

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

Burden of Proof

1128 6th Street LLC

1128 6th Street NW 20001, Square 0449 Lot 0040

I. INTRODUCTION AND NATURE OF RELIEFS SOUGHT:

1128 6th Street LLC (the “Applicant”) is the owner of the property located at 1128 6th Street, N.W.; Square 0449 Lot 40 (the “Property”), which is zoned RA-2. The current use of the property is a single family townhouse. The property is located within Mt.Vernon Square Historic District.

The Applicant proposes to convert the Property to six (6) residential units by constructing an addition to the existing building. The Applicant requests the Board of Zoning Adjustment to grant relief from penthouse rear setback requirement pursuant to Subtitle C § 1504.1 and relief from lot occupancy requirements pursuant to Subtitle F §5201.1.a

II. BACKGROUND AND DESCRIPTION OF THE PROPERTY:

A. Surrounding Area - 1128 6th St NW is located in the Mt Vernon Square Historic District. This area is characterized by the mix of high density tall multifamily and office buildings, low rise apartments, and row houses. Its closeness to the Convention Center, China Town, Metro, and the New York Ave corridor has generated a fast transformation and densification in this area.

Abutting the Property to south is a row dwelling of similar size and character as the Property. The property to the south is a story taller and is different in style and form. 6th street NW is to the east is and a 25 feet alley to the west.

B. Project Description - The proposed project converts a 2.5 story townhouse located in RA-2 zone into a multi-family building of six units. A 3-story addition in the rear and a penthouse are proposed for the building. The third floor and penthouse additions will be set back from the front façade and they will

not be visible from the street, preserving the historic character of the area. An exterior egress stair up to 2nd floor will be provided in the back along the property with 1130 6th Street.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS

A. *Requirements of Subtitle C § 1504.1* Relief to the requirements of Subtitle C §§ 1500.6 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations

(a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

- Not applicable to project

(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;

- Not applicable to project

(c) The relief requested would result in a roof structure that is visually less intrusive;

- The project is in Mt. Vernon Square Historic District. In discussions with HPO staff the proposed design pushes the penthouse to rear building line without any setback. The penthouse will not be visible from the street preserving the character of the street.

(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-115 building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

- Not applicable to project

(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and

- Not applicable to project

(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

- The proposed penthouse is small in scale in comparison to the buildings surrounding it. Not having a rear setback for the penthouse will not adversely affect the adjacent buildings

B. Subtitle F 5201.1 the Board of Zoning Adjustment may grant special exception relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X. (a) Lot occupancy; (b) Yards; and (c) Green area ratio.

Subtitle F 5201.3 An application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly compromised;

- The exterior egress stair, required for life safety, goes from the grade in the back to the 2nd level of this 3 story + penthouse building. There will be not be a roof structure above the stair. The stair adds about 5 percent additional lot coverage and leaves sufficient amount of area for air and light for the neighboring properties.

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

- The egress stair is required to have a two hour wall separating it from the adjacent property. This wall will serve as a privacy wall for the adjoining 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; Subtitle F-28

- The proposed stair is in the back of the property and will not be visible from 6th street.

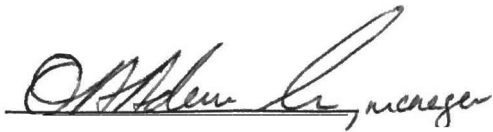
(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

- Please refer to the drawings for additional information

(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 lot occupancy is at %66.

Sincerely,

A handwritten signature in black ink, appearing to read "Oluseyi Ademuiluyi", written over a horizontal line.

Owner

Oluseyi Ademuiluyi

1128 6th Street LLC