

DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Applicant’s Statement of Polygon Holdings LLC

4457 MacArthur Boulevard, NW (Square 1363, Lot 57)

I. INTRODUCTION.

This Statement is submitted on behalf of Polygon Holdings LLC, the owner of the property located at 4457 MacArthur Boulevard, NW (Square 1363, Lot 57) (the “**Subject Property**”). The Subject Property is located in the RA-1 Zone district. The Subject Property is improved with a two-story semi-detached building (the “**Building**”) used as a single-family dwelling. The Applicant is proposing to construct a third-story addition and three-story side addition (the “**Addition**”) to the existing Building and add eight residential units for a total of nine (9) residential units (the “**Project**”).

Subtitle U, Section 421 states “all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.” Accordingly, the Applicant is requesting special exception approval pursuant to 11-U DCMR § 421. The Applicant is also requesting side yard relief pursuant to F § 5201 in order to maintain the existing eight-foot (8 ft.) side yard.

II. BACKGROUND

A. Description of the Subject Property and Surrounding Area.

The Subject Property is zoned RA-1 and has a total land area of 4,700 square feet. It is improved with a two-story semi-detached Building. Abutting the Subject Property to the north is a detached single-family dwelling. Abutting the Subject Property to the south is MacArthur

Boulevard, NW. Abutting the Subject Property to the west is a semi-detached single-family dwelling. Abutting the Subject Property to the east is a residential apartment building. The area is made-up of a mix of residential uses, including single-family dwellings, flats, and a number of residential apartment buildings.

B. Description of the Proposed Project.

The Applicant is proposing to construct a third story Addition (plus penthouse) and a partial, three-story addition at the rear and side of the Building. The Applicant is proposing to add eight (8) residential units for a total of nine (9) residential units. The proposed Project conforms with all but one of the development standards of the RA-1 zone and the Applicant is proposing four (4) parking spaces on the Subject Property when only two (2) are required. The proposed lot occupancy is limited to forty percent (40%), the FAR is limited to 0.9, and the Applicant is maintaining the existing side yard which measures eight feet (8 ft.). The Applicant is also proposing to add a rear deck on the first-floor level which will be above the cellar. The overall building height is limited to forty feet (40 ft.) and the Applicant is providing a rear yard measuring thirty-seven point two feet (37.2 ft.).

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE 11-X DCMR § 901.2, 11-U DCMR § 421 AND 11-F DCMR § 5201.

A. Overview.

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 Subtitle U § 421 and F § 5201 of the Zoning Regulations.

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).

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

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2).

The RA-1 Zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is for a moderate-density multi-residential building. The area is made up of a mix of larger residential developments and single-family dwellings. Regarding the side yard, the Applicant is requesting relief to maintain the existing eight-foot (8 ft.) side yard.

B. Specific Requirements of 11-F DCMR § 5201- Side Yard Relief

The proposal in this Application satisfies the requirements of 11-F DCMR § 5201, as follows:

Section 5201.1: For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

The Applicant is proposing an addition to a principal residential building on a non-alley lot. Accordingly, the Applicant is permitted to request relief from the minimum side yard requirements pursuant to F § 5201.1(b), which permits from the development standards governing yards.

Section 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 compromised;

The light and air available to the neighboring properties shall not be unduly compromised by the requested relief. The Applicant is only requesting to maintain the existing eastern side yard which measures eight feet (8 ft.). The adjacent apartment building to the east is significantly separated from the subject Building and the building to the west is attached to the subject Building. Accordingly, the additional two feet (2 ft.) of building width will not unduly compromise the light and air available to the neighboring properties.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the Addition. The Applicant is proposing windows but, as previously mentioned, the windows will be significantly separated from the apartment complex to the east. Moreover, the apartment complex to the east is situated at an angle so there will be no direct views into either building.

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

The proposed Addition, together with the original Building, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street. The Applicant is maintaining the existing façade of the house and the third story addition is set back from the front façade, behind the mansard roof. The area is made up of a mix of houses with varying character, style, and pattern (semi-detached, larger apartment buildings, row dwellings, detached dwellings etc.). Moreover, the requested relief is to maintain the existing side yard, not to change the style of the building from a semi-detached building to one that spans lot line to lot line.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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.

The Applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship between the proposed Addition to adjacent buildings and views from public ways.

Section 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.

The Applicant will comply if the Board of Zoning Adjustment requires 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.

Section 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 Applicant is not proposing to introduce or expand a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

C. Specific Requirements of U § 421.

The Zoning Regulations require that all new residential developments in the RA-1 Zone, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section:

Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

According to DC Public Schools online Enrollment Boundary System Information, the following public schools are considered “in-boundary” schools for the Building: Key Elementary School, Hardy Middle School, and Johnson High School. All DC public students eligible for grades K-12 have a guaranteed right to enroll in their respective in-boundary schools.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

The Subject Property is located on MacArthur Boulevard and is within walking distance of a number of restaurants, grocery stores, retail shops, and a number of doctors' offices. The Subject Property is also walking distance from Foundry Branch Valley Park and Foundry Branch Tunnel which provides direct access to the Capital Crescent Trail and the C&O Canal Towpath. There are also a number of bus stops within walking distance of the Property.

Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

1. Site Plan, Arrangement of Building and Structures, and Provision of Light and Air

The proposed Project consists of an Addition to an existing Building. The Project complies with all development standards, except for that the Building will be two feet (2 ft.) shy of the side yard requirements. The Applicant is not decreasing the overall side yard width and it is maintaining the existing eastern side yard. The Building shares a party wall with the building to the west, but all other surrounding buildings are significantly separated from the proposed Project.

2. Parking, Recreation, Landscaping and Grading

The Applicant is providing four (4) parking spaces when only two (2) are required. As noted above, the location is within walking distance of several amenities. The Applicant is not proposing any major grading but will provide plans if requested by the Office of Planning.

Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant has submitted with this Application a site plan, floor plans and elevations. If requested by the Office of Planning, the Applicant will provide a grading and landscaping plan. The Applicant is not proposing any new rights-of-way of easements.

IV. 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 grant the requested special exception approval.

Respectfully submitted,

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