

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

APPLICANT'S STATEMENT

Gerald West
1508 Caroline Street NW; Square 0190, Lot 59

I. INTRODUCTION.

Gerald West (the "Applicant") is the owner of the property located at 1508 Caroline Street NW, Square 0190, Lot 59 (the "Property"), which is zoned R-4. The improvements on the Property consist of a two-story row structure with a basement (the "Building"). The Applicant proposes to construct a two-story rear addition to the Building, an extension to the one-story side entrance to the Building, and a basement entry to the Building (collectively, the "Addition"). The Addition amounts to an increase in the existing lot occupancy from sixty percent (60%) to seventy percent (70%). The existing side yard, which is currently 4.6 feet, will be eliminated and converted into an open court as a result of the construction of the one-story side addition. This open court will be less than the required minimum. Accordingly, the Applicant requests special exception approval pursuant to §223 for relief from maximum lot occupancy (§403.2), decrease in width of a nonconforming side yard (§405.8), and minimum open court width (§406.1),

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located at 1508 Caroline Street NW and is in the R-4 zone district (see the Zoning Map attached as Exhibit A), and is a semi-detached structure. Abutting the Property to the east and west, and adjacent to the Building to the north across Caroline Street, are other brick, semi-detached structures, all zoned R-4. Abutting the Property to the south is a public alley which is used for vehicular access to the rear of the Property as well as other properties abutting the alley. Photographs of the Property are included separately with this Application.

The Addition will consist of a two-story rear addition to the Building, along with an extension to the one-story side entrance of the Building and a basement entry, all to be used as additional habitable space.

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). 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 row houses to the east and west of the Property nor the properties to the north and south of the Property, as they are separated from the Building by Caroline Street and the public alley, respectively. The proposed Addition has received concept approval from the Historic Preservation Review Board. See the HPRB Staff Report attached as Exhibit B. The third-story addition referenced – and denied – in the Staff Report has been eliminated from this project.

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 or 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 and south are separated from the Building by either a street or alley, the light and air available to these neighboring properties will not be unduly affected by the Addition. Nor will the Addition affect the light and air of the abutting properties to the east and west, 1506 Caroline Street NW and 1510 Caroline Street NW, respectively, as the rear of each of these properties faces south and will continue to receive sun from the south and southeast after the Addition is constructed.

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

As the neighboring properties to the north and south 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. As the properties to the east and west of the Building, 1506 Caroline Street NW and 1510 Caroline Street NW, respectively, are separated from the Building by existing fences, the privacy of use and enjoyment of these properties will 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

The Addition is primarily to the rear of the Property, with a portion to the side of the Property. As such, the Addition will not substantially visually intrude upon the character, scale, and pattern of houses along Caroline Street. In January 22, 2015, a Staff Recommendation Report from the Historic Preservation Review Board, which is included separately with this

Application, stated that the Addition was compatible with the character of the surrounding structures.

(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 seventy percent (70%).

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,



Martin Sullivan
Sullivan & Barros, LLP
Date: May 4, 2015