

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION - § 223

APPLICANT'S STATEMENT

Doug Church ("Applicant")
1436 Florida Avenue, NW; Square 202, Lot 804
§223 Special Exception Relief from 403.2 and 2001.3

I. Introduction.

Doug Church ("Applicant") is the owner and resident of the property and improvements located at 1436 Florida Avenue, NW, Square 202, Lot 804 (the "Property"), zoned R-5-B. The Applicant proposes to infill a portion of the lot which currently contains a deck with a two-story addition (the "Addition"). The current lot occupancy for the Property is 69.68%. Accordingly, the Applicant is requesting § 223 Special Exception relief pursuant to 2001.3 to allow an enlargement to a nonconforming structure and from the lot occupancy requirements of § 403.2.

II. Description of the Property and the Proposed Addition.

The Property is located at 1436 Florida Avenue, NW and is zoned R-5-B (see the Zoning Map attached with this Application). The Property is improved with a one-family row dwelling constructed in or around 1870. Abutting the Property to the east and west are row dwellings. Abutting the Property to the south is a three-unit row dwelling. Abutting the Property to the North is Florida Avenue.

The Addition will consist of a two-story rear addition. The Applicant plans to infill the existing deck by placing the Addition on the deck's existing footprint. Architectural plans and photographs are included separately with this Application.

III. The Application Satisfies Special Exception Requirements of Sections 3104.1 and 223.

A. Overview. Pursuant to Section 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 Section 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 Map 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 homes to the east and west of the Property, as they are already attached to the existing structure, nor the property to the south, as it is a vacant lot, nor the property to the north, as it is separated from the Property by Florida Avenue.

C. Requirements of Section 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:*
- (b) The privacy of use and enjoyment of neighboring properties shall 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*
- (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.”

(a) The Addition will not unduly affect the light and air available to the neighboring property to the east or the property to the west. The Addition will be erected where the existing deck is now, and the existing footprint will remain the same. The Addition will have no effect on the neighbor to the west, as the Applicant will show with the submitted plans and a shadow study to be submitted later. The study will also show that the Addition will have a negligible effect on the neighbor to the east, as the building line for the Property is less than the rear building line on the property to the east.

(b) Instead of negatively impacting the neighbor's privacy, the proposed Addition will significantly improve that neighbor's privacy in relation to the Property. The existing deck will be closed in and become part of the interior of the House. Additionally, no windows will be added to the east-facing or west-facing portions of the addition.

(c) & (d) The Addition, together with the existing House, does not visually intrude upon the character, scale, or pattern of houses on Florida Avenue. The Addition is small in nature, is only on the rear of the house, and as there is no alley to the rear of the Property, will not be visible from any public ways.

Section 223.3 *“The lot occupancy of all new and existing structures on the lot shall not exceed... seventy percent (70%) in the...R-5 District.”*

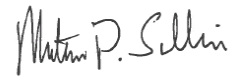
The proposed lot occupancy is seventy (70%) percent and therefore does not exceed the lot occupancy requirements in the R-5 District.

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,

Applicant's Statement
1436 Florida Avenue NW

A handwritten signature in black ink that reads "Martin P. Sullivan". The signature is written in a cursive style with a large, stylized "M" and "S".

Martin P. Sullivan, Esq.