

August 28th, 2024

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Statement in Support of Special Exception Approval
4505 WARREN ST NW, WASHINGTON DC 20016 (Square 1563, Lot 0039)

This statement is submitted on behalf of STAPLES, SEAN C & WAIN, MARY-FRANCES, owners of the property located at 4505 WARREN ST NW, WASHINGTON DC 20016, in the R1-B Zone District. The property is currently a Single-family dwelling.

The Applicant is proposing to build an outdoor kitchen inside the existing garage, as well as build a new roof on the stoop area. This means that the property will use the existing garage for purposes other than parking for a single vehicle. In the acquisition of a building permit, the Zoning Department review has determined that *the proposed project does not appear to comply with the development standards found in Title 11 of the DC Municipal Regulations and therefore requires Special Exception relief from the Board of Zoning Adjustment (BZA) pursuant to Subtitle C § 703 in order to proceed with the project as submitted.*

REQUEST FOR SPECIAL EXCEPTION UNDER SUBTITLE C § 701.5

The Applicant is requesting relief from Title 11 Subtitle C § 701.5 (parking requirements) that states that for a *residential, single dwelling unit, the minimum number of vehicle parking spaces is one (1) per principal dwelling.* Furthermore, Subtitle C § 701.5 also states that *Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows...* introducing Table C § 701.5: PARKING REQUIREMENTS. This brings us to:

SUBTITLE C § 702 - EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS

SUBTITLE C § 702 - EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS states that:

702.4 - Vehicle parking shall not be required:

(a) For a building containing a single principal dwelling unit or flat within the R or RF zone, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

RESPONSE: This Section from Subtitle C § 702.4 seems to apply to our situation, which would result in our project not requiring the special exception. Nevertheless, we are adding our responses below to further comply with the Burden of Proof required to consider the special exception in case the Board considers that our property does not conform with this rule.

SUBTITLE C § 703 - SPECIAL EXCEPTIONS FROM MINIMUM PARKING NUMBER REQUIREMENTS

703.1 - This section provides flexibility from the minimum required number of parking spaces when providing the required number of spaces would be:

- (a) Impractical due to the shape or configuration of the site;
- (b) Unnecessary due to a lack of demand for parking, or the site's proximity to transit options; or
- (c) Contrary to other District of Columbia regulations.

RESPONSE: For this section, the project is consistent and agreeable with statement (b), regarding the lack of demand for parking.

703.2 - The Board of Zoning Adjustment may grant a full or partial reduction in the number of required parking spaces, as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction of at least one (1) of the following:

- (a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;
- (b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;
- (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;
- (d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;
- (e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;
- (f) All or a significant proportion of dwelling units are dedicated as affordable housing units;
- (g) Quantity of existing public, commercial, or private parking, other than on-street parking, on the property or in the neighborhood, that can reasonably be expected to be available when the building or structure is in use;
- (h) The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:
 - (1) A curb cut permit for the property has been denied by the Public Space Committee; or
 - (2) Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the

Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;

- (i) The presence of healthy and mature canopy trees on or directly adjacent to the property; or
- (j) The nature or location of an Historic Resource precludes the provision of the number of parking spaces required by this chapter; or providing the required number of parking spaces would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.

RESPONSE: For this section, the project is consistent and agreeable with statement (b), where the use or structure is particularly well served by mass transit.

703.3 - Any reduction in the required number of parking spaces granted under Subtitle C § 703.2 shall be:

- (a) Proportionate to the reduction in parking demand demonstrated by the applicant;
- (b) Limited to the number of spaces that the applicant demonstrates cannot reasonably be provided on the site as proposed to be developed in the application; and
- (c) Limited to relief from the minimum number of parking spaces required by this section and shall not provide relief from the location, access, size or layout, screening, or other requirements of this chapter.

RESPONSES FOR THIS SECTION:

For statement (a): the current structure has not been used by the applicant as a parking space since moving to the neighborhood 16 years ago. It is far too small to fit most vehicles, including our midsize SUV. This is true for virtually every garage currently in the neighborhood.

For statement (b): The applicants are trying to maintain green space and trees in their yard, so they don't want to pave over their existing yard to create a parking space that they don't intend to use, and which will unduly limit what little green space they have, given all the street parking available in the front of their home on Warren Street.

For statement (c): The request is limited to the relief from the minimum number of spaces required and only modifies a small portion of the current parking structure.

703.4 - Any request for a reduction of more than four (4) spaces from the required number of parking spaces shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.

RESPONSE: This section does not apply to this project.

SUBTITLE X § 901 - SPECIAL EXCEPTION REVIEW STANDARDS

901.2 - The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (c) Will meet such special conditions as may be specified in this title.

RESPONSES FOR THIS SECTION:

For statement (a): The owners agree and will comply as necessary.

For statement (b): The owners agree and will comply as necessary.

For statement (c): The owners agree and will comply as necessary.

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 either grants the requested special exception approval for Subtitle C § 701.5, or determines that a special exception is not necessary as our case conforms with Subtitle C § 702.4.

Respectfully Submitted,

STAPLES, SEAN C & WAIN, MARY-FRANCES