

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION - § 223

APPLICANT'S STATEMENT

Alon Eckhaus (Applicant)

2803 Sherman Avenue, NW; Square 2886, Lot 335

I. Introduction.

Alon Eckhaus (the "Applicant") is the owner of the property and improvements located at 2803 Sherman Avenue, NW, Square 2886, Lot 335 (the "Subject Property"). The existing property consisted of a two-story semidetached flat (the "Building"). The applicant is proposing to construct an addition to the building adding a third story. The applicant is proposing to reduce the lot occupancy by demolishing the rear deck. The Property has a current lot occupancy of seventy six and half percent (76.6%), sixteen and a half percent (16.6%) over the maximum permitted lot occupancy. The current lot occupancy calculation includes side yard and rear deck. The applicant plans on demolishing the rear deck to reduce lot occupancy to 70%. The addition therefore requires special exception relief pursuant to §223. The proposed work also requires §223 relief from the side yard requirement.

II. Description of the Property and the Proposed Addition.

The Property is located at 2803 Sherman Avenue, NW (Square 2886, Lot 335) in the R-4 zone district. The Building is a semi-detached flat in a group of three pairs of semi-detached houses on this block of Sherman Street, located between Girard Street and Gresham Place. The proposed addition consists of an addition of a third floor, in the same outline as the Building's existing footprint and spanning over the open side yard on the north side. The current lot occupancy is (76.6%). The calculation includes the area of an open side yard, which is counted in the Building Area calculation because the side yard is less than five (5) feet in width and the area of exiting rear deck.

The specific areas of relief therefore requested under §223 are (i) lot occupancy under §403; (ii) side yards under §405; additions to nonconforming structures under §2001.3; and open court width under §406.

The building to the North of the subject property has only 2 stories with windows, and the third floor addition with no windows constructed along the property line will not impair the light and air or privacy for the building as the exiting 2 story below with projected bay window into the property line will remain as is. The building to the south of the Subject Property is under construction and will have no windows being affected by the proposed addition, and will not otherwise be seen from the inside of that house. Furthermore, as it is

to the south of the Subject Property, its light and air cannot be affected by the Subject Property to the north.

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

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 Maps and will not tend to affect adversely, the use of neighboring property...". (11 DCMR § 3104.1.)

The addition is within the maximum permitted height, and is not expanding the existing lot occupancy. The proposed addition is in fact reducing the lot occupancy from (76.6%) down to (70%) by demolishing the rear decks. The proposed addition will also be consistent mass with the buildings to the north (both 2807 and 2809 Sherman Ave. have third floor addition up to 40'), and will not affect the building to the south. The addition is therefore 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.

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 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: (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."

The Addition will not have a substantially adverse effect on the use or enjoyment of neighboring properties. As noted above, the Addition will have no significant impact at all on any neighbors' use or enjoyment of their property.

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 District..." The proposed lot occupancy is 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 pursuant to the expedited review process under § 3118.

Respectfully submitted,


Alon Eckhaus