

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement in Support of Special Exception Relief

The 3323 P Street Trust

3323 P Street NW; Square 1254, Lot 223

I. INTRODUCTION

This Statement is submitted on behalf of The 3323 P Street Trust (the “Applicant”), owner of the property located at 3323 P Street, NW (Square 1254, Lot 223) (the “Subject Property”). The Applicant is proposing to create a shed-dormer on the rear roof of the fourth story. The Property is located in the R-20 Zone, where the height is limited to thirty-five feet (35 ft.) and three (3) stories as a matter-of-right. The existing building (the “Building”) is already over the height and story limit for the R-20 Zone. Although the shed-dormer will not increase the height or number of stories, in the OP Report for Case No. 18045, the Zoning Administrator determined that a shed-dormer which increases occupiable space in an existing non-conforming fourth story is required to obtain special exception relief from the prohibition against extending a non-conforming aspect of a structure (C § 202.2). Accordingly, the Applicant is requesting relief pursuant to D § 5201 which permits special exception relief from C § 202.2.

II. BACKGROUND

A. Description of the Property and Surrounding Area.

The Subject Property is located in the Georgetown Historic District, is within the jurisdiction of the Commission of Fine Arts and is zoned R-20. It is a large rectangular lot measuring one hundred and fifty feet (150 ft.) in length, sixty-nine feet (69 ft.) in width and

10,350 square feet in land area. The Subject Property is improved with a four-story one-family dwelling that was constructed in 1817 and predates the Zoning Regulations.

Abutting the Subject Property to the east and west are other one-family dwellings. To the north of the Subject Property is an improved public alley and a number of alley dwellings. To the south of the Subject property is P Street.

B. Proposed Project.

The Applicant is proposing to add a shed-dormer to the rear of the existing fourth story. The original building permit (#B1710675) was submitted in July 2017 and issued in January 2018. The original permit included finishing out the attic space, however, when the owners walked through the space after receiving the permit, they decided they wanted to pursue a shed-dormer at the rear of the building. The shed-dormer makes the space more usable by providing additional ceiling height—although it will not increase the height of the Building. The dormer also provides an egress window. The design has been submitted and approved to the Old Georgetown Board and the L'Enfant Trust. The Applicant received approval from OGB and L'Enfant Trust in June and submitted the amendment to the original permit in July 2018. In September 2018, the Applicant received a comment from Zoning that the addition of the dormer would require special exception relief as it is considered an increase in the usable floor area, thereby an increase in a non-conforming aspect of the dwelling.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF 11-X DCMR § 901.2, 11-D DCMR § 5201.

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, subject also, in this case, to the specific requirements for relief under 11-D DCMR § 5201 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 11X 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 Applicant is only requesting relief to create a new dormer with additional headroom in an existing space, the dormer will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Applicant has provided samples of other properties in this area with similar dormers. The Applicant is not proposing to increase the height or number of stories of the overall Building, nor the existing Building footprint.

C. Requirements of 11-D DCMR § 5201.

The proposal in this application satisfies the requirements of 11-D DCMR § 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 [of up to 50% in the R-20 Zone].*

(a) The dormer is only on a portion of the rear roof and will have no impact on the light and air available to neighboring properties.

(b) The privacy of use and enjoyment of any neighbors will not be unduly compromised by the proposed dormer. Although the dormer will have windows, the Building is separated by the buildings to the north by a fifty-six-foot (56 ft.) rear yard.

(c) & (d) The Addition, together with the existing Building, will not visually intrude upon the character, scale, or pattern of houses on P Street or the alley. The dormer is similar to other dormers in the area and has been approved by both the Old Georgetown Board and the L'Enfant Trust.

(e) The existing and proposed lot occupancy is only 29.4%, well below the permitted lot occupancy for the R-20 Zone.

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 5201.5 *“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. The request is for additional headroom, not for an increase in height or the number of stories.

IV. Conclusion.

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

Respectfully Submitted,

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