



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

Applicant's Statement of 327 Upshur LLC  
For 1154 Morse Street, NE Square (4065 Lot 0814)

**I. Introduction and Nature of Relief Sought**

This application is submitted on behalf of 327 Upshur LLC (the Applicant), owner of the property located at 1154 Morse Street, NE (Square 4065, Lot 0814). The property is located in a RF-1 zone district. There is a two-story, with cellar, single-family row dwelling located on the property. The Applicant is proposing improvements to the existing structure to include a rear addition, third floor addition, with a stairway penthouse to a roof-top deck, and a rear accessory structure. The Applicant is proposing converting the building to three (3) principal dwelling units. The application includes relief for a special exception from the 10-foot rule (E-205.5) and for a conversion to three (3) dwelling units (U-320).

**II. Jurisdiction of the Board**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, E-5201, and U-320.2.

**III. Proposed Project**

The property is an interior lot located in a RF-1 zone district and is 2,878sf in land area. To the south of the property is Morse Street, NE. Adjacent to the property to the east is 1156 Morse Street, NE, a two story, single-family row-dwelling. Adjacent to the property to the west is 1152 Morse Street, NE, a two story, single-family row-dwelling. To the north of the property is a public alley. The area is made up of single and multi-family residential row dwellings.

Existing on the property is a two-story single family row dwelling, including a cellar and two above-ground levels. The Applicant is proposing improvements to the existing structure to include a rear addition, third floor addition, with a stairway penthouse to a roof-top deck, and a rear accessory structure. The Applicant is proposing converting the building to three (3) principal dwelling units. The new accessory structure/building will not be a separate dwelling unit and will only be used for incidental purposes to the use of the principal units of the primary/principal building. The rear addition will extend 16' past the adjacent rear wall to the east and west. Other than the 10' rule, the proposed addition and accessory structure meet all development standards for a RF-1 zone district.

| Development Standard    | Minimum  | Maximum        | Proposed                  |
|-------------------------|----------|----------------|---------------------------|
| Height                  | N/A      | 35', 3 Stories | 32'-2", 3 Stories         |
| Lot Occupancy           | N/A      | 60%            | 59.55%                    |
| Rear Yard               | 20'      | N/A            | 20'                       |
| 10' Rule                | N/A      | 10' Past       | 16' Past (Relief of 6')   |
| Parking                 | 2 Spaces | N/A            | 2 Spaces                  |
| Accessory Bldg Area     | N/A      | 450sf          | 364sf                     |
| Accessory Bldg Location | N/A      | N/A            | Not in Required Rear Yard |

#### **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 judgement 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 properties, subject also to the specific requirements for relief under U-320.2 and E-207.4.

###### **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 a RF-1 zone district. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. In the RF-1 Zone. A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than 2 dwelling units (Subtitle U, Chapter 3). The Zoning Regulations specifically allow the expansion or conversion via U-320. The proposed use was contemplated by the Zoning Commission and included in the 2016 Zoning Regulations. The proposed addition to the existing row-dwelling 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 the neighboring properties in accordance with the Zoning Regulations and Zoning Maps.**

The granting of the Special Exceptions will not adversely affect the use of the neighboring properties as described in detail below.

##### **B. Specific Special Exception Requirements of Subtitle E-5201 (10' Rule)**

The Board's discretion in reviewing applications for a Special Exception under the Zoning Regulations is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, then the Board ordinarily must grant the application.

The Applicant is seeking relief in order to extend sixteen feet (16') beyond the adjacent properties to the east and west, pursuant to E-5201.4(a).

**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 addition will not unduly affect the light and air available to the adjacent properties as the proposed addition extends only 6 feet beyond the north walls of the 10' rule. See Applicant provided shadow study showing a negligible impact of the proposed addition.

**(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 the use and enjoyment of the neighboring properties, as the Applicant is not proposing windows on the east or west sides of the addition or accessory structure.

**(c) The proposed addition or accessory structure, together with the original building, or the proposed 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 requested relief will not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from Morse Street, NE. The view from Morse Street, NE will remain unchanged from what is a matter-of-right development to the proposed development. The character, scale, and pattern of the houses as viewed from the alley will not be substantially intruded upon.

**(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, new building, or accessory structure to adjacent buildings and views from public ways.**

The applicant has provided all graphic representations, plans and elevations, photographs, sections, and renderings to represent the relationship of the proposed addition and accessory structure to the adjacent row dwellings.

**C. Specific Special Exception Requirements of Subtitle U-320.2**

In order to have three (3) principal dwelling units on the Property located at 1154 Morse Street, NW, the Applicant must request Special Exception approval from U-320.2. The proposed development in this application satisfies the requirements of 11 DCMR U-320.2(a)-(c) as follows.

**(a) The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;**

The building to be expanded is in existence on the property and will be in existence on the property at the time the Department of Building accepts as complete the building permit application for the conversion and expansion.

***(b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and***

The proposed addition and renovation will increase the number of units from one (1) to three (3) units. Therefore, the Inclusionary Zoning and set-aside requirements of Subtitle C-1003.6 do not apply.

***(c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.***

The proposed structure will include three (3) units, requiring a minimum of 2,700sf of land. The Subject Property, 1154 Morse Street, NE has 2,878sf of land.

## **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.

Sincerely,

Gregory Kearley, AIA, LEED AP