and also because the proposed addition will extend this existing nonconformity, § 223 special exception relief is required. The Property is also currently nonconforming as to minimum lot dimensions (area and width) under § 401.3, and therefore relief from this section is also included in the § 223 request.

The Application safely satisfies the requirements for such special exception relief, as described below.

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 addition (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 Addition will merely fill in an existing court. The area of the proposed addition abuts the property to the east at 1419 Swann Street. This neighboring property has a structure resting on the common property line with the Subject Property, with no windows on this side. Therefore, there will be no affect on this neighbor’s privacy or light and air.

The granting of relief is also in harmony with the general purpose and intent of the Zoning Regulations because it will remain within the seventy (70%) maximum lot occupancy and is requesting a net increase in lot occupancy of only .82%.

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 only be visible to the neighboring property to the east (1419 Swann), and that property has no windows or other open spaces in the area abutting the Addition. The Addition will merely extend the common wall condition that exists for the front thirty feet of these two structures, so the Addition will have no effect on the light and air to 1419 Swann Street, nor will it have any impact at all on the privacy of that or any other property.

Finally, the addition will not be seen from the front street and therefore will not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

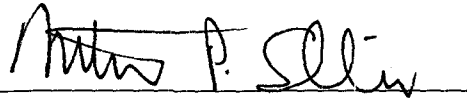
Section 223.3 *"The lot occupancy of all new and existing structures on the lot shall not exceed seventy percent (70%) in the R-3 District..."*

The proposed lot occupancy is 69.99%.

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 black ink, appearing to read "Martin P. Sullivan", written over a horizontal line.

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