

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

STATEMENT OF REASONS IN SUPPORT OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN
ADDITION TO ONE-FAMILY DWELLING OR FLATS
1826 12TH STREET NW, LOT 51 IN SQUARE 275 (THE "PROPERTY").

This Statement of Reasons is submitted on behalf of the applicant, Unified Investments, LLC, the contract purchaser of the Property. The Applicant is requesting a special exception to construct an addition to an existing one-family dwelling in the R-4 District that is currently nonconforming with respect to minimum lot area, lot occupancy, rear yard, and minimum court width.

THE PROPERTY AND THE SURROUNDING NEIGHBORHOOD

Property Description. The Property is a corner lot located in the southwest quadrant of the intersection of 12th and T Streets, N.W., and is comprised of 1,377 square feet of land area. The Property is improved with a three-story one-family dwelling and garage constructed circa 1906, which is a contributing building in the Greater U Street Historic District, and is zoned R-4. The existing garage entrance is oriented toward 12th Street, but does not have a curb cut. A 20'-wide public alley abuts the Property to the south.

Current Property Use. The Property is currently a single-family dwelling.

The Surrounding Neighborhood. The Property is located in the Greater U Street Historic District. The surrounding neighborhood is zoned R-4 and is characterized by row dwellings and small- to medium-sized apartment buildings. To the south of the Property, across the public alley, is the Thurgood Marshall Trust, a community service center, and further south along 12th Street is a church.

Zoning. The Property is classified within the R-4 Zone District. The R-4 Zone District “is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.” 11 DCMR § 330.1. Flats are permitted as a matter of right in the R-4 Zone District. 11 DCMR § 330.5(b).

PROPOSED USE OF THE PROPERTY

The Applicant proposes to extend the existing third floor of the dwelling southward over the existing building footprint, to alter the entrances to the building, and to remove the roof of the existing garage, creating an enclosed garden area that may be used for parking. In connection with these improvements, the Applicant proposes to convert the property from a one-family dwelling to a dwelling for two families (flats).

The third floor addition will comprise approximately 250 square feet and will not alter the existing building footprint and will have no impact on the height of the building. The existing door at the corner of the first floor of the building will be restored its original condition as a window. The first floor entrance will be moved to what is currently a secondary entrance along 12th Street.

The garage will also undergo a series of changes. First, the roof will be removed, creating an open parking pad which may also serve as an enclosed garden. The removal of the roof of the garage will reduce the lot occupancy from the existing condition at approximately 90% of the lot, to 67% lot occupancy. Second, the entry point for vehicular parking will be relocated from 12th Street to the public alley. Third and finally, the 12th Street façade will be improved with windows and plantings to read more like a residential structure.

SPECIAL EXCEPTION CRITERIA

The Board is authorized to grant a special exception where it finds:

(1) the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps; and

(2) the proposed use is not likely to adversely affect the use of neighboring property, subject to the specific conditions specified in the Zoning Regulations for the particular special exception use. 11 DCMR §3104.1. The BZA has limited discretion in granting a special exception – once an applicant has made the requisite showing of the requirements under the regulations for the special exception, the Board typically must grant the application. *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

Under Section 223, the BZA may grant a special exception permitting an addition to a one-family dwelling or flat, even though the addition does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406, and 2001.3 provided that the addition does not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. 11 DCMR 223.2 In addition, the Applicant must demonstrate that the development meets the following requirements:

The light and air available to neighboring properties shall not be unduly affected.

The Property is a corner lot that also abuts a public alley. The only immediately adjacent property to the existing building is a vacant lot, which is currently being developed for residential use, but will be unoccupied for some time. The Applicant has discussed the project with the developer of the adjacent lot at 1202 T Street, N.W., Ditto Residential, who has indicated that they have no objection to the Application. Across the public alley to the south is a parking lot owned and operated by the Thurgood Marshall Center. The Center's building is

approximately 100 feet away from the rear of the existing house (and the proposed third floor addition), and 75 feet away from the southernmost wall of the existing garage. The proposed addition to the existing dwelling and the reconfiguration of the garage will not unduly affect the light and air available to neighboring properties.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. As stated above, the Property is on a corner lot, with only one residence (to be built) adjacent and a non-profit use across a public alley. All other neighboring properties are significantly setback from the existing Property, such that the privacy of use and enjoyment of neighboring properties shall not be compromised by the proposed use or alteration of the Property. Moreover, the proposed use of the Property is permitted as a matter of right in the R-4 Zone District. The proposed changes, which are minimal, will allow the existing building to improve its historic aesthetic and enhance the aesthetics of the surrounding area, and therefore continues to be in harmony with the purpose and intent of the Zoning Regulations and Map.

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. The existing building on the Property will not be substantially altered. The minimal third floor addition will not alter the character, scale, or pattern of houses along 12th Street (and in fact, there is no pattern of houses along that street frontage). Additionally, the reconfiguration of the existing garage wall facing 12th Street will significantly improve the Property as viewed from 12th Street.

The lot occupancy of all new and existing structures on the lot shall not exceed seventy percent (70%). With the removal of the garage roof and conversion of the existing

garage to a parking pad/enclosed garden, the lot occupancy will be reduced (from the existing 89%) to 67%, in compliance with 11 DCMR 223.3.

REQUEST FOR EXPEDITED DECISION

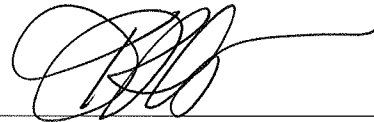
Pursuant to 11 DCMR § 3118, the Applicant hereby waives its right to a hearing and requests expedited review.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that, upon receipt of all of the Applicant's proof and all other support of record for the special exceptions [and variance] requested, such relief be granted.

Respectfully submitted,

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