

DC Board of Zoning Adjustment

Applicant's Statement of Robert Bailey

502 Constitution Avenue NE (Square 0838, Lot 0037)

1. Introduction.

This Statement is submitted on behalf of Robert Bailey, the owner of the property located at 502 Constitution Avenue NE (Square 0838, Lot 0037). The property is located in the RF-1/CAP Zone. The property is improved with a single-family row structure. The Applicant is proposing a rear addition to provide for additional living space at the Basement, First and Second Floors. The addition will increase the total lot occupancy to 62.9%, where 60% is allowed. Additionally, the Second Floor of the proposed addition exceeds the 10 feet rear wall dimension. Accordingly, the Addition requires special exception relief from the lot occupancy and rear wall/yard requirements of E-207.5, E-210.1 and E-5201.1.

2. Jurisdiction of the Board.

The Board has jurisdiction to grant the special exception relief requested pursuant to E-5201.1 and X-901.2.

3. Background – Description of the Property and Proposed Project.

The Property is located in the RF-1/CAP Zone. It is an interior lot measuring 1,630 square feet in land area. The property faces Constitution Avenue NE to the south and the north to a public alley connecting 5th and 6th Streets NE in the Capitol Hill neighborhood. The Constitution Avenue NE block is characterized by row structures of single-family and two-family residential row structures on small lots with some having accessory structures at the public alley.

The Applicant is proposing to construct an addition to the existing that will face the rear yard and public alley. The additional space will allow for expanded living space to an otherwise narrow lot. Other than the requested relief, the proposed meets all development standards for the RF-1/CAP Zone: height, yards, and parking along with intent of the CAP Zone intentions.

4. The Application Meets the Requirements for Special Exception Relief.

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant Special Exception relief where, in the judgement 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 the neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle E 5201.1.

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 located in the RF-1/CAP Zone, 'the Residential Flat (RF) and CAP Zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more two (2) principal dwelling units' and 'promote and protect the public health, safety, and general welfare of the US Capitol precinct'. Additionally, 'the

purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two (2) principal dwelling units are allowed.

The Property will be a single-family row dwelling within all development standards other than the requested lot occupancy, which will be within the 70% limit of the Special Exception, and the 10-foot rule. The 10-foot rule for Special Exception only applies at the Second Floor of the proposed rear addition. The abutting property/structure has a rear addition at the basement and First Floor. The proposed falls within the 10-feet as described in Subtitle E, Chap. 2, Section 207.5 at the Basement and First Floor. Seeking relief only at the Second Floor. Additionally, and worth noting, the proposed addition creates an open court (no restrictions in the RF-1 zone) along that same property line providing open space between the properties. The proposed addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The granting of the Special Exception will also not tend to adversely affect the use of neighboring properties as described more fully below.

5. Specific Special Exception Requirements of Subtitle E-5201.1

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.

The Applicant is seeking relief for the proposed 62.9 lot occupancy and depth of rear addition at the Second Floor (the 10-foot rule) pursuant to E-5201.1 (a) and (b).

E-5201.4: An application for Special Exception relief under this section shall demonstrate that the proposed addition, new principal 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.
 - i. The proposed lot occupancy will result in only 558 square feet of additional building area (inclusive of the basement) than the existing. The increased lot occupancy of 11.4% will not unduly affect the light and air available to the neighboring properties.
- b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.
 - i. The increase in lot occupancy, which is still within the allowable amount, shall not unduly compromise the privacy of use and enjoyment of the neighboring properties.
- c. The proposed addition to the existing row structure as viewed from the street, public alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of the houses along the street or alley frontage.
 - i. The requested relief is for the increase in lot occupancy. The proposed addition has been designed to fit the character, scale, and pattern of houses as viewed from the street and alley.

6. **Conclusion.**

For the reason stated above, this application meets the requirements for Special Exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Sincerely,

Jonathan Kuhn, AIA
ARC101029

Principal: Jonathan Kuhn Architect LLC