

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of C&S Development LLC
In Support of Special Exception Relief

2610-2614 4th Street, NE (Square 3551, Lot 801)

I. INTRODUCTION

This Statement is submitted on behalf of C&S Development LLC (the “Applicant”), owner of the property located at 2610 4th Street, NE (Square 3551, Lot 801) (the “Property”). The Property is currently improved with a one-family dwelling. The Applicant plans to raze the existing building, create three new record lots, and construct a flat on each lot (the “Project”).

The Property is located in the RF-1 Zone, where new record lots for flats and attached dwellings are required to provide a minimum lot width of at least eighteen feet (18 ft.) and a minimum lot area of at least 1,800 square feet. The Applicant is proposing to make one of the proposed units an inclusionary zoning unit. Pursuant to 11-C DCMR § 1002.2, inclusionary developments in the RF-1 Zone may obtain special exception relief in order to provide a minimum lot width of sixteen feet (16 ft.) in lieu of eighteen feet (18 ft.) and a minimum lot area of 1,500 square feet in lieu of 1,800 square feet. Two of the proposed lots (2612 and 2614 4th Street, NE) will be sixteen feet (16 ft.) in width and have 1,706.24 square feet of land area. Accordingly, the Applicant is requesting special exception relief pursuant to 11-C DCMR § 1002.2.

The southernmost lot (2610 4th Street, NE) will have the requisite lot width and land area, but the proposed building will extend more than ten feet (10 ft.) past the rear wall of adjacent property to the south. Accordingly, the Applicant is also requesting relief pursuant to 11-E

DCMR § 205.5, in order to extend twelve feet and ten inches (12 ft. 10 in.) past the farthest rear wall of the adjacent property to the south.

II. BACKGROUND

The Property is located in the RF-1 zone district. It is a large interior lot measuring fifty feet 5,332 square feet in land area. Abutting the Property to the north is a one-family dwelling. Abutting the Property to the south are several attached dwellings. Abutting the property to the east and west are 4th Street and a public alley, respectively. The area is made up of a mixture of one-family dwellings and multi-unit buildings.

The Property is currently improved with a one-family dwelling. The Applicant plans to raze the existing dwelling and subdivide the lot into three new record lots, 2610, 2612 and 2614 4th Street, NE. Each new lot will be improved with a flat (2-unit dwelling). The Applicant is proposing to make one (1) of the six (6) units an inclusionary zoning unit.

The new lot at 2610 4th Street, NE, the southernmost lot, will measure eighteen feet (18 ft.) in width and have 1,919.5 square feet of land area. The proposed flat on 2610 4th Street, NE will extend twelve feet and ten inches (12 ft. 10 in.) past the rear wall of the adjacent property to the south at 2608 4th Street, NE. Accordingly, the Applicant is requesting special exception relief pursuant to 11-E DCMR § 205.5.

The new lots at 2612 and 2614 4th Street, NE will have 1,706.24 square feet of land area and have a lot width of sixteen feet (16 ft.). Pursuant to 11-C DCMR § 1002.2, inclusionary developments in the RF-1 Zone may obtain special exception relief in order to provide a minimum lot width of sixteen feet (16 ft.) in lieu of eighteen feet (18 ft.) and a minimum lot area of 1,500 square feet in lieu of 1,800 square feet. Accordingly, the Applicant is requesting relief from the general special exception requirements of 11-X DCMR § 901.2.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF 11-X DCMR §

901.2, 11-E DCMR § 205.5.

A. Overview. Pursuant to 11-X DCMR § 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. 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 11-X DCMR § 901.2.

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 ...” (11 DCMR Subtitle X § 901.2). Given the nature of the relief, the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

1. The Proposed Project is Harmonious with the General purpose and Intent of the Zoning Regulations and Maps

The Project complies with the general purpose and intent of the zoning regulations in the RF-1 Zone District. According to 11-E DCMR § 300.1, the purpose of the RF-1 zone “is to

provide for areas predominately developed with attached row houses on small lots within which no more than two (2) dwelling units are permitted.” The Applicant is proposing to subdivide a large interior lot into three smaller lots and develop each lot with a flat. The Project is designed to meet the exact purpose of the RF-1 Zone.

2. The Project will not adversely affect the use of Neighboring Property.

The use of the neighboring properties will not be adversely affected by the Project. The proposed Project will not unduly affect the light and air available to the neighboring properties. The Applicant is proposing four (4) parking spaces to mitigate any concerns regarding parking. The Applicant is not proposing to construct windows on the south façade of 2610 4th Street or the north façade of 2614 4th Street, NE, in order to address any potential concerns regarding privacy.

IV. THE APPLICANT MEETS THE REQUIREMENTS OF 11-E DCMR § 205.5.

Pursuant to 11-E DCMR § 205.5, a rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6. The proposed building at 2610 4th Street, NE will extend twelve feet and ten inches (12 ft. 10 in) beyond the farthest rear wall of the building to the south.

The proposal in this application satisfies the requirements of Subtitle E § 5201, as follows:

Section 5201.3 *“An Application for special exception under this section shall demonstrate that 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; and*

(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%).*

(a) The light and air available to the neighboring property will not be unduly affected. The proposed building at 2610 4th Street will only extend an additional two feet and ten inches (2 ft. 10 in.) beyond what is permitted as a matter-of-right, which will not create much—if any—additional shadow than what would be created by a matter-of-right building.

(b) The privacy of use and enjoyment of neighboring property will not be unduly compromised by the proposed flat. The Applicant is not proposing to construct windows on the south façade of 2610 4th Street, NE.

(c) & (d) The proposed Project will not visually intrude upon the character, scale, or pattern of houses on 4th Street. There is a diversity of character, scale, and pattern on this block of 4th Street, as demonstrated by the photographs submitted with this Application

(e) The proposed building will have a lot occupancy of sixty percent (60%), and therefore will not exceed the seventy percent (70%) lot occupancy requirement for special exception relief in the RF-1 zone district.

Section 5201.4 *“The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”*

The Applicant will comply with Board directives for protection of adjacent and nearby properties.

Section 5201.5 *“This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*

The Applicant is not requesting to introduce or expand a nonconforming use.

Section 5201.6 *“This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”*

The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

V. Conclusion.

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,



Martin Sullivan
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Date: December 1, 2017