

**Statement of the Applicant
Request for Special Exception Approval
1837 Vernon Street NW**

On behalf of Karen Marsh (the “Applicant”), the owner of the property located at 1837 Vernon Street NW (Square 2555, Lot 0036) (the “Property”), we are submitting this request for Special Exception relief from Subtitle F § 207.1, pursuant to Subtitle F § 5201.1 of the Zoning Regulations to allow for the construction of an elevated egress stair/walkway within the required rear yard, to permit the creation of an apartment on the upper floors of the existing row building. The proposed construction will not have any adverse impacts on the surrounding community, and no objections have been raised by nearby neighbors, including the immediately adjacent property owners.

I. Board's Jurisdiction

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the relief requested pursuant to Subtitle F §§ 5201.1 of the Zoning Regulations, in accordance with the provisions of Subtitle X § 901.

II. Site Location and Characteristics

The Property is located along Vernon Street NW, approximately equidistant between 18th Street and 19th Street, in the RA-2 zoning district. The Property is also located within the Washington Heights Historic District. The Property has a net lot area of approximately 1,733 square feet and is currently improved with an approximately 3,805 square foot, four-story, single-family row dwelling that was built circa 1910. Consistent with the intent of the Residential Apartment Zones, which is to allow all types of residential development, the Property is surrounded by a mix of residential uses, including single-family residential, as well as multi-family rental and condominium buildings.

III. Requested Relief

Based on the existing building height, Subtitle F Section 207.1 requires a minimum 15’ rear yard. The rear yard is required to be open and unobstructed to the sky, with certain exceptions (Subtitle B Section 324.1). The Property is currently improved with an accessory garage, which is located within the required rear yard. This is a grandfathered non-conforming structure that can remain, pursuant to Subtitle C Section 202.1. However, given the grade on-site, in order to provide code required egress to the upper floor apartment, the Applicant must construct a stairway through

the existing garage, which connects to an elevated walkway/stair located between the garage and primary building.

Although the Property already has a non-conforming rear yard (*i.e.* 10'-2"), Subtitle C Section 202.2 allows for enlargements or additions to non-conforming structures where the addition (1) conforms to the use and development standards, (2) neither increases nor extends any existing, nonconforming aspect of the structure; nor creates any new nonconformity of structure and addition combined. The Applicant believes the elevated walkway/stair are permitted by Subtitle C Section 202.2, as they are a permitted encroachments in the rear yard pursuant to Subtitle B Section 318. Specifically, Subtitle B Section 318 provides that "[s]tairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required...". Here, the proposed stairs are necessary to provide access to the principal entrance of the upper floor apartment. However, the Department of Buildings has indicated that despite this exception, the Applicant needs to seek relief to locate the elevated walkway/stair in the required rear yard.

IV. Proposed Construction

The Applicant has resided in the existing dwelling for over the past 30 years and desires to remain. However, the large, historic home is much bigger than the Applicant's family needs. As such, the Applicant desires to create a second apartment on the upper floor of the existing building, to provide additional housing in this desirable neighborhood. This Application will help to address the region's housing crisis and meet the Mayor's goal of delivering additional housing units by 2025.

Aside from the code required egress, which is triggering the need for this relief, the proposed modifications conform with all required development standards of the RA-2 Zone. The Applicant received Historic Preservation sign-off for the proposed work.

V. Special Exception Criteria

Subtitle X § 901.2 permits the Board to grant a special exception where a proposed use will (1) *be in harmony with the general purpose and intent of the Zoning Regulations and Zone Maps*, and (2) *not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps*, subject to the specific conditions specified in the Zoning Regulations for each use. Subtitle F § 5201.4 of the Zoning Regulations sets forth additional criteria for special exception relief from the development standards of the RA-2 Zone, as discussed in detail in Section VI below.

VI. Justification

A. The Special Exception Request Meets the General Special Exception Requirements of Subtitle X § 901.2

The proposed building alteration is consistent with the general purpose and intent of the Zoning Regulations and Zoning Map. The Property is located in the RA-2 (“Residential Apartment”) Zone. The Residential Apartment zones are “designed to provide for residential areas suitable for multiple dwelling unit development and supporting uses.” (See Subtitle F Section 101.1). The purpose of the RA-2 Zone is to “[p]ermit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts.” The RA-2 Zone “provides for areas developed with predominantly moderate-density residential” and would permit multiple residential dwelling units on the Property.

The residential use of the Property will remain unchanged with this application. The application merely allows for the creation of an upper story apartment, as permitted by the RA-2 Zone. The proposed modification conforms to all development standards of the RA-2 Zone, with the exception of the code-required egress that must be constructed within the rear yard. For these reasons, the proposed modification is fully consistent with the purpose and intent of the RA-2 Zone.

The Property is located within the Mid-City Area Element of the Comprehensive Plan. The Mid-City Area Element recognizes the importance of providing a mix of unit sizes, and opportunities for both homeownership and renting. (See Policy MC-1.1.5). This Application seeks to accomplish exactly this. The Applicant has lived in this Property for over 30 years and wishes to remain. However, through the creation of an upper level apartment, this application will provide a smaller-sized rental unit and increase the housing diversity within this desirable neighborhood.

B. The Applicant Meets the Specific Requirements of Zoning Regulation Subtitle F § 5201.1 for Zoning Relief from Development Standards of the RA-2 Zone.

Exceptions to the development standards of the RA-2 Zone are permitted, pursuant to Subtitle F § 5201.1, if the requirements of Subtitle X § 901.2 are met and subject to the following additional provisions:

- i. *Section 5201.4. An application for Special Exception relief under this section shall demonstrate that the proposed addition 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 will not be unduly affected by the proposed alteration. The proposed elevated walkway/stair will be constructed of steel framing with anti-slip steel walking surface and has an open design that allows light to pass through it. The

upper level, penthouse addition is only 64 square feet and has a partially sloped roof, which further minimizes its impacts. As such, the proposed alterations will only cast minimal additional shadow on the adjacent properties.

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

The proposed alterations have been designed to ensure that the privacy, use and enjoyment of the neighboring properties will not be unduly compromised. The proposed elevated walkway/stair, which is triggering the need for this Special Exception relief, does not result in any additional outdoor living space that would intrude on the adjacent neighbors' privacy. In fact, the adjoining neighbor to the west has a very similar condition on their property. Furthermore, the proposed apartment will be largely accommodated through interior renovations of the existing building. The Applicant is only proposing a modest 64 square foot penthouse enclosure with this renovation, to accommodate an interior stair, with code required head height (between the third and fourth floors). This design has been approved by the Department of Buildings.

- c) The proposed addition and 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 or alley frontage;*

As indicated by the photos submitted as part of this application, the proposed alterations will not visually intrude upon the character, scale, and pattern of houses along the subject street frontage. In fact, the proposed elevated walkway/stairs (and upper floor addition, which conforms with all development standards of the RA-2 Zone) will not be visible from Vernon Street. The elevated walkway/stairs, although visible from the alley, will not visually intrude upon the character along the alley frontage. Many of the surrounding homes (including the immediately adjacent property) have similar stairs that provide exterior access to the third floor. And confronting the property, on the opposite side of the alley, are several multi-family buildings that have egress stairs and patios serving multiple floors. The small, 64 square foot penthouse enclosure for the interior stair has been designed to blend seamlessly in with the existing building architecture and will not expand the overall building footprint or increase the existing floor area ratio.

- 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 to adjacent buildings and views from public ways;*

The photographs and architectural drawings submitted concurrently with this Statement demonstrate that the proposed alteration is compatible with the surrounding area and will not have any adverse impacts on the adjacent property or surrounding neighborhood.

VII. Conclusion

For the reasons set forth above, we respectfully request the Board of Zoning Adjustment's approval of the requested Special Exception. The proposed Application will be compatible with the surrounding neighborhood and allow for the creation of an upper floor apartment, in the existing row building, in support of the Mayor's housing targets.

Respectfully submitted,



Elizabeth Rogers