

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Updated Applicant's Statement of John Kenkel and Marka Peterson
910 12th Street, NE (Square 0980, Lot 53)

I. INTRODUCTION.

This Statement is submitted on behalf of John Kenkel and Marka Peterson (collectively, the “**Applicant**”), owners of 910 12th Street, NE (Square 980, Lot 53) (the “**Property**”). The Property is located in the RF-1 zone and is improved with a two-story + cellar single-family row dwelling (the “**Building**”). The Applicant is proposing to construct a third story with roof deck and a three-story rear addition (the “**Addition**”). The proposal will increase the total lot occupancy to 64.4%, requiring lot occupancy relief pursuant to E-5201. The mansard roof will also be altered, requiring special exception relief from the rooftop or upper floor elements requirements of E-204.1.

The Addition does not extend more than ten feet (10 ft.) beyond the furthest rear wall of either of the two adjoining structures. However, the adjacent building to the south has an open space on its first floor, underneath an enclosed structure above that open space. That space is inset from that building's furthest rear wall approximately 7.5 feet. The Applicant believes that this situation does not violate the language of the 10-foot rule under E-207.4. However, out of an abundance of caution, and pending further input from the Department of Buildings, the Applicant is also including a request for ten-foot rule relief pursuant to E-207.5.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, E-204.4, and E-5201.

III. PROPOSED PROJECT.

The Property is located in the RF-1 zone district. It is an interior lot measuring 1,440 square feet in land area. Abutting the Property to the north is 912 12th Street, NE, a single-family row dwelling. Abutting the Property to the west is a public alley. Abutting the Property to the south is 908 12th Street, NE, a single-family row dwelling. Abutting the Property to the east is 12th Street.

The Property is improved with a two-story + cellar single-family row dwelling. The Applicant is proposing to construct a third story with roof deck and a three-story rear addition. The Addition will increase the lot occupancy to 64.4%. Other than the requested relief, the proposal meets all development standards for the RF-1 zone as follows:

Development Standard	Minimum	Maximum	Proposed
Height	NA	35 ft., 3 stories	34 ft. 1 in., 3 stories
Lot Occupancy	NA	60%	64.4%
Rear Yard	22 ft.	NA	28 ft. 5 ½ in.
Parking	1 space	NA	1 space

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

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 E-5201 of the Zoning Regulations.

1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposed Addition is still within the rear yard requirements of the RF-1 zone, and well under the height limitations. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will also not tend to adversely affect the use of neighboring properties as described more fully below.

B. Specific Special Exception Requirements of Subtitle E- 5201 (10-Foot Rule, Lot Occupancy).

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).

The Applicant is seeking relief from lot occupancy, pursuant to E-5201.4. The relief for alteration of the mansard roof is reviewed under E-204.4, which lists the same requirements as E-5201.4 with the addition of section (d).

5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

The Addition shall not unduly affect the light and air available to neighboring properties. The Addition is within the height limit for this zone. The Addition's rear wall will be 17.5 feet past the first-floor rear wall of the adjacent property, as that portion of the adjacent building is set back from the structure's furthest rear wall on the second floor. This additional 7.5 feet of relief has no impact on the open space of the adjacent building's first floor. Also, this neighbor is supportive of the project.

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

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing windows on the north or south side of the Addition.

(c)The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage;

(i) Regarding the special exception request for lot occupancy and 10-foot rule relief, the portion of the addition that increases the building's footprint will not be seen from the front street and will therefore not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the street or alley.

(ii) Regarding the special exception for architectural elements alteration, the proposal keeps the mansard design, merely moving it higher, to gain a permitted third story. This proposal contrasts with the matter of right construction on the building at 916 12th St, NE – three doors to the north – which is shown on page 4 of the Application's photo exhibit. That addition was matter-of-right because it was set back 3 feet from the mansard roof. This proposal instead works with the existing mansard and results in a better overall design and view from the street.

(d) In demonstrating compliance with paragraph (a-c), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways;

V. CONCLUSION.

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

Respectfully submitted,

Martin P Sullivan

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