

November 27th, 2024

Board of Zoning Appeal
441 4th ST, NW
Washington, DC 20001

RE:
Special Exception at
2710 Sherman Ave NW
Washington, DC 20001

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Introduction and Nature of Relief Sought

This Statement is submitted on behalf of Samir Suliman (known as the “Applicant”), owner of the property located at 2710 Sherman Ave NW (Square 2858, Lot 0052) (the “Subject Property”). The Subject Property is an existing two-story with a cellar, one unit row building (the “Building”) located in the RF-1 zone.

The Applicant is proposing to construct a third-story addition to the existing Building (the “Project”) and applying for three units. Accordingly, the following relief is required:

1. Special Exception Relief from U § 320.2

Subtitle E § 320.2 limits the RF-1 zone to two (2) dwelling units that may be located within the principal structure or one (1) each in the principal and an accessory structure. This Project proposes to provide three units. One (1) unit will be in the cellar, one (1) unit will be on the first floor, and one (1) unit will be on the second and third floors. This Project requests relief to exceed the maximum dwelling units in the RF-1 zone due to its lot size of 3,000 sq. ft

2. Special Exception Relief from E § 207.4 pursuant to E § 207.5

Subtitle E § 207.4 limits a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

The proposed addition will be nineteen feet (19 ft. 0 in.) further than the home to the south, 2708 Sherman Ave. NW. The Project requests relief to exceed the maximum ten feet (10 ft.) extension in the RF-1 zone. A deck is provided on levels one and two which extends an additional seven feet (7 ft.) from the rear addition.

II. Background

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 2710 Sherman Ave NW and is in the RF-1 zone district. It is an rectangle shaped lot measuring 3,000 square feet in land area. Abutting the Subject Property to the North is 2712 Sherman Ave. NW, a single family detached building. Abutting the Subject Property to the East is Sherman Ave. NW. Abutting the Subject Property to the South are is a single family row building 2710 Sherman Ave NW. Abutting the Subject Property to the West is a vacant alley lot.

B. Proposed Project

The existing Building is two stories with a cellar level. The Applicant is proposing to construct a third-story addition on top of the existing Building and a three-story rear addition. The main Building will contain three units. The cellar will consist of unit A, a three (3) bedroom unit. The first and second floor will consist of unit B, a three (3) bedroom unit. The second and third floor will consist of unit C, a three (3) bedroom unit with a roof deck. The Project proposes a lot occupancy of fifty two point three percent (52.3%).

III The Applicant 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 Subtitle D § 1206.2 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. General Special Exception 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).

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

The Zoning Regulations specifically permit the requested special exception relief for additional dwelling units. The Project meets all other development standards of the RF-1 zone. Accordingly, the proposed Project and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Relief will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the Addition will also not adversely affect the use of neighboring properties as the proposal meet all other development standards of the RF-1 zone and any potential impacts on light, air, and privacy do not rise to the level of undue.

C. The Application Meets the Specific Requirements of E § 5201.

The proposed Addition will provide three dwelling units requesting relief to increase the number of allowed dwelling units from two (E § 201.1) and extend the rear yard addition further than ten ft (10 ft.) than an adjacent building (E § 207.4). The adjacent property at 2708 Sherman Ave NW consists of three units. Both adjacent neighbors support this project and have provided signed letters of support.

5201.4(a) The light and air available to neighboring properties shall not be unduly affected;

A shadow study is being submitted with this Application. The study shows the difference between a matter of right addition and the proposed rear yard addition. As demonstrated by the shadow study, during the summer solstice, there is a some increase in shading at 9:00 am on the property to the west and at 3:00 pm on the property to the east. During the winter solstice, there is a minimal increase in shading at 3:00 pm. The additional proposed area only causes a minor increase in shading.

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

The privacy and use of enjoyment shall not be unduly compromised by the Project. The addition contains windows on the west rear façade and the north side façade facing the open side yards between the Buildings. The side yard of the Building is six foot six inches (6'-6") and the side yard for the building to the north is six- foot six inches (6'-6") providing an open space of thirteen feet (13'-0") between the building. In addition, the windows on the north façade are located within the matter-of-right.

Therefore, the privacy between a matter-of-right Addition and the proposed Addition does not rise to the level of undue.

(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; and

The area is predominantly characterized by two-story dwellings with a few buildings with third story additions. The building to the south, 2708 Sherman Ave. NW is contains a third floor addition which the proposed Building will match in height.

The rear yard addition will use similar design elements as other properties in the area. Accordingly, the proposed Project, together with the original Building, as viewed from alleys, and other public rights of way, shall not substantially visually intrude upon the character, scale, and pattern of buildings along Randolph Street NW and the public alley.

(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 or accessory structure to adjacent buildings and views from public ways.

The Applicant has included materials sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

5201.5 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 and nearby properties.

The Applicant will comply with any special treatment.

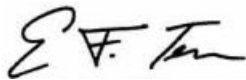
5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The Applicant is not proposing to introduce the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

IV Conclusion

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

Sincerely,



Agent

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