

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

Barrett C. Evans (Applicant)
1120 Park Road, NW; Square 2842, Lot 0051
Expedited Review Pursuant to 11 DCMR § 3118

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I. Introduction.

Barrett C. Evans (the "Applicant") is the owner and occupant of the real property and improvements located at 1120 Park Road, NW, Square 2842, Lot 0051 (the "Property" or the "Subject Property"). The improvements on the Property include a three-story row dwelling with an English basement (the "House"). The Applicant hereby requests special exception relief pursuant to 11 DCMR § 223 to construct an addition to the House consisting of a partial third-floor. 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 (63%) exceeds the maximum permitted lot occupancy of sixty percent (60%), 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).

II. Description of the Property and the Proposed Additions.

The Property is located at 1120 Park Road, NW (Square 2842, Lot 0051) in the Columbia Heights 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 to other houses on this block. The Property is rectangular in shape and has a land area of 2,180 square feet. The House is a row structure which abuts row dwellings on each side.

The proposed work consists of the addition of a partial third floor, which expands the existing third floor, so that the total lot occupancy remains at sixty-three percent (63%), well within the seventy percent (70%) maximum permitted with a § 223 special exception approval. The abutting properties on each side of the Property are similar three-story structures on the common property line, with no windows on the sides facing the area of the proposed addition.

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III. Expedited Relief Requested.

The maximum permitted lot occupancy for a flat 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 63%. Because the Property is currently nonconforming as to lot occupancy, § 223 special exception relief is required. 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 not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

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.

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."*

Because the Addition is an expansion of an existing third floor, the Addition will have no effect on the privacy or light and air to the abutting properties, 1118 Park Road, NW and 1122 Park Road NW. The abutting properties share a common wall with the Property on the second-floor but will not share a common wall with the third-floor expansion, as the rears of those two structures are only two stories. No existing windows located on either structure will be affected by the Addition, nor will the Addition have any impact at all on the privacy or light and air of any other property, including those properties located across the 10-foot alley behind the 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-4 District..."*

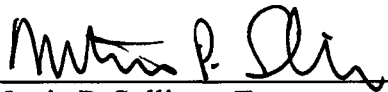
The proposed lot occupancy is 63%.

V. Conclusion.

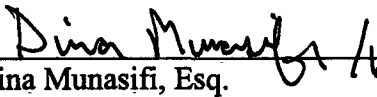
For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief pursuant to the expedited review process under § 3118.

Respectfully submitted,

Sullivan & Barros, LLP



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