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VIA IZIS

Frederick Hill, Chairperson  
Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW Suite 210S  
Washington, DC 20001

**Re: BZA Application for 1209 Park Road NW**  
**Square 2839, Lot 0119 – Application for Special Exception Relief**

Dear Chairperson Hill and Members of the Board:

Please accept for filing the enclosed application of Caryn Schenewerk (the “Applicant”). The Applicant requests special exception relief pursuant to 11 DCMR § X-901.2 and Subtitles E §§ 5003.1 and 5004.1 for lot occupancy and rear yard setback, respectively (pursuant to Subtitle E § 5007.1), and Subtitle U § 301.1(c)(2) for expansion of an accessory building for residential purposes (pursuant to U § 301.1(g)).

The application package includes the following materials:

1. BZA Form 120, Application for Variance/Special Exception
2. BZA Form 126, Fee Calculator
3. BZA Form 135, Self-Certification
4. Agent Authorization Letter
5. Certificate of Proficiency
6. Plat showing the existing structure on the Property
7. Zoning Map
8. Photographs of the Property
9. Baist Atlas Map
10. Statement of Existing and Intended Use
11. Statement of the Applicant
12. Architectural Plans

Board of Zoning Adjustment  
District of Columbia  
CASE NO.19666  
EXHIBIT NO.8

13. Summary of Witness Testimony
14. Statement of Community Outreach
15. List of names and mailing addresses of owners of all property within 200 feet of the boundaries of the Property
16. Certificate of Service upon the Office of Planning and the affected Advisory Neighborhood Commission

We believe that the application is complete and acceptable for filing, and request that the Board scheduled a public hearing for the application as soon as possible. If you have any questions please do not hesitate to contact me on behalf of the Applicant.

Thank you for your attention to this application.

Sincerely,

COZEN O'CONNOR



Alyssa L. Bigley

Meridith H. Moldenhauer

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

**APPLICATION OF  
CARYN SCHENEWERK**

**1209 PARK ROAD NW  
ANC 1A**

**STATEMENT OF THE APPLICANT**

**I. NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of the Applicant, Caryn Schenewerk (the “Applicant”), the owner of the property located at 1209 Park Road NW, (Square 2839, Lot 0119) (the “Property”) in support of their application for special exception relief pursuant to 11 DCMR Subtitle X § 901.2, Subtitles E §§ 5003.1, 5004.1 for lot occupancy and rear yard setback, respectively (pursuant to Subtitle E § 5007.1), and Subtitle U § 301.1(c)(2) for expansion of an accessory building for residential purposes, to permit an addition to an existing carriage house (“Carriage House”) in the RF-1 zone (“The Project”).

**II. JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 of the Zoning Regulations.

**III. BACKGROUND**

**A. The Property and the Surrounding Neighborhood**

The Property, comprised of Lot 0119 on Square 2839, is a narrow, rectangular lot in the RF-1 Zone District. A copy of the zoning map is attached at **Exhibit A**. The Property has 3,206 square feet of land area and is used as a single-family dwelling. The 377.3 square-foot existing garage is located behind the attached one-family dwelling and abuts the 15-foot public alley to the north (“Carriage House”).

The Property is located in the Columbia Heights neighborhood. Square 2839 is bounded by Park Road NW to the south, Monroe Street NW to the north, 11<sup>th</sup> Street NW to the east, and 13<sup>th</sup> Street NW to the west. The surrounding area is comprised of one-family attached dwellings, a number of multi-story apartment buildings, and flats. The Property is located four lots west of the MU-4 zone along 11<sup>th</sup> Street NW, which is comprised of many restaurants and commercial properties.

### **B. Traffic Conditions and Mass Transit**

The Property is well serviced by mass transit options. The Columbia Heights Metro station, serving the green and yellow lines, is approximately 0.3 miles away. Also, multiple Metrobus lines are within walking distance, including the 52, 53, 54, 63, 64, H1, H2, H3, H4, and H8 lines, all within 0.2 miles of the Property. Walkscore.com indicates that the area is “a walker’s paradise” and that daily errands do not require a car. There is a Capital Bikeshare station on Park Road and on 11<sup>th</sup> Street NW, which is approximately 0.2 miles from the Property.

### **C. The Project**

The Applicant has owned and lived at the Property since 2005. The existing Carriage House is one story and approximately 377.3 square feet. The Applicant wishes to increase the footprint of the Carriage House to approximately 452 square feet on the first floor and to construct a cantilevered second-story addition of about 532.5 square feet. The Applicant intends to use the addition as additional storage space, a guest room, and home office. The vehicle parking use will remain on the first floor. The alley has numerous garages and large, multi-story decks along both the rear of Monroe Street NW and Park Road NW. The project is designed to be generally in keeping with these structures and appear as a garage from passersby.

The Applicant is requesting zoning relief because the Project would expand an accessory building for residential purposes (U § 301.1(c)(2)), and does not satisfy the RF-1 requirements for accessory building lot occupancy (E § 5003.1) and rear yard setback from the alley centerline (E § 5004.1). The Applicant meets the standard for special exceptions as outlined below.

**IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW**

Special exception relief is required for accessory building lot occupancy pursuant to Subtitle E § 5003.1, accessory building rear yard setback from the centerline of the alley pursuant to Subtitle E § 5004.1, and expansion of an accessory building for residential purposes pursuant to Subtitle U § 301.1(c)(2).

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the 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 Wash. v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 701 (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.*

**V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF**

**A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps**

The Project will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The RF-1 zone is intended for homes on small lots and permits two principal dwelling units on one lot as a matter of right. The Project directly aligns with this intent, as the relief will allow the Applicant to create one additional residential dwelling unit above the existing Carriage House, bringing the total number of dwelling units to two. The requested special exception relief will maintain the residential use of the Property and will “reinforce the importance of neighborhood character . . . preservation of housing stock . . . and the overall housing mix and health of the city.” E § 100.3(a).

**B. The Proposed Relief will not Adversely Affect the Use of Neighboring Property**

The use of neighboring property will not be adversely impacted by the Project. Although the Applicant intends to use the residential unit as a guest room and extra living space, they may wish to rent the unit at some time in the future. In that instance, the Project would add a dwelling unit to an area that is transit-rich and amenity-laden, and will function to diversify the nearby housing stock. Importantly, the Project will not jeopardize the existing light, air and privacy available for neighboring properties because the Carriage House is located to the rear of the Property, facing north into the alley. See Property Photos at **Exhibit B**.

In addition, the abutting property to the east is a large, multi-family apartment building with parking pads directly adjacent to the Carriage House. A heavily-shaded side yard on the eastern property provides separation between the two lots. As for the adjacent property to the west, an existing, taller accessory structure faces the alley on that lot as well. The proposed Project will extend the Carriage House’s width only 3 feet 8.5 inches to the western property

line, nearly abutting the accessory structure on the adjacent lot, but will not impede the western neighbor's use of their property in any way. See Plans at **Exhibit D**. In sum, the Project will align with other properties along the alley by height, design, and size. Furthermore, the neighborhood, which is overwhelmingly residential in nature, will be undisturbed. The Project will not impact the accessibility of the alley and will not adversely affect the use of neighboring property.

**C. The Project Satisfies the Special Exception Requirements for an Addition to an Accessory Structure for Residential Use**

Subtitle U § 301.1(c)(2) permits an expansion of an accessory building to permit a principal dwelling unit therein pursuant to special exception relief as set forth in U § 301.1(g).

The proposed Project meets the requirements of that section at follows:

*(1) The accessory building was in existence on January 1, 2013*

A garage structure is depicted on the 1919 Baist Atlas Map, and was existing when the Applicant purchased the Property in 2005. See **Exhibit C**.

*(2) No expansion or addition may be made to the accessory building to accommodate an apartment except as a special exception;*

The Applicant seeks a special exception to this provision.

*(3) There shall be permanent access to the accessory building dwelling from a dedicated and improved right of way; and*

Permanent access will be available from the existing alley that bisects the Square.

*(4) Permanent access shall be provided by one (1) of the following:*

- A. An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia;*
- B. Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or*
- C. On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street;*

The Project will comply with section (4)(C) because the Carriage House is accessible from the 15-foot alley and is approximately 159 feet from 13<sup>th</sup> street NW. Consequently, the Project meets the special exception standard for additions to accessory structures to permit residential use in the RF-1 Zone.

**D. The Project Satisfies the Special Exception Requirements for Accessory Structure Lot Occupancy and Rear Yard**

Subtitle E § 5007.1 permits the Board of Zoning Adjustment to approve as a special exception in the RF zones relief from development standards including lot occupancy and yards, subject to the provisions and limitations of Subtitle E § 5201 when the proposed project is an addition to a building or accessory structure. Subtitle E § 5004.1 requires the accessory building in an RF zone to provide at least 12 feet of rear yard setback from the center line of the alley. And, Subtitle E § 5003.1 permits accessory buildings in an RF zone to reach a maximum lot occupancy of 30% of the required rear yard area or 450 square feet.

Here, the Project will add a one-story addition to the existing accessory Carriage House. Also, the Project will have a final footprint of 532.5 square feet and thus will exceed the permitted lot occupancy for accessory structures. It will also not meet the rear yard setback for accessory structures abutting an alley.<sup>1</sup> As such, the Applicant seeks special exception relief from the BZA. An application for special exception “shall demonstrate that 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.” Subtitle E § 5201.3. Accordingly, the proposed Project will comply with the requirements of that section as follows:

*(a) The light and air available to neighboring properties shall not be unduly affected;*

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<sup>1</sup> The 15-foot alley would require a 4.5-foot rear yard setback from the rear property line, but the existing Carriage House already abuts the rear lot line. The second-story addition will be build face-on-line with the existing alley-facing façade and will cantilever inward toward the interior rear yard of the lot.



The Property faces south on Park Road NW and the Carriage House abuts the rear of the Property on the north side. As stated above, the areas to the immediate east and west of the Carriage House are comprised of parking spaces and another accessory garage structure, respectively. Therefore, any potential increase in shadow caused by the addition would be minimal and, due to the sun's positioning, would fall primarily on the paved alley to the north. Any other potential shadowing would be on non-green areas to the east and west. Consequently, the proposed Project will not unduly affect the light and air of neighboring properties.

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

The Project will not infringe upon the enjoyment or privacy of any neighboring properties as it will not impede any existing use or access. Also, the Project will not feature any windows facing east or west toward the adjacent lots. See **Exhibit D**.

*(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;*

The view of the Property from the street on Park Road NW will not be changed in any way by the Project. In addition, the second-story addition to the Carriage House will not substantially visually intrude on the character of the alley because the second story addition will be built face-on-line with the existing alley-facing façade, and because the alley is comprised of structures of varying heights and designs. See **Exhibit B**. The square consists of two- and three-story buildings, and groupings of large decks and accessory structures line the alley. In particular, the large multi-family apartment building to the east of the Property extends farther into the alley than other adjacent lots. Thus, the relative impact of the proposed Project will align with the existing character and pattern of the alley and will not be visible at all from the street frontage. The Project does not increase the total height of the Property, and will be far

lower than additions to other properties as visible from the alley. Therefore, special attention has been given so as not to substantially intrude upon the character of the existing alley.

*(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; and*

See Plans at **Exhibit D** and Photos at **Exhibit B**.

*(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 percent (70%).*

The Applicant will not exceed the total 60% maximum lot occupancy for the Property. The proposed Project and the existing primary structure will reach a total of approximately 55% lot occupancy and therefore is under the maximum lot occupancy for the RF-1 zone. However, the Project will increase the square footage of the Carriage House to 532.5 square feet, which exceeds the permitted 450 square feet of lot occupancy for accessory structures. As such, the Applicant seeks relief from this section of the Zoning Regulations.

Accordingly, the Application satisfies the standard for special exception relief from the lot occupancy and rear yard requirements pursuant to Subtitle E §§ 5003.1, 5004.1.

## **VI. COMMUNITY OUTREACH**

The Applicant is actively engaged in the community, and pursuant to Advisory Neighborhood Commission (ANC) 1A's procedures and guidelines, will contact ANC 1A shortly after the application is filed. The Applicant will present to ANC 1A at the next available public meeting.

**VI. CONCLUSION**

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

Respectfully Submitted,

COZEN O'CONNOR



Alyssa L. Bigley

Meridith H. Moldenhauer

**CERTIFICATE OF SERVICE**

I certify that on November 2, 2017, a copy of this Application was served via email on the Office of Planning and Advisory Neighborhood Commission 1A, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

Advisory Neighborhood Commission 1A  
c/o Kent Boese, Chairperson  
608 Rock Creek Church Road NW  
Washington, DC 20010  
[1a08@anc.dc.gov](mailto:1a08@anc.dc.gov)

(ANC Single Member District Commissioner 1A06 seat currently vacant)



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