

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Case No. \_\_\_\_\_

**NATURE OF RELIEF SOUGHT**

This is an application for **57TH STREET MEWS INC.** (the “Applicant”) as the owner of the property located at **6008 34TH PLACE N.W. (Square 2010, Lot 0032)** (the “Subject Property”), which is zoned R-1-B. Pursuant to 11 DCMR § 901.2(a), (b), and (c) and D § 5201.3 (a), (b), (c) (d) and (e) the Applicant is requesting a special exception for rear yard relief sited in D § 207.1.

**CURRENT USE AND PROPERTY DISCRPTION**

The subject property was built in 2025. It has a new detached single-family-dwelling luxury home and ADU/garage located in the Lafayette Park neighborhood. The SFD has seven full bedrooms and seven full bathrooms. The ADU/garage includes a separate one-bedroom, one-bath unit and kitchen above the two-car garage.

The primary dwelling is three storeys and a cellar. The ADU/garage is two storeys.

The lot area is 4,878 square feet. The minimum rear yard requirement for a lot located in the R-1-B1 zone is 25’-0”.

**NATURE OF RELIEF SOUGHT**

This is a special exception to allow the reduction of the existing rear yard from 25’-0” to 12’-9/64”

This is an application to allow for the construction of a new rear deck that will be attached to the main property, the detached SFD. The size of the proposed rear deck will be 10’-0” by 13’-0”.

a. Pursuant to 11 DCMR § 901.2(a), (b), and (c) and D § 5201.3 (a), (b), (c) (d) and (e) the Applicant is requesting a special exception for rear yard relief sited in D § 207.1.

## **JURISDICTION OF THE BOARD**

The Board has the jurisdiction to grant the relief requested pursuant to Subtitle D § 207.1.

## **REQUIREMENTS OF SUBTITLE X § 901.2 AND D § 5201.1 (b)**

Pursuant to Subtitle X § 901.2 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 Subtitle D § 207.1 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 APPLICATION**

This application satisfies the criteria for a special exception under Subtitle D § 5201.3 (a), (b), (c) (d) and (e) of the Zoning Regulations, relief from the rear yard requirement for a rear proposed deck (Subtitle D § 207.1). The application also satisfies the general criteria in subtitle X § 901.2(a), (b), and (c). As described below, this application and the proposed rear deck both satisfy the criteria for granting the requested special exception:

### **REQUIREMENTS OF SUBTITLE D § 5201.3 (a), (b), (c) (d) and (e)**

A. The light and air available to neighboring properties shall not be unduly compromised. (D § 5201.3)

The proposed development for this property will not unduly compromise the light and air to neighboring properties, because of its design compliance with the overall comprehensive plan. This neighborhood is primarily residential. The R-1-B designation encompasses zones primarily characterized by development consisting of single-family detached residences. This zone promotes low density improvements. The proposed height of the rear proposed deck is 10'-0". It improves the existing structure by adding to it within the confines of the lot which is not over lot occupancy. The property is in a cul-de-sac.

B. *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. (D § 5201.3).*

The privacy of use and enjoyment of neighboring properties will not be unduly compromised due mostly to the history of the building. As mentioned above the proposed rear deck causes minimal impact to its surrounding neighbors, because it is located on the rear of the existing SFD and the side yards on the property are 8'-0" on both sides of the lot.

C. *The addition or accessory structure, 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. (D § 5201.3)*

The rear deck cannot be viewed from the street alley and or public way and thus will not visually intrude upon the character, scale and pattern of houses along the subject of the street frontage, because of the design. Please see that associated plans.

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 way. (D § 5201.3)*

Please see the associated plans, photographs and elevations that demonstrate compliance to this project's application.

E. *The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy (70%) in other R zones. (D § 5201.3)*

This section is not applicable.

*The requested relief 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. (X § 901.2 (a & b))*

The requested relief 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 the neighboring property, due to its design which maintains ample open space, avoids overcrowding of the land and imposes minimal impact. As mentioned above in items a-d per (D § 5201.3) the requested relief does not adversely affect the neighboring properties.

## **REQUIREMENTS OF SUBTITLE X § 901.2(a), (b), and (c)**

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 in accordance with the Zoning Regulations and Zoning Maps ...” (X-901.2).

The R-1-B Zone allows for development that is predominately low to moderate in density, including multi-family residential buildings. The proposed requested relief is in harmony with the general purpose and intent of the Zoning Regulations, as the relief sought is to just add a rear deck to an existing single-family dwelling.