

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

**Application for 1225-1227 Pennsylvania Avenue, S.E.  
(Square 1019S, Lots 37 and 38)**

**PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

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This statement is submitted by Spectrum Management. (the "Applicant") on behalf of George and Lisa Simpson, the owners of Lots 37 and 38 in Square 1019S (the "Property"), in support of its application pursuant to Subtitle X § 901.2 and Subtitle G § 708.1 of the Zoning Regulations for special exception approval from the rear yard requirements of Subtitle G § 705.3 in order to construct a second-story addition on the Property. The Property has a street address of 1225-1227 Pennsylvania Avenue, S.E. and is located in the MU-25 District. It is also within the boundaries of Advisory Neighborhood Commission ("ANC") 6B.

Pursuant to Subtitle Y § 300.15 of the Zoning Regulations, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment ("BZA" or the "Board") no fewer than twenty one (21) days prior to the public hearing for the application. In this statement, and at the public hearing, the Applicant will provide testimony and evidence to meet its burden of proof to obtain the Board's approval of the requested special exception relief. The following is a preliminary statement demonstrating how the Applicant meets the burden of proof.

**I. BACKGROUND**

A. Description of the Property and Surrounding Area

The Property consists of Lots 37 and 38 in Square 1019S and has a total land area of approximately 1,260 square feet. Square 1019S is bounded by Pennsylvania Avenue to the north, 12<sup>th</sup> Street to the west, and G Street to the south, all located in the southeast quadrant of the District of Columbia. The Property is zoned MU-25 and is located within the boundaries of the Capitol Hill Historic District. The Property is currently improved with a one-story commercial building that is a contributing building to the Capitol Hill Historic District and that has a height of 16 feet, 2 inches. The building is presently used as offices for Spectrum Management. Directly to the south of the Property is a detached single-family residential dwelling and to the east and west of the Property are additional commercial properties along Pennsylvania Avenue that are two-stories in height. The existing building on the Property is nonconforming with respect to the minimum rear yard requirements since no rear yard is presently provided.

B. Project Description

The Applicant proposes to construct a second-story addition on the Property that will comply in all aspects to the Zoning Regulations except for the rear yard relief requested. The proposed building will have a maximum height of 25 feet, 6 inches and will contain approximately 2057.37 square feet of total gross floor area, which is equal to a density of 1.6 floor area ratio ("FAR"). No parking and loading facilities are presently provided or proposed.

The Historic Preservation Review Board (“HPRB”) granted concept approval for the proposed addition at its October 25, 2018, public meeting. A copy of the HPRB concept approval is attached as Exhibit A.

## II. SPECIAL EXCEPTION RELIEF-REAR YARD

The Applicant seeks special exception approval pursuant to Subtitle X § 901.2 and Subtitle G § 708.1 of the Zoning Regulations from the rear yard requirements of Subtitle G § 705.3. Subtitle G § 705.3 states that a minimum rear yard of 15 feet must be provided in the MU-25 District. 11-G DCMR § 405.2. Since the Property does not abut an alley, the rear yard must be measured from the rear lot line to the rear wall of the building. 11-G DCMR § 705.5(b). The Applicant is not proposing to provide a rear yard for the second-story addition.

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

Pursuant to Subtitle G § 708.1 of the Zoning Regulations, the Board may waive the rear yard requirements of the MU-25 District provided that the standards of Subtitle G § 1201.1 are met.

1. *Subtitle G § 1201.1(a)- No apartment window shall be located within forty feet (40 ft.) directly in front of another building*

The Applicant is proposing to construct a second-story addition to the existing commercial building on the Property. The properties to the east and west are improved with commercial building and to the south is a detached single-family dwelling. As a result, no apartment windows are proposed and no apartment windows are located within 40 feet of the Property. Even so, no windows are proposed for the rear of the second-story addition. Thus, even though the property to the south is not improved with an apartment, no windows on the second-story addition are located within 40 feet of a residential property. Moreover, the Applicant is proposing to fill in existing window that is located on the first-story of the existing building.

2. *Subtitle G § 1201.1(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;*

As stated above, the Applicant is not proposing to include any windows on the rear of the second-story addition. In addition, the Applicant is proposing to fill in the existing window that is located on the first-story of the existing building. As a result, no office windows will be located 30 feet directly in front of one another, nor 18 feet in front of a blank wall.

3. *Subtitle G § 1201.1(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 proposed second-story addition will be parallel to the adjacent buildings and thus this provision is inapplicable.

4. *Subtitle G § 1201.1(d)- Provisions shall be included for service functions, including parking and loading access and adequate loading areas;*

No parking and loading facilities presently exist on the Property for the existing building. Pursuant to Subtitle C § 701.5, vehicle parking is only required for an office use in excess of 3,000 square feet. In addition, pursuant to Subtitle C § 901.1, loading facilities are only required for an office use with at least 20,000 square feet of gross floor area. Similarly, pursuant Subtitle C § 802.1, bicycle parking spaces are only required for non-residential uses with 4,000 square feet or more of gross floor area. In this case, the building will have a total gross floor area of 2,057.37 square feet which is below the stated thresholds for vehicular parking, loading, and bicycle parking. Thus, and the application does not include any relief from the vehicle parking, bicycle parking, or loading requirements.

5. *Subtitle G § 1201.1(e)- Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.*

The application will be submitted to the Office of Planning, all relevant District of Columbia departments and agencies, and to the State Historic Preservation Office, in compliance with the above requirement.

Accordingly, the proposed addition is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under Subtitle X § 901.2 and Subtitle G § 1201. 1 of the Zoning Regulations.

### **III. Affected Advisory Neighborhood Commission**

As required under Subtitle Y § 300.8(l), the Applicant will serve a copy of this application on ANC 6B, the Affected ANC. The Applicant will continue to coordinate with ANC 6B, the Office of Planning, and other interested stakeholders between the time of filing the

subject application and the public hearing. As part of its prehearing statement, which will be filed no less than 21 days prior to the public hearing, the Applicant will include a statement describing its continued engagement with interested stakeholders.

## Exhibit A

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD



**Historic Preservation Review Board Meeting  
October 25, 2018**

Present: Andrew Aurbach (Acting Chair), Brian Crane, Linda Greene, Sandra Jowers-Barber, Chris Landis. Absent: Marnique Heath, Thomas Brokaw, Outerbridge Horsey, Gretchen Pfahler.

**AGENDA**

**INFORMATIONAL PRESENTATION**

2020 Historic Preservation Plan

**LANDMARK DESIGNATION HEARING**

~~Washington Animal Rescue League Animal Shelter, 71 O Street NW, Case 16-07.~~ *[deferred at mutual request of ANC 5E, the owner and the applicant]*

**TAKOMA PARK HISTORIC DISTRICT**

6825 Piney Branch Road NW, HPA 18-604, concept/second story side addition.

The Board approved the concept for replacement windows, modified window openings, and a second story side addition as consistent with the purposes of the preservation act, with the stipulation that the replacement window feature a profiled un-clad wood brick molding, and delegated final approval to staff. Vote: 5-0.

**MOUNT PLEASANT HISTORIC DISTRICT**

3150 17<sup>th</sup> Street NW, HPA 18-557, permit/parking pad in public space.

The Board recommended against issuance of a public-space permit or a building permit for the proposed paving, as it is incompatible with the character of the historic district and therefore contrary to the purposes of the preservation law. The Board acknowledged the ANC resolution in support of the application, but did not find its arguments persuasive as they did not address the alteration's compatibility with the character of the historic district, a standard that the Board must apply. Vote: 3-0-2 (Aurbach and Greene abstained).

**MOUNT VERNON TRIANGLE HISTORIC DISTRICT**

444 K Street NW, HPA 18-616, concept/six-story addition.

The Board voted to approve the 6-story height as generally compatible and consistent with the purposes of the preservation act, with the stipulation that the applicant: (1) Maintain the existing floor level of 446, with the floor height difference accommodated through minimal transitions on the interior; (2) Maintain the party wall for the full two floors and create connections through minimized openings; (3) Fine-tune the elevations of the addition detailing the screen idea, relating to the rhythm and alignment of the historic houses; (4) Provide a structural engineer's report that illustrates current structural conditions and provides the approach to preserve the remaining structural elements of the building; and (5) Rebuild the demolished rear wall in the same location and with the same wall thickness, with minimal openings to the new construction. The Board delegated final approval to staff. Vote: 5-0

**CAPITOL HILL HISTORIC DISTRICT**

1225-1227 Pennsylvania Avenue SE, HPA 18-662, concept/one-story roof addition.

The Board approved the concept to be compatible with the historic district and to delegate further review to staff with the stipulation that the rooftop addition be set back a greater distance from the front façade. Vote: 5-0

302 South Carolina Avenue SE, HPA 18-671, concept/rooftop addition; rear porches.

The Board approved the concept of open rear porches as consistent with the purposes of the preservation act and delegated final approval to staff. The Board acknowledged the resolution of support from the ANC, but disagreed that the proposal for the roof addition was consistent with preservation requirements, as the addition would be prominently visible from public street view. The Board found the proposed rooftop addition incompatible with the historic district and inconsistent with the purposes of the preservation act. Vote: 4-1

**LE DROIT PARK HISTORIC DISTRICT**

1948 2nd Street NW, HPA 18-598, concept/two-story garage

The Board concurred with the resolution of the ANC, and advised the applicant to revise the concept from a two-story carriage house to a one-story garage, similar to or smaller than the one-story garage at 1946 2<sup>nd</sup> Street NW and return to the Board for further review. Vote:4-0-1 (Crane abstained).

**CONSENT CALENDAR**

The Board approved the following on the Consent Calendar by a vote of 5-0.

**CAPITOL HILL HISTORIC DISTRICT**

613 Lexington Place NE, HPA 18-670, concept/third floor rear addition and covered rear porch

210 9th Street SE, HPA 18-600, concept/demolish rear additions and construct new three-story rear and side addition

**CLEVELAND PARK HISTORIC DISTRICT**

3407 Lowell Street NW, HPA 18-642, concept/two-story rear addition; rear roof dormer

**MOUNT PLEASANT HISTORIC DISTRICT**

1654 Irving Street NW, HPA 18-676, concept/two-story rear addition; front alterations and repairs; replace rear parking pad and fence

**SHAW HISTORIC DISTRICT**

1126 9th Street NW, HPA 18-622, revised concept/addition, new construction

**STRIVERS SECTION HISTORIC DISTRICT**

1706 Florida Avenue NW, HPA 18-510, concept/new construction

**TAKOMA PARK HISTORIC DISTRICT**

322 Aspen Street NW, HPA 18-665, permit/solar panels at rear roof

**U STREET HISTORIC DISTRICT**

1714 10<sup>th</sup> Street NW, HPA 19-003, concept/partial third floor

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Transcripts of this Historic Preservation Review Board Meetings may be purchased from the court reporting agency that covered this hearing – Olender Reporting, Inc. (202) 898-1108, [www.olenderreporting.com](http://www.olenderreporting.com), or [info@OlenderReporting.com](mailto:info@OlenderReporting.com). Copies of individual staff reports that are prepared in advance of the hearing are posted on our website at <https://planning.dc.gov>