

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

APPLICANT'S STATEMENT

Better Living Development, LLC
1551 3rd Street NW; Square 0552, Lot 60

I. INTRODUCTION.

Better Living Development, LLC (the "Applicant") is the owner of the property and the improvements located at 1551 3rd Street NW, Square 0552, Lot 60 (the "Property"). The improvements consist of a two (2) story row structure (the "Building"). The Applicant proposes to construct an addition (the "Addition") to the top of the Building, which will result in a third story of habitable space. The Addition amounts to an increase in the height of the existing roof of approximately ten feet and eight inches (10'8"). The resulting roof will be flat, with a maximum height of thirty-four feet and three inches (34'3"), which is well within the permitted height of forty feet (40') for the R-4 zone. After a partial demolition to scale back the existing lot occupancy, the total lot occupancy of the Building will be sixty-nine and nine-tenths percent (69.9%). After the Addition is constructed, the lot occupancy of the Building will remain at sixty-nine and nine-tenths percent (69.9%), which is approximately ten percent (10%) over the maximum lot occupancy of sixty percent (60%) in the R-4 zone. Accordingly, the Applicant requests special exception approval pursuant to §223 for relief from maximum lot occupancy (§403.2) and the prohibition against additions to nonconforming structures (§2001.3).

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located on a corner lot at 1551 3rd Street NW (Square 0552, Lot 60) in the R-4 zone district (see the Zoning Map attached as Exhibit A), on the corner of Q Street NW and 3rd Street NW. The Building is two stories and has a cellar. Adjacent to the north of the Building is a public street (Q Street), on which Mount Sinai Baptist Church and Second Northwest Cooperative Homes, both zoned R-5-B, are located. Adjacent to the south of the Building on 3rd Street is the adjoining row structure, along with other residential structures, all zoned R-4. Adjacent to the east of the Building are residential structures zoned R-4. Adjacent to the west of

the building is an alley, and across from this alley are residential structures zoned R-4. Photographs of the Building are included separately with this Application.

The Addition will add a third floor to the Building, to be used as habitable space. The height of the Building will be increased to thirty-four feet and three inches (34'3"). There will be no windows on the south side of the Addition, the only direction with an adjacent property. The Building will continue to be used as a flat.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF §§3104.1 & 223.

A. Overview. Pursuant to §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 §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). After completion of the Addition, the height of the Building will still be five feet and nine inches (5'9") below the maximum permitted height of forty feet (40'), and the lot occupancy will be less than it currently is. Given the nature of the Addition, the Building's mass and height will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will neither adversely affect the adjoining flat to the south of the Property or the neighboring properties to the north, east, and west of the Property.

C. Requirements of §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;

As the properties adjacent to the Building to the north, east, and west are separated from the Building by either a street or an alley, the light and air available to neighboring properties will not be unduly affected by the proposed addition of one story. Furthermore, as the south wall of the Building that adjoins the building to the south already has no windows, the Addition will not affect the light and air available to this adjoining neighbor. Furthermore, the sun comes from the south and southeast, so the Addition will have no impact on sunlight to the property to the south.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

As the neighboring properties to the north, west, and east of the Building are separated from the Building by either a street or an alley, the privacy of use and enjoyment of these properties will not be unduly compromised. Furthermore, as the Building is on a corner, and the Addition will not include any windows on the south side, the Addition will not compromise the privacy of use and enjoyment of the neighboring property to the south.

(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

The Addition will result in the Building being thirty-four feet and three inches (34'3"), which is five feet and nine inches (5'9") below the maximum permitted height of forty feet (40'). Furthermore, the lot occupancy will be less than it currently is as a result of the Addition. As such, the Addition will not substantially intrude upon the character, scale, and pattern of houses along the subject street frontage.

(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 Applicant has submitted photographs of the Property and architectural plans along with its Application.

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, R-4, and R-5 Districts."*

The existing and proposed lot occupancy is sixty-nine and nine-tenths percent (69.9%).

IV. **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.

Respectfully submitted,



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Sullivan & Barros, LLP
Date: April 7, 2015

Applicant's Statement
1551 3rd Street NW



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Date: April 7, 2015