

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of S. Douglas Bunch
906 Westminster Street, NW (Square 0362, Lot 0276)

I. INTRODUCTION.

This Statement is submitted on behalf of S. Douglas Bunch (the “**Applicant**”), owner of 906 Westminister Street, NW (Square 362, Lot 276) (the “**Property**”). The Property is located in the RF-1 zone and is improved with a three-story single-family row dwelling (the “**Building**”). The Applicant proposes to construct a 2nd-story stairway and landing leading to a roof deck (the “**Addition**”). The proposal will increase the existing nonconforming lot occupancy from 65% to 69%, requiring relief from the lot occupancy requirements of E-210. The proposal also requires relief from the rear yard requirements of E-207.1.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, and E-5201. The Board has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. PROPOSED PROJECT.

The Property is located in the RF-1 zone district. It is an interior lot measuring 1,416 square feet in land area. Abutting the Property to the north is Westminister Street. Abutting the Property to the west is 908 Westminister Street, NW, which consists of a single-family row dwelling. Abutting the Property to the south is 1810 9th Street, NW, a single-family row dwelling. Abutting the Property to the east is 12th Street.

The Property is improved with a three-story single-family row dwelling. The Applicant proposes constructing a 2nd-story stairway and landing leading to a roof deck. The Addition will increase the lot occupancy to 69%.¹ The proposed landing will fill in the existing court on the top floor, triggering the need for special exception relief for the existing nonconforming rear yard of 17.5 feet. Other than the requested relief, the proposal meets all development standards for the RF-1 zone.

¹ An existing rear deck is being removed in order to stay within seventy-percent (70%) lot occupancy.

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 E-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 height limitations and the property will remain a single-family dwelling. 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 E- 5201.

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 from lot occupancy, which is available up to 70%, pursuant to E-5201.1(a). The requested rear yard relief is for the existing nonconforming set back of 17.5 feet.

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. The height of the Building is within the 35-foot limit and is not changing. There will be a minimal increase in footprint and any shadowing effects will be negligible and within typical expectations for the zone. The existing nonconforming rear yard is not changing. The Applicant has discussed the Addition with the neighbors at 908 Westminister Street, NW, who agree that the deck will not impact their solar panels.

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

The proposed stairs and landing provide additional outdoor space without posing a substantial impact on the privacy of adjacent properties. Accordingly, the Addition shall 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 Addition is set back from the front of the Building and therefore will not be seen from Westminister Street. From the alley, a view of the small landing and stairs, as it is all within the existing open court area, will not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the street or alley.

(d) In demonstrating compliance with paragraph (a-c), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways;

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

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