

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of David Neuman
43 Girard St., NE (Square 3501, Lot 0093)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of David Neuman (the “**Applicant**”), owner of the property located at 43 Girard St., NE (Square 3501, Lot 0093) (the “**Property**”). The Property is currently improved with a two-story single-family row dwelling (the “**Building**”) and is located in the R-3 zone. The Applicant is proposing to extend and enlarge the existing deck at the rear of the property (the “**Addition**”). The proposed deck will increase the lot occupancy to 69.9%, where 60% is allowed. Accordingly, the Applicant is requesting special exception relief from the lot occupancy requirements of D-210.1. The proposal will also require rear yard relief from D-207.1, as the deck will be 15 feet 11 inches from the rear lot line.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2 and D-5201. The Board has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is located in the R-3 zone district. It is an interior lot measuring 1,312.5 square feet in land area. Abutting the Property to the west at 41 Girard St., NE is a single-family row building. Abutting the Property to the east at 45 Girard St., NE is a single-family row building. Abutting the Property to the south is a public alley. Abutting the Property to the north is Girard Street. The area is primarily made up of single-family row dwellings.

B. Proposed Addition and Requested Relief.

The Property is narrow and relatively small. There is an existing parking pad at the rear and limited green space. The Applicant is proposing to replace the rear deck with a larger deck.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

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

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.

1. The Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Subject Property is located in the R-3 Zone which "is intended to permit attached row houses on small lots."(D-101.9).

The Zoning Regulations specifically permit special exception relief from the maximum lot occupancy up to seventy percent (70%), as well as rear yard relief. Accordingly, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The Special Exception will not tend to affect adversely the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the proposed Addition will not tend to adversely affect the use of neighboring properties.

B. Specific Requirements of 11-D DCMR § 5201.

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). The proposal in this Application satisfies the requirements of 11-D DCMR § 5201 for relief from lot occupancy and rear yard, as follows:

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 affected;

The proposed deck will not unduly affect the light and air available to neighboring properties as there is already an existing deck at the rear, there are fences along both property lines, and the proposed deck will simply be a slightly larger deck.

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

The privacy and use of enjoyment of neighboring properties will not be unduly compromised as the existing fences will be maintained and limit views into neighboring properties.

- (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 deck will not be visible from Girard Street and there are existing decks along the alley. Therefore, the Addition will not visually intrude upon the character, scale, or pattern as viewed from Girard St., NW, or the alley. As demonstrated by the photos, there are a number of large decks and accessory structures along the rears of the nearby properties, including a number adjacent to or nearby the Property that protrude significantly further toward the rear alley line than the one Addition proposed in this Application.

- (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.**

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

V. CONCLUSION.

For the reasons 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.

Respectfully submitted,

David Neuman
August 8, 2024