

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

**Application of AMW Associates LLC
1332 CORBIN PLACE NE
APPLICANT'S PREHEARING STATEMENT**

This Hearing Statement (“Statement”) outlines the existing and proposed use of the property and the manner in which the application (“Application”) complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR Subtitle X, Chapter 9, § 900.2 for a special exception under Subtitle E, §207.1 and §210.1 to allow the construction of a third floor addition and a rear addition to an existing row dwelling not in compliance with the minimum prescribed rear yard setback and maximum permitted percentage of lot occupancy respectively, further pursuant to the special exception set forth under Subtitle E, Chapter 52, §5201.1 (a) and (b), including the conditions set forth under §§ 5201.4 through 5201.7, as applicable

The proposed addition otherwise complies with all other applicable provisions of the Zoning Regulations in the underlying RF-1 zone district

SUMMARY OF APPLICATION

The applicant seeks special exception pursuant to 11 DCMR Subtitle X, § 900.2 in accordance with the standards set forth in X, § 901.2 (a) through (c), pursuant to Subtitle E, Chapter 52, § 5201.1 (a) and (b) subject to the conditions set forth under §§ 5201.4 through 5201.7 as applicable, to rehabilitate the existing row dwelling through interior reconfiguration and addition

of a third floor and a modest three-story rear addition, including a rear deck primarily to increase the living and outdoor recreational space available to the owner/occupant of the subject property.

The subject property is proposed to remain a single-family dwelling, use which is permitted as a matter of right in the underlying RF-1 zone district within which it is located.

The applicant proposes to structurally reconfigure the existing structure and construct both a third-floor addition and extension of the existing building footprint

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 9, § 900.2.

As further set forth under § 901.2, the Board of Zoning Adjustment is authorized 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.

As more specifically outlined below in this hearing statement and as will be further attested in the course of the hearing, the applicant contends that the application complies with the three general criteria set forth above, with all the applicable standards prescribed under § 5202.1 and the conditions of §§ 5201.4 through 5201.7

PROPERTY LOCATION AND DESCRIPTION

The property address is 1332 Corbin Place NE and is located in the Capitol Hill neighborhood.

The surrounding neighborhood is improved with a mix of low to medium density residential developments comprising one-family row dwellings, some of which have undertaken conversions to two-family dwellings and three-unit row structures, including an existing medium density three-story apartment building.

The subject property is located in Square 1032 and is legally described as Lot 0170. Square 1031 is bordered by D Street to the East, 13th Street to the North, Tennessee Avenue to the South and Corbin Place to the West, upon which subject property has street frontage. The Square is traversed by a North-South and a East West public alley forming a T-junction closer to the 13th Street border

Hence the subject property abuts a fifteen feet (15 ft.) public alley at its East border.

The subject property is currently improved with a single-family row dwelling which was constructed in 1915 according to available public records and is located on a lot approximately one thousand, one hundred and sixty-nine square feet (1,169 ft²) in area.

Although the substandard lot dimensions are grandfathered by virtue of existence prior to May, 12, 1958, for context the RF-1 zone district within which the subject property is located prescribes a minimum eighteen feet (18 ft.) and one thousand eight hundred square feet (188 sf.) of lot width and area respectively.

The proposed project complies with all other applicable provisions, with the exception of the two areas of relief sought in the instant application.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

1. Compliance with the three standards set forth under X, § 901.2 (a), (b), and (c)

(a). Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The Zoning Regulations permits the continued use of the subject property as a row dwelling in the underlying RF-1 zone district within which the subject property is located.

The proposed project complies with the stipulated conditions for the two areas of relief set forth under Subtitle E, Chapter 52, §§ 5201.4 through 5201.7, as further outlined in this statement below.

The existing building located on subject property was constructed in 1915 according to a certified building location survey. The subject property is an existing nonconforming structure, with respect to the prescribed minimum required rear yard setback.

The existing nonconforming rear yard is approximately four feet (4 ft.) short of the required rear yard of twenty feet, whereas the new deck and addition combined proposes to increase that existing nonconformity by approximately thirty percent (30%)

Also, the net change in percentage of lot occupancy is approximately eleven percent (11%) resulting from an aggregate increase in building footprint area from approximately fifty percent (57%) to sixty-eight percent (68%)

The general purpose and intent of the Zoning Regulations for the RF zone district are set forth in Subtitle E, Chapter 1, §§ 100.1 and 100.4 which stipulate that the RF-1 zones are Residential zones developed primarily with row dwellings within which limited

conversions into more than three dwelling units and have occurred and are distinguished by a maximum number of dwelling units of two (2), three (3) and four (4) per lot

The subject property along its proposed three-story addition is a single-family row structure or dwelling consistent with the stated purpose set forth in Subtitle E, §§ 100.1 and 100.4 and as further set forth under the Use Provisions of Subtitle U, § 301.1 (a)

For the foregoing reasons, the applicant submits that the proposed project 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;

The subject property is located in and surrounded by similarly zoned properties. Immediately adjoining properties comprise of two-story similar row structures, or dwellings, many of which exceed the building area, hence the percentage of lot occupancy relief sought by subject property, and increase in nonconformity with respect to the prescribed minimum rear yard setback, is not an anomaly. In fact both of the two adjoining properties to the east and west of subject property feature open rear deck and porch beyond the rear walls of the buildings proper

The proposed rear addition is limited to eight feet (8 ft) beyond the rear wall of the two immediately adjoining buildings, and so will not tend to cast any substantial shadow upon the two adjoining properties. Moreover, the two immediately adjoining properties both feature rear open decks. Applicant notes that the proposed rear conditioned addition features no fenestration on either side.

The project will provide one off-street parking where none previously existed and will be accessible from a public alley via a roll-up door for privacy and security. .

The project will comply with all other development standards applicable in the underlying zone district of location, save for the rear yard and percentage of lot occupancy relief sought in the instant application.

The building location will not result in adverse effects on the light and air of adjoining properties for the stated reasons above..

For the foregoing reasons, the applicant submits that granting the special exception requested will not tend to affect adversely, the use of neighboring properties in accordance with the Zoning Regulations and Zoning Maps.

(c). Will meet such special conditions as may be specified in this title.

The special conditions or criteria for granting the relief sought are set forth under Subtitle E, Chapter 52, §§5201.4 through 5201.7 and the applicant outlines below how the instant Application complies with the itemized criteria

Compliance with Conditions for Special Exception from Rear Yard and Percentage of lot Occupancy Provision under Subtitle E, § 5201.1 (a), (b)

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new 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 subject property is an interior lot, nestled amongst similar row structures with similar or greater building footprint. Save for open rear decks or porches, none of the series of row dwellings have openings or fenestration since they all share common division walls.

The Applicant notes that the rear addition extends eight feet (8 ft) only beyond the rear walls of the two immediately adjoining buildings.

The adjacent buildings have no fenestration or opening, so the light and air of this property is not unduly affected in any way. Neither of the two adjoining properties feature roof decks, hence the proposed third floor addition will not affect the light and air available to the adjacent or neighboring properties

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

As aforementioned, the subject property is one of a series of row dwellings sharing common division walls, hence feature no side yards or side openings or fenestration.

The immediately adjoining properties are two-story structures but neither features a roof deck, hence the proposed third-floor addition will not compromise the use and enjoyment of neighboring properties.

The two areas of openings, which are at the front façade and rear of subject property are separated by a sixty-foot (60 ft.) wide street and a fifteen feet (15 ft) public alley to the rear yards of the opposite perpendicular row dwellings

Further, the proposed third-floor addition does not exceed the number of stories permitted in the underlying RF-1 zone district and it is recessed back from the building front wall to temper an intrusion to the architectural fabric of the existing buildings in the neighborhood

Whereas the subject property proposes a rear open deck limited to approximately eight feet (8 ft.) in height, the two immediately adjoining properties feature unenclosed two-story roofed porch significantly overlooking the yard of the subject property

Applicant contends that the proposed alteration to the existing building does not substantially intrude upon the character, scale and patterns of houses along the street and alley frontage. As aforementioned, the proposed third floor addition is recessed back from the building façade or front wall in respect of the character scale and pattern of houses along the street.

(c) 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, new building, or accessory structure to adjacent buildings and views from public ways.

The Applicant has provided graphical representations but stands ready to provide additional graphical representation as necessary or as the BZA may deem fit to require.

5201.5 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.

Applicant is not averse to any special treatment the Board deems fit

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The instant application does not propose an expansion of a nonconforming use, lot occupancy beyond the sixty- percent (60%) authorized and the proposed project will comply with height and number of stories limitations in the zone district of location.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

- District Department of Transportation (DDOT);
- Department of Public Works (DPW);
- Metropolitan Police Department (MPD)
- Fire and Emergency Medical Services Department (FEMS);
- DC Water (WASA); and
- If a historic district or historic landmark is involved, the Historic Preservation Office (HPO)

The provision is inapplicable because the project does not seek relief from the alley centerline provisions.

Conclusion

As set forth under § 901.2, the Board of Zoning Adjustment is authorized to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions, to wit:

- (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.

The Applicant submits that the instant application complies with all conditions for the granting of the requested special exception set forth in Subtitle X, § 901.2 by virtue of the representations set forth under “Statement of Compliance with the Burden of Proof”

The Applicant outlines above how the application for relief complies with the criteria for the granting of the requested relief as set forth under Subtitle E, Chapter 52, §§5201.4 through 5201.7

The proposed project provides one (1) off-street parking space notwithstanding that none is required, and none exists, therefore lessening the demand for on-street parking

Applicant respectfully requests for all the foregoing reasons that the Board approve the application for the relief sought.