

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Prehearing Statement of JNM Enterprises One LLC
264 Carroll Street, NW (Square 3354, Lot 829).

I. INTRODUCTION.

This Statement is submitted on behalf of JNM Enterprises One LLC (the “**Applicant**”), owner of the property located at 264 Carroll Street, NW (Square 3354, Lot 829) (the “**Property**”). The Property is located in the MU-4 and NMU-4/TK Zone and is improved with two structures. The front structure is a mixed-use commercial and residential building (the “**Front Building**”) including retail and residential uses. The rear structure is currently vacant and the proposal is to raze the existing rear structure and construct a new Rear Building (the “**Rear Building**”). The new Rear Building will be divided internally into eight separate artist studios.

Pursuant to Subtitle C § 302.4, multiple primary buildings are permitted on a single record lot provided that each building, and the buildings as a group, meet the applicable development standards of the zone. The new Rear Building will result in a rear yard setback of five feet (5 ft.) where a setback of fifteen feet (15 ft.) is required for the zone. Accordingly, the Applicant requests special exception relief pursuant to G-5200 and G-207.14 from the rear yard requirements of G-207.6.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2 and G-5200.

III. BACKGROUND.

A. Description of the Property and Surrounding Area

The Property is an interior lot with a land area of 10,400 square feet. The area is characterized by a mix of residential and commercial uses. The Property is located 0.1 mi. — or a 3-minute walk — from the Takoma Metrorail Station. The Property abuts Carroll Street to the north. Abutting the Property to the east is 254 Carroll Street, NW, the Torchinsky Hebrew Funeral Home. Abutting the Property to the south is 225 Vine Street, NW, a 28-unit apartment building. Abutting the Property to the west is 272 Carroll Street, Seekers Church.

B. Description of the Proposed Project

The Applicant is not proposing any changes to or expansion of the Front Building. The Applicant is proposing to create a new Rear Building. The new Rear Building will be separated into eight artist studios of equal size. This artist studio use is permitted as a matter-of-right. All other aspects of the proposed project are permitted by right as well, except that special exception relief is required to reduce the rear yard to five feet. The proposed five-foot (5 ft.) setback is similar to the adjacent property to the east.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND G-5200.

A. General Special Exception Requirements.

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.

Apart from the requested relief, which is permitted via special exception approval, the use itself and the proposed bulk and density is permitted as a matter-of-right in the MU-4 and NMU-4/TK zones.

B. Special Exception Requirements of Subtitle G-207.14

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 requesting special exception relief from the rear yard requirements of G-207.6 pursuant to G-207.14.

- (a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;**

The Applicant is not proposing any apartment use.

- (b) No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall;**

The Applicant is not proposing any office use.

- (c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;**

The Building is parallel to the adjacent buildings.

- (d) Provision shall be included for service functions, including parking and loading access and adequate loading areas; and**

As shown in the plans, the proposal includes six parking spaces with direct access from Carroll Street. The parking layout provides 6 spaces where none exist currently, and where only one is required. No loading areas are required or needed. Further, the Property has no alley access, so even a by-right rear yard compared to the proposed would make no difference in terms of loading function. Arguably the location of the proposed Rear Building increases the capacity for parking on site.

- (e) Upon receiving an application for relief from rear yard requirements of this section, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with coordination of reviews in writing from all relevant District of Columbia departments and agencies, including:**

- (1) The District Department of Transportation;**
- (2) The Department of Housing and Community Development; and**
- (3) The Historic Preservation Office if the application involves a historic district or historic landmark.**

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 P Sullivan

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