

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

**APPLICATION OF
MR. GEORGE SIMPSON
1605 MADISON STREET, NW**

**BZA APPLICATION NO. 19245
HEARING DATE: APRIL 12, 2016
ANC 4A**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of Mr. George Simpson (the “Applicant”) in support of his application to the Board of Zoning Adjustment (“BZA” or the “Board”) pursuant to 11 DCMR §§ 3104.1 and 223 for special exception approval to construct an enlargement to a nonconforming single family dwelling that already exceeds the allowable lot occupancy percentage requirements and already has a substandard side yard width in the SSH-1/R-1-B District at 1605 Madison Street, NW (Square 2722W, Lot 1) (the “Property”).

The Applicant’s original application, submitted to the Board on February 11, 2016, requested area variances from (i) 11 DCMR § 2001.3 to permit the enlargement of a nonconforming single-family dwelling that exceeds the allowable lot occupancy percentage requirements and has a substandard side yard width and (ii) 11 DCMR § 405.8 to permit a third story addition to the existing dwelling that does not conform to the minimum side yard width requirements. Based on updated zoning computations, indicating that the existing lot occupancy for the Property is under 50%, the Applicant has confirmed that the requested relief can be granted through special exception approval, pursuant to 11 DCMR § 223, which provides special exception relief for additions to single-family dwellings. Thus, the Applicant hereby amends its application to request special exception approval for the proposed third-story addition for the Property. A

revised self-certification form is attached hereto as Exhibit A indicating the revised relief requested.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR § 3104.1.

III. BACKGROUND

A. Description of the Property

The Property consists of Lot 1 in Square 2722W, and has a total land area of approximately 4,300 square feet. The Property is near the northwest corner of the intersection of Madison Street and 16th Street, NW, in the 16th Street Heights neighborhood. The Property is improved with a detached, two-story single-family dwelling, constructed circa 1927. As shown on the Zoning Map attached hereto as Exhibit B, the Property is located in the R-1-B District, within the Sixteenth Street Heights (SSH-1) Overlay District, and within the boundaries of Advisory Neighborhood Commission (“ANC”) 4A-07. The Property is located on the north side of Madison Street, NW, and it is bounded by 15-foot wide public alleys to the north and east, and a detached single-family dwelling to the west.

B. Project Description

As shown on the architectural drawings attached hereto as Exhibit C, the Applicant proposes to construct a third-story addition on the residence. The addition will encompass a fourth bedroom, a sitting area, full bathroom, and closet space. There will also be a small balcony at the third floor facing the rear yard. On the first floor, the Applicant will install a wood deck and stair that leads to the rear yard.

The existing residence has a height of 30 feet, 11 inches in two stories. The Applicant proposes to increase the height of the house to 38 feet, 1 inch with the construction of the proposed third story addition. The proposed height complies with the Zoning Regulations, which permits a maximum height of 40 feet in the R-1-B District.

The Property is non-conforming with respect to lot occupancy (approximately 45% existing where 40% is permitted) and side yard width (3.2-foot side yard width is provided to the east where a 5 foot side yard width is required pursuant to 11 DCMR § 405.8). The Applicant proposes to increase the non-conforming lot occupancy to approximately 48% and extend the non-conforming side yard width on the east side of the Property at the third level of the house. The Property has a smaller lot area and lot width than what is permitted under the current Zoning Regulations, but those non-conforming elements are not impacted by the proposed third story addition.

IV.
THE APPLICANT MEETS THE TEST FOR
SPECIAL EXCEPTION RELIEF

The Applicant seeks special exception relief pursuant to 11 DCMR §§ 3104.1 and 223 as described herein.

A. Standard for Approving Special Exception Relief

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR § 3104.1, the Board is authorized to grant special exception relief where it finds that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested

relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (*quoting Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

In this case, the Applicant seeks special exception approval pursuant to 11 DCMR §§ 223. Section 223 provides that an addition to a one-family dwelling shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section, even though the addition does not comply with all of the requirements of 11 DCMR §§ 401, 403, 404, 405, 406, and 2001.3. In this case, the proposed third-story addition will not comply with all the requirements of lot occupancy (§ 403), side yard width (§ 405), and enlargements or additions to a nonconforming structure devoted to conforming uses (§ 2001.3), but it satisfies the requirements of 11 DCMR § 223 as set forth below.

B. Compliance with Section 223

Pursuant to 11 DCMR § 223.2, the addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

223.2(a) – The light and air available to neighboring properties shall not be unduly affected.

The Applicant proposes to construct a third-story addition to the existing two-story single-family dwelling on the Property. The addition will not unduly affect the light and air available to neighboring properties. The Property is bounded to the south by Madison Street and to the north and east by 15-foot wide public alleys. The west side of the Property abuts another private residence. The Property currently has a conforming 7.9-foot wide side yard to the west,

which will not be reduced by the proposed addition. The addition will not block the windows or impact the light and air available to the abutting property or any other neighboring properties. Moreover, as indicated in the signed letters attached hereto as Exhibit D, the Applicant has support for the proposed addition from the closest surrounding residents, including the owner of the property located directly to the west of the Property and the owners of all properties located across both public alleys from the Property.

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

The proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. As stated above, the Property abuts only one private residence, which is adequately separated by a compliant side yard. Moreover, the owner of the only abutting property and the owners of all other neighboring properties surrounding the Property have indicated their support for the proposed addition, as shown on the letters attached as Exhibit D.

223.2(c) – The addition... 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.

The proposed addition will not intrude upon the character, scale, or pattern of houses along the street frontage. The third-story addition will blend seamlessly into the existing two-story house with respect to materials, window openings, and massing. The addition will simply increase the height of the house by 7 feet, 3 inches to provide a fourth bedroom, sitting area, bathroom, and closet space. Many of the existing single-family homes on Madison Street already have three stories, such that the increased height will not be out of place or inconsistent with the existing street frontage. Moreover, the addition results in an overall building height that is less than the maximum height permitted in the R-1-B District.

223.2(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 ... to adjacent buildings and views from public ways.

Graphical representations, including plans, photographs, and elevations, are included with the architectural drawings attached as Exhibit C.

223.3 – The lot occupancy of all new and existing structures on the lot shall not exceed 50% in the R-1 and R-2 Districts.

The existing house and proposed addition will have a lot occupancy of 48%, thus satisfying the requirement of § 223.3.

223.5 – This section may not be used to permit the introduction or expansion of a nonconforming use.

The Applicant is not seeking the approval of the addition to change the use of the Property from a single-family residence.

VI. **COMMUNITY SUPPORT**

The Applicant has worked with the community and is pleased to have support for the project. As indicated in the letters attached as Exhibit D, the Applicant has support for the project from all of the surrounding residents. The Applicant has met with the Single Member District Representative for ANC 4A-07, who has no objections to the project. The project is scheduled to be heard as a consent calendar item at the ANC's meeting of April 5, 2016. The Applicant will provide documentation regarding the ANC's vote at the public hearing on this case.

VII.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

- Exhibit A: Revised Self-Certification form
- Exhibit B: Portion of the Zoning Map showing the Property
- Exhibit C: Architectural plans and elevations for the project
- Exhibit D: Letters in Support
- Exhibit E: Outlines of Testimony

VIII.
WITNESSES

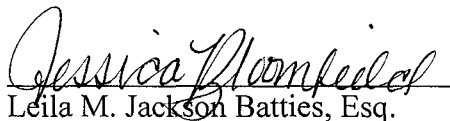
- A. Mr. George Simpson, applicant
- B. Lynnette S. Brunson, architect for the project

IX.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: 
Leila M. Jackson Batties, Esq.
Jessica Bloomfield, Esq.

Holland & Knight LLP
800 17th Street, N.W.
Suite 1100
Washington, DC 20006
(202) 955-3000