

BOARD OF ZONING ADJUSTMENT
APPLICATION NO. 19044
Gerald West (“Applicant”)

Special Exception Relief
From Sections 403.2, 405.8 and 406.1 for 1508 Caroline Street, N.W.

PRE-HEARING STATEMENT

I. Nature of Relief Sought.

This Statement is submitted on behalf of Gerald West (the “Applicant”), the owner of the property located at 1508 Caroline Street, N.W. (Square 0190, Lot 59) (the “Property”), in support of special exception approval pursuant to §223 for relief from maximum lot occupancy (§403.2), decrease in width of a nonconforming side yard (§405.8)¹, and minimum open court width (§406.1).

II. Description of the Property.

The Property is located at 1508 Caroline Street N.W., which is in the R-4 zone district, and is a semi-detached structure. The improvements on the property consist of a two-story row-structure with a basement (the “Building”). Abutting the Property to the east and west, and adjacent to the Building to the north, are other brick, semi-detached row 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 the other properties abutting the alley.

III. Proposed Project.

The Applicant proposes to construct a two-story rear addition to the building and a one-story addition to the west side of the Building. The original application included an increase in the

¹ It is possible that this relief is not needed, due to the fact that a previous side addition to the west lot line effectively makes the building a row structure, and there is currently no side yard to be reduced.

Property's lot occupancy from fifty-seven percent (57%) to seventy percent (70%). The Applicant has revised those plans, in response to concerns from the adjacent west neighbor and ANC 2B. The current proposed plans show an Addition that increases the lot occupancy to approximately 69 %. These revisions included scaling back the rear line of the proposed two-story addition so that it is even with each adjacent building at the point at which it meets that lot line. The Addition will increase the existing nonconforming court on the west side of the Building, requiring relief. The lot occupancy is increased by the area of the open court, since that court is less than five feet in width. If this open area were not counted in lot occupancy, the actual lot occupancy would be only 60%.

IV. Requested Relief.

In order to construct the proposed Addition, the Applicant will need to increase the lot occupancy from fifty-seven percent (57%) to sixty-nine (69%), and will extend the existing nonconformity of the open court on the west side, or in the alternative, eliminate the existing side yard and convert it into a nonconforming open court. The Applicant is therefore requesting special exception relief 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).

V. Special Exception Relief.

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).

The Applicant has also received nine (9) letters in support of the proposed Addition from neighbors (See Exhibit B). The Property has been in a significant state of disrepair for some time prior to the Applicant's purchase thereof.

A. 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 or 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. The third-story addition referenced – and denied – in the Staff Report has been eliminated from this project.

The ANC 2B Planning Zoning Development committee has recommended that the ANC 2B support approval of the Application, based on the Applicant revising the design to angle the rear wall of the two-story addition to be in line with the rear walls of each of the adjacent properties.

(See Exhibit A, Revised Architectural Plans). This committee has also requested that the Applicant hire an arborist to ensure the protection of trees on the property at 1510 Caroline St.

B. 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 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.

Moreover, there will be no impact on light and air on the neighbor to the west, 1510 Caroline Street NW, due to the existence of a line of several 30-foot high trees to the east of the Property (See BZA Exhibit 7). The proposed Addition is already well screened by this row of trees. The Applicant will hire an arborist to confirm the trees will not be damaged as a result of the proposed Addition, as suggested by ANC 2B.

(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. Furthermore, there will be no windows located on the sides of the Addition.

(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. There is already an existing one-story addition on the west side. 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. Although it is expected that there will be no impact on light and air, due to the existing trees, the Applicant is preparing a shadow study at the request of ANC 2B, and will submit this study as soon as possible.

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 percent (69%).

VI. Conclusion.

For these reasons, the Application meets the requirements for special exception relief, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

List of Exhibits

Exhibit A – Revised Architectural Plans

Exhibit B – Neighbor Letters in Support