

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION - § 223

APPLICANT'S STATEMENT

Matthew and Mark Medvene (Applicant)
2807 Sherman Avenue, NW; Square 2886, Lot 337
Expedited Review Pursuant to 11 DCMR § 3118

I. Introduction.

Mark Medvene and his son Matthew Medvene (the “Applicant”) are the owners of the property and improvements located at 2807 Sherman Avenue, NW, Square 2886, Lot 337 (the “Subject Property”). The previously existing improvements consisted of a two-story semi-detached flat (the “Building”). The Applicant has partially constructed an addition to the Building, adding a third story. The Property, however, has a current lot occupancy of seventy percent (70%), ten percent (10%) over the maximum permitted lot occupancy, and the addition therefore requires special exception relief pursuant to §223. The proposed work also requires §223 relief from the side yard requirement.

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

II. Description of the Property and the Proposed Addition.

The Property is located at 2807 Sherman Avenue, NW (Square 2886, Lot 337) in the R-4 zone district. The Building is a semi-detached flat in a group of three pairs of semi-detached houses on this block of Sherman Street, located between Girard Street and Gresham Place. The proposed addition consists of an addition of a third floor, in the same outline as the Building’s existing footprint. The current lot occupancy is seventy percent (70%). The calculation of that lot occupancy includes the area of an open side yard, which is counted in the Building Area calculation because the side yard is less than five (5) feet in width.

The specific areas of relief therefore requested under §223 are (i) lot occupancy under §403; (ii) side yards under §405; additions to nonconforming structures under §2001.3; and open court width under §406.

The building to the north of the Subject Property is already at three (3) stories and the addition’s height is the same or lower than the height of that building, and therefore does not

impair the light and air or privacy for that building. The building to the south of the Subject Property has no windows being affected by the proposed addition, and will not otherwise be seen from the inside of that house. Furthermore, as it is to the south of the Subject Property, its light and air cannot be affected by the Subject Property to the north.

III. Expedited Relief Requested.

The Applicant is 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 addition is within the maximum permitted height, and is not expanding the existing lot occupancy. It will be consistent mass with the building to the north, and will not affect the building to the south. The addition is therefore 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.

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 will have no significant 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 existing and proposed lot occupancy is 70%.

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,



Martin P. Sullivan, Esq.