

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Wisconsin Overlook, LLC
2619 Wisconsin Avenue, NW (Square 1935, Lot 44)

I. INTRODUCTION.

This Statement is submitted on behalf of Wisconsin Overlook, LLC (the “**Applicant**”), owner of the property located at 2619 Wisconsin Avenue, NW (Square 1935, Lot 44) (the “**Property**”). The Property is located in the R-1B Zone and is improved with a detached single-family dwelling (the “**Building**”) and one-story garage (the “**Accessory Building**”) located at the rear of the Property.

The Applicant is proposing to construct a deck and screened porch addition (the “**Deck Addition**”), as well as an addition to the Accessory Building (the “**Accessory Building Addition**”) (collectively, the “**Project**”). The Building Area of the existing Accessory Building is 549 square feet. The proposed expanded Accessory Building will have a Building Area of 578.5 square feet. Accordingly, the Applicant is seeking special exception relief pursuant to D-5201 from the accessory building footprint requirements of D-5003.1 (450 sq. ft.). The Deck Addition will cause the Accessory Building to be located in the “required rear yard” and it will increase the total lot occupancy to 45%, where a maximum of 40% is allowed. Accordingly, the Applicant is also requesting special exception relief from the accessory building rear yard requirements of D-5004.1(a) and the 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 X-901 and D-5201.

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is an interior lot measuring 4,904 square feet in land area. Abutting the Property to the north is Square 1935, Lot 812, which is vacant. Abutting the Property to the east is the alley. Abutting the Property to the south is 2617 Wisconsin Avenue, which consists of a detached single-family dwelling and an accessory building. Abutting the Property to the west is

Wisconsin Avenue. The surrounding area is primarily comprised of detached single-family dwellings, most of which have accessory buildings.

B. Proposed Project and Requested Relief.

The Applicant proposes to expand the footprint of the existing Accessory Building and construct a second-floor addition. The existing Accessory Building has a footprint of 549 square feet and the total existing lot occupancy is 39%. The proposed Accessory Building will be 578.6 square feet, increasing the total lot occupancy of the Property to 45%. The Zoning Regulations limit the footprint of an accessory building to 450 square feet and lot occupancy is limited to 40%. Because the proposed deck, attached to the proposed Accessory Building, establishes the inner boundary of the required rear yard, the Accessory Building is in the Required Rear Yard, and special exception relief is also requested for that.

Other than the requested relief, the proposal meets all other development and use standards in the R-1B zone such as the yard setbacks and height requirements.

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 Subtitle 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-1B zone; the

R-1B zone is “intended to provide for areas predominantly developed with detached houses on moderately sized lots.” The Property will remain a detached single-family dwelling and special exception relief is available for each request. Accordingly, the proposed Project 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 more fully described below.

B. Specific Special Exception Requirements of Subtitle D-5201.

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 proposed Accessory Building Addition will add a second story and expand the Accessory Building footprint. The proposed height of the Accessory Building is within the 22 feet limit and the Accessory Building is at the rear of the lot. Due to lower elevations from front to back, the Accessory Building appears as lower than a 2-story building. The top of the roof of the Accessory Building’s 2nd story is almost even with the level of the top of the Principal Building’s first story. Accordingly, the Accessory Building Addition shall not unduly affect the light and air available to neighboring properties. The Deck Addition is even with the 1st Floor of the principal building and it’s railing will not unduly affect light and air to the south.

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

The Deck Addition is adjacent to several large evergreen trees to the south, which should protect the privacy of the neighbor to the south.

(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 increase the height of the existing Accessory Building within the height limits of the zone and has been designed in such a way to not substantially intrude upon the character, scale, and pattern of the houses along Wisconsin Avenue 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

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