

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Carbajal Properties LLC**  
**3719 S Street, NW (Square 1308, Lot 63)**

**I. INTRODUCTION.**

**A. Overview**

This Statement is submitted on behalf of Carbajal Properties LLC (the “**Applicant**”), owner of 3719 S Street, NW (Square 1308, Lot 63) (the “**Property**”). The Property is located in the R-3/GT zone. The Property is improved with a two-story single-family row dwelling, including a cellar and two above-ground levels (the “**Building**”).

**B. Background**

The Applicant obtained a Building Permit (“B2401148”) to construct an addition consisting of a rear addition and a third story (the “**Addition**”) to the existing Building. The Applicant built the addition according to the approved stamped permit plans, which clearly showed the rear addition extending 13.9 feet past the neighboring building to the east. The rear Addition is only 10 feet from the rear wall of the enclosed porch of the building to the west and DOB has determined that it does not violate the ten-foot rule with respect to the building to the west. The Permit was issued on March 7, 2024; late July 2024, DOB informed the Applicant that the Permit was issued in error—DOB’s error.

**C. Requested relief:**

The Applicant is seeking 10-foot rule relief. The proposal safely meets the 10-foot rule criteria as the Applicant will demonstrate. The proposal meets all development standards of the R-3/GT Zone, except that the Addition extends 13.9 feet past the building to the east, requiring special exception relief from the 10-foot rule pursuant to D-207.5 subject to the standards of D-5201(a)-(c).

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2 and D-207.5 (D-5201).

**III. PROPOSED PROJECT.**

The Property is located in the R-3/GT zone district. It is an interior lot measuring 2,281 square feet in land area. Abutting the Property to the north is an alley. Abutting the Property to the

west is 3721 S Street, a single-family row dwelling. Abutting the Property to the east is 3717 T Street, which is designated as a "residential conversion" on tax records. Abutting the Property to the south, is S Street, NW. The area is made up of residential row dwellings, many of which have been updated with rear additions.

The Property is improved with a two-story single-family row dwelling, including a cellar and two above-ground levels. There was also a relatively large shed at the rear, which has since been demolished. The Applicant is seeking relief for the approved and constructed rear addition. The Addition will extend 13.9 feet past the adjoining rear wall of the building to the east. Other than the requested relief, the proposal meets all development standards for the R-3/GT zone.

**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, subject also, in this case, to the specific requirements for relief under D-5201 of the Zoning Regulations.

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

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposed Addition is still within the other bulk and density requirements of the R-3/GT zone, including the rear yard, height, and lot occupancy requirements. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with 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.

**B. Specific Special Exception Requirements of Subtitle D- 5201 (10-Foot Rule).**

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 Applicant is seeking relief in order to extend 13.9 feet feet beyond the rear wall of the adjoining building to the east pursuant to D-5201.4(a)-(c).

**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;**

The Addition shall not unduly affect the light and air available to neighboring properties because of the long north facing lot. The proposed Addition only extends an additional 3.9 feet past the permitted 10 feet.

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

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing windows on the east or west side of the Addition.

**(c)The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage;**

The requested relief will not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the alley. The request for 10 ft. rule relief is being made in relation to the rear addition. As demonstrated in the photos, the existing foliage and accessory structures abutting the alley will make it so that the view of the rear addition is either obscured, or barely visible. Even where visible, the additional 3.9 feet past the 10-ft. rule should not be perceptible from the alley, given that the proposal maintains a 44 ft. rear yard and the overall lot occupancy is only increasing by approximately 5%.

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,

*Alexandra Wilson*

---

Alexandra Wilson  
Sullivan & Barros, LLP  
Date: August 26, 2024