

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

APPLICANT'S PRELIMINARY STATEMENT OF THE BURDEN OF PROOF

Equity Trust Company, IRA
1264 Holbrook Terrace, N.E.; Square 4055, Lot 840

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

Equity Trust Company, IRA (the "Applicant") is the owner of the property located at 1264 Holbrook Terrace, N.E., Square 4055, Lot 840 (the "Property"), which is zoned R-4. The improvements on the Property consist of a single family, two-story semi-detached structure (the "Building"). The Applicant proposes to construct an addition to the Building and a conversion to an eight (8) unit apartment house ("the Addition"). Accordingly, the Applicant is requesting special exception approval pursuant to 11 DCMR §336.

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located at 1264 Holbrook Terrace N.E. in the Trinidad neighborhood. It is located in the R-4 zone district (see the Zoning Map attached with the Application). Abutting the Property to the north and south are semi-detached dwellings. Abutting the Property to the west is Holbrook Terrace. Abutting the Property to the east is a public alley. Photographs of the Property are included separately with this Application.

The Addition will consist of a three-story rear addition to the side and rear of the existing Building. Pursuant to the requirements of § 336, three (3) of the eventual eight (8) units will be Inclusionary Zoning units at 80% AMI.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF §336.

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 §336 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 house to the west of the Property, as it is attached to the existing structure, nor the property to the east, as it will have a significant open space on the east side ranging in width from slightly over 8 feet to over 20 feet. The Applicant is proposing six (6) parking spaces, which would be three (3) more than what is required.

C. Requirements of §336.

The proposal in this Application satisfies the requirements of 11 DCMR §336.2 through §336.11, issued under the Zoning Commission's Notice of Final Rulemaking & Order No. 14-11, as follows:

Section 336.2 “*The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under § 3104, subject to §§ 336.3 through 336.11.*”

The proposed addition will be thirty-five feet (35 ft.) in height. The Applicant has submitted photographs of the property and architectural plans along with its Application.

Section 336.3 *“The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9”*

The proposed addition will increase the number of units from one (1) unit to eight (8) units. The fourth (4th), sixth (6th), and eighth (8th) units will be set-aside as Inclusionary Zoning units under the requirements set forth in §2603.9.

Section 336.4 *“There must be an existing residential building on the property at the time of filing an application for a building permit.”*

There was an existing structure on the property at the time of filing an application for a building permit.

Section 336.5 *“There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.”*

The proposed structure includes eight (8) units, requiring a minimum of 7200 square feet of land. The property is 7446 square feet and therefore satisfies that minimum requirement.

Section 336.6 *“Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.”*

The addition, including roof structures and penthouses, will not block or impede the function of a chimney or other external vent on the adjacent properties, pursuant to the submitted plans.

Section 336.7 *“Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent*

property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator."

The Addition will not interfere with the operation of an existing or permitted solar energy system on any adjacent property. To the Applicant's knowledge, there are no such systems on adjacent properties.

Section 336.8 *"A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size."*

No roof top architectural elements original to the house such a turret, tower, or dormers will be been removed or significantly altered, pursuant to the submitted plans.

Section 336.9 *Any addition shall not have a substantially adverse effect 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;

The light and air available to neighboring properties will not be unduly affected, as the Applicant will show with the submitted plans and a shadow study to be submitted later.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. On one side, the Building will be on the common property line with no windows. On the other side there will be a very large open yard going from a little over 8 feet at the front of the property to over 20 feet as it approaches the rear lot line.

(c) The conversion and any associated additions, 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 or alley.

The Addition will not substantially visually intrude upon the character, scale, and pattern of houses along Holbrook Terrace, per the enclosed plans.

Section 336.10 *"In demonstrating compliance with § 336.9 the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways."*

The Applicant has submitted very detailed plans showing the relationship of the proposed addition to the neighboring properties and the public way.

Section 336.11 *"The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block."*

IV. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant looks forward to further presenting its case.

Respectfully submitted,



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