

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
Application for 3121 Warder St. NW
(Square 3049, Lots 0047)

I. INTRODUCTION.

This Statement is submitted on behalf of 3121 Warder St LLC, the owner of the property located at 3121 Warder St, NW (Square 3049, Lots 0047). The Subject Property is zoned RF-1 and is currently a Single-Family house. The Applicant is proposing to construct a rear and third floor addition and convert it into a three (3) unit condominium apartment house. Accordingly, the applicant requests special exception approval for the conversion pursuant to subtitle U § 320.2.

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located at 3123 Warder Street N.W. and is in the RF-1 zone district. Abutting the property to the east and north and south are row dwellings. Abutting the property to the west is Warder Street. Abutting the Property to the east is a public alley. The Applicant is proposing to construct a rear addition and a third-story addition to the existing structure. The Applicant is maintaining the existing front façade and covered porch.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF X § 901.2 AND U § 320.2.

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 Subtitle U § 320.2 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. Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). The proposed work will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the row homes to the north and south of the Property. Nor will the Addition adversely affect the properties to the east or west of the Building, as they are separated from the Building by a public alley and Warder Street, respectively.

C. Requirements of Subtitle U §320.2.

The proposal in this Application satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(l) as follows:

Section 320.2(a)

The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception

from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);

The Applicant is proposing a third story addition which increases the total height of the building to thirty-five feet (35 ft.). The Applicant has submitted photographs of the property and architectural plans along with the BZA application.

Section 320.2(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 § 1003.6;

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

Section 320.2(c)

There must be an existing residential building on the property at the time of filing an application for a building permit;

There is an existing residential structure on the property at the time of filing an application for a building permit.

Section 320.2(d)

There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;

The proposed structure includes three (3) units, requiring a minimum of 2,700 square feet of land. The Property has 3,084 square feet of land, therefore satisfying the minimum lot area

requirement.

Section 320.2(e)

An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on the adjacent property;

The Addition will extend ten feet (10 ft.) past the furthest rear wall of the principal residential building on the adjacent property;

Section 320.2(f)

Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;

The Addition, including roof structures and penthouses, will not block or impede the function of a chimney or other external vent on the adjacent property, pursuant to submitted plans.

Section 320.2(g)

Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Board of Zoning Adjustment;

The Addition will not interfere with the operation of an existing or permitted solar energy system on any adjacent property. To the Applicant's knowledge, there are no such systems on adjacent properties.

Section 320.2(h)

A roof top architectural element original to the house such as a turret, tower, or dormers

shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;

No roof top architectural elements original to the house such a turret, tower, or dormers will be removed or significantly altered, pursuant to the submitted plans.

Section 320.2(i)

Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (1) The light and air available to neighboring properties shall not be unduly affected;

The light and air available to neighboring properties will not be unduly affected, as the Addition will extend only ten feet (10 ft.) past the furthest rear wall of the principal residential building on the adjacent properties.

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

The privacy of use and enjoyment of neighboring properties will not be unduly compromised, as the addition will extend only ten feet (10 ft.) past the furthest rear wall of the principal residential building on the adjacent properties.

- (3) The conversion and any associated additions, 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 or alley;

The Addition is primarily on the rear of the building and is has a three ft setback from the front of the existing structure and will therefore not substantially visually intrude upon the character, scale, and pattern of houses along Warder Street.

Section 320.2(i)

In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;

The Applicant has submitted detailed plans showing the relationship of the proposed addition to the neighboring properties and the public ways.

Section 320.2(k)

The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;

No special treatment is necessary because the addition will maintain ample open space, will be a size and scale appropriate for the site, and will have a design consistent with the neighborhood.

Section 320.2(l)

The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i).”

The Applicant is not requesting any waivers.

IV. CONCLUSION.

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.