

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Herbert R. Hribar, Successor Trustee

1410 15th Street, NW; Square 195, Lot 107

I. INTRODUCTION.

This Statement is submitted on behalf of Herbert R. Hribar, Successor Trustee (the “Applicant”), owner of the property located at 1410 15th Street, NW (Square 195, Lot 107) (the “Subject Property”). The Subject Property is currently improved with a three (3) story, one-family, row dwelling (the “Building”). The Applicant is proposing to construct a one-story deck and a small two-story bay at the rear of the Building (the “Addition”). The Subject Property is located in the RA-8 Zone, which limits lot occupancy to sixty percent (60%). The deck Addition will increase the lot occupancy to sixty-nine-point nine percent (69.9%). Accordingly, the Applicant is requesting relief pursuant to F § 5201 from the lot occupancy requirements of F § 604.1.

II. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property, 1410 15th Street, NW, is located in the Greater Fourteenth Street Historic District and is zoned RA-8. The Subject Property is currently improved with a one-family row dwelling. The Subject Property is located in a neighborhood consisting of one-family dwellings, flats, and relatively large multi-family residential buildings. Abutting the Subject Property to the north is a row structure used as a multi-family apartment building. To the south of the Subject Property is a large apartment building.

B. Proposed Project.

The Applicant is proposing to remove the existing one-story deck and replace it with a new one-story deck at the rear of the Building. The Applicant is also proposing to remove a small 65 sq. ft. "bump-out" at the rear and replace it with a smaller (27 sq. ft.) two-story bay at the rear of the Building. The Applicant is not proposing any changes to the front of the Building.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE F § 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 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).

B. 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).

Given the nature of the Addition, the Building's mass and height will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps. The Applicant is only requesting relief in order to construct a small deck and bay which will provide additional light and living space. The request is minor and will not adversely affect the use of neighboring property, as the adjacent properties are both apartment buildings without backyards.

C. Requirements of Subtitle F § 5201.

As the Applicant is proposing to increase the lot occupancy to sixty-nine-point-nine percent (69.9%), it is requesting relief pursuant to F § 5201, which permits relief from the lot occupancy requirements of F § 604.1. The proposal in this Application satisfies the requirements of F § 5201, as follows:

Section 5201.3 "An Application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse affect on the use of 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 light and air available to the neighboring properties will not be unduly affected, as the proposed deck is only fourteen feet (14 ft.) past the rear wall of the existing Subject Building and will not create any substantial shadow. The proposed bay will be smaller than the portion of the rear that is being demolished. The adjacent apartment buildings already extend beyond the Subject Building.

(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. There is already an existing one-story deck at the rear of the Subject Property. The Applicant will be removing and replacing that deck with a slightly longer deck and adding a two-story bay. The new deck and bay will not impact the privacy of the tenants in the apartment buildings to the north and south of the Subject Property.

(c) The 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 frontage; and

The rear deck will not be visible from 15th Street and therefore will not intrude upon the character, scale, or pattern of the houses along 15th Street. The view from the alley will not be impaired, as the Applicant is maintaining a rear yard of twenty-four feet and four inches (24 ft. 4 in.), and the deck is only fourteen feet (14 ft.) beyond the rear wall of the Subject Building. As demonstrated by the photographs submitted with this Application, there are other similar decks facing the alley.

(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 submitted graphical representations including plans, photographs, elevations and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

(e) The Board of Zoning adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed building will have a lot occupancy of sixty-nine-point-nine percent (69.9%) which is below the seventy percent (70%) lot occupancy requirement for special exception relief in the RA-8 zone district.

Section 5201.4 “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 with Board directives for protection of adjacent and nearby properties.

Section 5201.5 “This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”

The Applicant is not requesting to introduce or expand a nonconforming use.

Section 5201.6 “This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”

While the Applicant is requesting relief from the number of stories, it is not using this section to do so; relief for this section is required because of an existing nonconforming front setback.

IV. **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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