

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

**APPLICATION OF
MR. ULYSSES GLEE**

**655 SOUTH CARLOINA AVE SE
ANC 6B**

**STATEMENT OF THE APPLICANT
AMENDMENT**

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Ulysses Glee, (the “Applicant”), as the owner of 655 South Carolina Ave SE, (the “Property”), (Square 876, Lot 30). The Applicant seeks a Special Exception and Variance relief to allow a rear two story in-fill addition in the RF-1 District. The Property is presently a 2-story with basement 2 unit Flat. The requested relief to title 11 DCMR is:

1. Lot Occupancy (Subtitle E-§210.1) allows a maximum of 60% lot occupancy. The existing structure covers 74% of the lot. The proposed in-fill addition would increase occupy to 84% of the lot.
2. Rear Yard Setback (Subtitle E-§207.1) requires a 20ft rear yard setback. The existing building has a rear yard setback of 7'-9". The proposed addition would extend to the existing rear wall of the building and would not decrease the existing rear yard setback.

JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special Exceptions requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

BACKGROUND INFORMATON OF THE PROPERTY

The property is in the middle of the block; a RF-1 zoned lot of 812 square feet improved by a two-story brick, attached structure with a basement originally constructed c.1900. The structure contains 1252 sq. ft. of livable area covering 578 sq. ft. of the lot (71% + 3% for an existing deck). The building is flanked to the east and west by similar 2 story townhouses and the opposite (north) side of South Carolina Ave SE. There is no alley in this block; however, there is a 3ft access ROW behind lots 31-36, i.e. the lots east to 7th St SE. The structure sits on the front property line. The existing pervious surface area will not be changed. The adjacent property has no solar

installations. The proposal does not impact a chimney within 10 feet since the proposed addition matches the existing roof level.

The property is within the boundaries of ANC 6B, located within the Capitol Hill Historic District and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.

DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA

Square 876 is in the Capitol Hill neighborhood. The square is bounded by South Carolina Ave SE to the north, 7th Street SE to the east, E St SE to the south and 6th Street SE to the west. The square is a uniform RF-1 zoning district containing residential structures, mostly attached rowhouses. The lots fronting SC Ave SE are of varying size from 4561 -812sq ft in size. The smallest lot being the subject property. The Lots on the north side of SC Ave, opposite the street from the applicant's lot, contain row dwellings with a more uniform lot configuration. The surrounding squares are similarly developed with row house units.

The 7 properties on the Northeast of the block are some of the smallest in the Square. Several have had extensions with smaller rear yards and larger lot occupancy that the Subject property:

While none of the other structures have in-filled the dog legs, most have decks with one having an addition extending beyond the rear building wall. Comparable (approximate) Lot Occupancies like the one proposed in this Application are located at:

Lot	Address	Approx Lot Coverage (%)
30	655 SC Ave SE	84% (proposed)
31	657 SC Ave SE	76%
32	659 SC Ave SE	73%
33	661 SC Ave SE	67%
34	663 SC Ave SE	71%
35	665 SC Ave SE	66%
36	667 SC Ave SE	79%

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Applicant is proposing to in-fill the existing 4'-4" x 12'-0" "dog leg" at the rear of the building by constructed a new double story addition. The proposed footprint will increase the existing non-conforming 74% lot occupancy to 84%. The addition will extend to the rear of the existing building. The existing deck will be extended almost the full width (15ft) of the lot and 3'-8" in depth. The existing 7'-9" rear yard will not be reduced, but is still non-conforming. The proposed building will be the same height as the existing building. The adjoining structure to the West has a double story addition extending 9'-9" from the structure. The adjoining structure to the East has a single-story

addition extending 5'-5" from the structure. The proposed addition meets the side yard requirement by eliminating the existing non-conforming side yard.

The building was constructed c.1900 and became non-conforming with introduction of the 1958 Zoning Regulations and perpetuated by the 2016 Zoning Regulations. Aside from the requests for Exemptions, the Project complies with the development standards for the RF-1 zoning district. The Project will not affect the main façade's existing architectural elements.

NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

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 DCRM Chapter 11, Subtitle X §901.2, 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;

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is in the RF-1 zone. The Property will remain a 2 unit Flat. The rear yard setback is permitted via Special Exemption approval and remains unchanged from the existing conditions. Accordingly, the proposed Addition 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

The in-fill addition will not impact the light and air or privacy nor adversely affect the use of neighboring properties, as more fully described below.

The Applicant's compliance under §901.3 with those requirements is:

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS

Subtitle E, Section 5201.4 provides relief for the applicant by special Exception when demonstrated that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

The in-fill addition is south facing and aligns with the rear wall of the existing structure so no additional shadows will be cast onto the adjoining structure. There is an existing two-story addition to the west and a single-story addition to the east that extend beyond the existing structure. Therefore, the light and air of adjacent neighbors will not be negatively impacted. There are no existing or permitted solar energy systems in proximity to the proposed construction. Finally, the height of the proposed addition will not exceed the existing structure height and is well below the height limitations.

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

The privacy and use of enjoyment of the neighboring properties shall not be unduly compromised. The in-fill only extends to the rear wall of the existing structure.

- (c) The proposed 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 and alley frontage;

The project will conform to the character, scale, and pattern of the houses on the block. The addition stays below the existing building height which is well below the allowed height. The rear in-fill maintains the line of the existing extent of the other structures on the block. Due to the lot configuration and no alley, the proposed addition will not be visible from any public street.

- (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

The Applicant has provided graphical representations vis-à-vis plat, plans, elevations, sections, and photographs to represent the project and its relationship to the adjacent buildings and views from the public way.

With respect to variances, the [Board of Zoning Adjustment](#) has the power under § 8 of the [Zoning Act](#), D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in

peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the [zone](#) plan as embodied in the Zoning Regulations and Map.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR VARIANCES

The standard for granting a variance, as stated in Subtitle X § 1000.1 in respect to area variances as follows:

- (a) An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property;

The exceptionally small lot size imposes an exceptional practical difficulty for the owner. The narrow (16ft) lot is even less at the existing dog leg (12'-0"). The existing footprint is a small 552 sq.ft. per floor. The interior layout does not allow for adequately sized bedrooms or a 2nd bath in the existing floor plate. The existing floor plan room sizes and amenities make the units very difficult to rent, creating a financial burden. The additional 52 sq. ft will allow providing a 2nd bath and a larger bedroom therefore providing a more suitable structure for contemporary living demands. The application of the zoning requirements would impose a peculiar and exceptional practical difficulty by not being permitted to construct a structure that others in the same Square would be permitted to build by-right.

Allowing this addition would still create a small house (<1500sq.ft.) on a lot that is less than 50% of the required minimum lot size for the zone. If this structure were on a minimum sized lot, the lot occupancy would be 34%, well below the 60% permitted.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted,

Ulysses Glee
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