

Statement of Applicant
Application for 604 Gallatin ST N.W. (Square 3212, Lot 0139)
PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT

This statement is submitted by Betty Matthews and Joseph Matthews (the "Applicant"), the owners of Lot 0139 in Square 3212, which has a street address of 604 Gallatin St N.W. (the "Property") which is zoned R3. The improvements on the Property consist of a two-story with basement, single-family attached dwelling (the "Building"). The Applicant proposes to construct a two-story addition with basement to accommodate a larger kitchen, two bathrooms, and one extra bedroom. Accordingly, the Applicant requests special exception approval for the conversion pursuant to Subtitle U § 320.2. In relief pursuant to 11 DCMR §§ X-901.2 and D-5201.1 for rear yard (D § 306.2), and pervious surface (D § 308.3), as well as for expansion of a nonconforming condition (C § 201.1) to obtain retroactive zoning relief for an addition to a single-family attached dwelling on the Property (the "Structure") in the R-3 Zone District (the "Project").²

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located at 604 Gallatin Street N.W. and is in the R3 zone district. Abutting the Property to the east are two attached residential building. Abutting the property to the west are 19 attached residential building. The north front of the property faces Hamilton Street building and south rear of property faces Farragut Street. The two-story Addition will be setback eighteen feet and four inches (18'-4") from the front façade of the rear of the building. The Applicant is also proposing to reconstruct the existing rear porch.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE U § 320.2 & Subtitle D § 5201

A. Overview. 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 U § 320.2 or *Subtitle D § 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 Subtitle X § 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 Addition, the Building's mass and height will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the residential buildings to the east and west of the Property, as the Addition will only increase the existing Building's mass to match that of the adjacent building's height. The Addition will not adversely affect the neighbors to the north and south, as they are separated from the building by a public alley and Gallatin Street, respectively.

C. Requirements of Subtitle U §320.2.1

1 The Zoning Commission voted to Approve Z.C. Order No. 14-11B on March 27, 2017. The Order will become effective as soon as it is published in the D.C. Register. Although the Order alters Subtitle U §§ 320.2(f)-(h), the changes are technical in nature and will have no impact on this Application.

The proposal in this Application satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(l) as follows:

Section 320.2(a) *“The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

The Applicant is proposing to a slight decrease in the height from twenty-six feet, three inches (26'-3”) to twenty-five feet, six inches (25'-6”). The Applicant has submitted photographs of the Property and architectural plans along with Its application.

See Elevation Plan

Section 320.2(b) *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;*

The proposed Addition will increase the habitable square feet of single residential building (1). Therefore, Inclusionary Zoning and the set aside requirements of Subtitle C § 1003.6 do not apply.

Section 320.2(c) *There must be an existing residential building on the property at the time of filing an application for a building permit.*

There is an existing residential structure on the Property at the time of filing an Application for a building permit.

Section 320.2(d) *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.*

The proposed structure single unit structure requires a minimum of 1017 square feet of land. The Property has 2500 square feet of land, therefore satisfying the minimum requirement.

Section 320.2(e) *An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on the adjacent property;*

The Addition will not extend further than ten feet (10 ft.) past the farthest rear wall of any principal residential building on the adjacent property. While the Applicant is extending the building footprint by eighteen feet and four inches (18'- 4") at the rear, the Addition is intended to match the setbacks of the adjacent buildings.

Section 320.2(f) *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;*

The Addition, including roof structures, will not block or impede the function of a chimney or other external vent on the adjacent property, pursuant to submitted plans.

Section 320.2(g) *Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Board of Zoning Adjustment;*

The Addition will not interfere with the operation of an existing or permitted solar energy system on any adjacent property. To the Applicant's knowledge, there are no such systems on adjacent property.

Section 320.2(h) *A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;*

No roof top architectural elements original to the house such as a turret, tower, or dormers will be removed or significantly altered, pursuant to the submitted plans. The proposed addition will be setback eighteen feet (18 ft.) from the front of the Building. The Applicant is proposing to reconstruct the existing rear porch.

Section 320.2(i) *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*
(1) The light and air available to neighboring properties shall not be unduly affected;

The light and air available to neighboring properties will not be unduly affected. The Addition is intended to match the mass and height of the buildings on the adjacent properties.

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly

Compromised. Although the proposed Addition includes a single window on the west side of the building, and five windows on the rear of addition replacing existing five windows. There is only one extra window above kitchen sink on the east of new addition.

(3) The conversion and any associated additions, 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 or alley;

The Addition will be setback eighteen feet and four inches (18'-4") from the rear of existing building and will therefore not substantially visually intrude upon the character, scale, and pattern of houses along the six hundred block of Gallatin ST NW.

Section 320.2(j) *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

The Applicant has submitted detailed plans showing the relationship of the proposed Addition to the neighboring properties and the public ways.

Section 320.2(k) *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 or nearby properties, or to maintain the general character of a block;*

No special treatment is necessary because the Addition will maintain ample open space, will be a size and scale appropriate for the site, and will have a design consistent with the neighborhood.

Section 320.2(l) *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i)."*

The Special Exception Requirements for Rear Yard, Pervious Surface, and Expansion of a Nonconforming Condition Relief are Satisfied

Subtitle D § 5201 states that “an applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.” The Project meets the conditions of this section as follows:

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

The addition to the Property does not unduly impact the light and air of neighboring properties because the lot is an end lot on the corner of the block. Moreover, the requested relief is for the rear deck on the Property, which is lower in elevation and thus less intrusive to the neighboring properties.

See Shadow report

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

The addition did not expand the Structure in a way that would impact the privacy of use and enjoyment of neighboring properties. There is ample public space to the south, the alley to the east, and the wide street to the west. Also, there is a chain link fence between adjacent Properties lots. Therefore, there will be no encroachment or impact on the, use and enjoyment of the neighboring properties.

(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 addition to the rear of the Structure does not change the character, scale, and pattern of houses along the street frontage on Gallatin St, NW. The Structure’s façade has been preserved, and the entire Project was specifically designed to enhance and maintain the character of the block. See Photos at Exhibit B

(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 and Elevations

(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot as specified in the following table . . .” 70% in the R-3 Zone.

IV. STATEMENT OF COMMUNITY OUTREACH

The Applicant has reached out to the chair of ANC 4D, surrounding neighbors, and the Single Member District Commissioner for the Property, shortly after the Application was filed.

V. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully

Betty Matthews



Joseph Matthews

