

DISCTRRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Andria Matrone and Brian Miller
3730 Windom Place, NW (Square 1892, Lot 36)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Andria Matrone and Brian Miller (collectively referred to as the “**Applicant**”), owners of the property located at 3730 Windom Place, NW (Square 1892, Lot 36) (the “**Property**”). The Property is improved with a two-story semi-detached single-family dwelling (the “**Building**”) and is located in the R-2 zone. The Applicant is proposing to demolish the existing deck and construct a new deck at the rear of the building (the “**Addition**”). The Addition is in part a reconstruction of the existing deck, which currently extends 5 feet off the rear of the Building. The proposed deck will extend 13 feet off the rear of the Building. The resulting rear yard setback will be 15 feet 2.25 inches, requiring special exception relief from the minimum rear yard requirements of Section D-207.1. The extension of the deck will also result in an increase of the lot occupancy from 44% to 49.5%, requiring special exception relief from the maximum lot occupancy requirements of D-210.1.

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 Subject Property and Surrounding Area.

The Property is located in the R-2 zone district. It is an interior lot measuring 3,252 square feet in land area. Abutting the Property to the north is Windom Place, NW. Abutting the Property to the south is the alley. Abutting the Property to the west is 3732 Windom Place, NW, which consists of a semi-detached single-family dwelling. Abutting the Property to the east is 3728 Windom Place, NW, which consists of a semi-detached single-family dwelling.

B. Proposed Project.

The Applicant intends to construct a small deck addition. Other than the rear yard and lot occupancy, the Addition conforms with respect to all other development standards of the R-2 Zone.

The Addition will leave a rear yard of 15 feet 2.25 inches, where 20 feet is required. The proposed lot occupancy is 49.5%.

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

A. Overview.

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.

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).

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

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 Property is located in the R-2 zone; per D-101.7, the R-2 zone is "intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots." The Property will remain a semi-detached single-family dwelling. Accordingly, the proposed Addition and use 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 stated in more detail below, the proposed Addition will have no impact on neighboring properties.

C. Specific Special Exception Requirements of Subtitle D § 5201.4.

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 is a 10-foot, 2.25-inch expansion to the existing deck. Additional shade to neighboring properties is not to be expected.

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

The proposed Addition is an expansion of what currently exists. Accordingly, the Addition will not unduly compromise the privacy of use and enjoyment of neighboring properties.

(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 proposed Addition will not be visible from Windom Place. The Addition is relatively small and there are similar existing decks along the alley. Accordingly, the Addition will not intrude upon the character, scale, and pattern of the houses along Windom Place or the alley.

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,

Martin P Sullivan

Martin Sullivan
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