

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Susan M. Tamborini Trustee
4632 Charleston Terrace, NW (Square 1368, Lot 54).

I. INTRODUCTION.

This Statement is submitted on behalf of Susan M. Tamborini Trustee (the “**Applicant**”), owner of the property located at 4632 Charleston Terrace, NW (Square 1368, Lot 54) (the “**Property**”), zoned R-1B. The Property is improved with a two-story + basement detached single-family dwelling (the “**Principal Building**”). There is also an existing uncovered deck at the rear of the Property.

The Applicant is proposing to replace the existing deck with a slightly larger covered deck and pergola (the “**Deck**” or the “**Project**”). The new Deck is considered an accessory structure as it is covered and not meaningfully connected to the Principal Building. The covered Deck and pergola are only located 18 inches from the Principal Building, in the required rear yard, necessitating special exception relief from the accessory structure rear yard locational requirements of D-5004.1(a). Once covered, the deck will count towards the overall lot occupancy, which is limited to 40% in this zone, or 50% via special exception. The Deck brings the total lot occupancy to 49.3%, requiring relief from D-210.1. The Deck is also subject to the accessory structure maximum building area requirements of D-5003.1, which limits new accessory structures to 450 square feet. The covered portion of the Deck is 652 square feet, requiring relief from this section. All three areas of relief can be approved via special exception subject to the requirements of D-5201.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2 and D-5201.

III. WITNESSES

The Applicant anticipates that Alexandra Wilson from Sullivan & Barros will lead the presentation and that someone from the architecture team will be available for questions.

IV. DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA.

The Property is located in the R-1B zone district. It is an interior lot measuring 5,302 square feet in land area. Abutting the Property to the north is Charleston Terrace, NW. Abutting the

Property to the south is 4605 MacArthur Blvd., which consists of a multi-residential condo development. Abutting the Property to the west is 4634 Charleston Terrace, NW, which consists of a detached single-family dwelling. Abutting the Property to the east is 4630 Charleston Terrace, NW, which consists of a detached single-family dwelling.

V. 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 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; per D-300.3, 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 the proposal is not increasing the size of the existing Principal Building. Accordingly, there will be ample open space still available on the lot even with the proposed Project, meeting 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 stated in more detail below, the proposed Project will have no undue impact on neighboring properties.

C. Specific Special Exception Requirements of Subtitle D § 5201.4.

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; And

The Deck is open on all sides and is only being slightly expanded, which limits light and air available to the neighboring properties. It is intended to provide quiet outdoor space for the long-time residents of this home. Accordingly, the proposed Deck will not impact the light and air available to neighboring properties.

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

The grade at the rear of the Property prevents the Applicant from moving the deck further to the rear and meeting the locational requirements for accessory structures. Without the grade, or with a regrade, the Applicant could potentially construct a 2-story accessory building with 900 square feet of living space located much closer to the respective shared lot lines.¹ Further, as demonstrated by the photos, there are no windows directly facing the deck. The adjacent properties to the east and west do not have windows facing the property. And the apartment building to the south has windows that either face away from the Property, at an angle, or directly at the retaining wall. This condition is not changing. Accordingly, the proposed location limits privacy impact on neighboring properties compared to a by-right project as there is ample room between the Deck and adjacent buildings and no facing windows.

(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;

¹ Accessory Buildings do not have individual setback requirements from rear and side lots lines unless they are located within a required side yard or abut an alley.

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The proposed Deck will not be visible from any public ways. Accordingly, the proposal shall not substantially visually intrude upon the character, scale, and pattern of houses along Charleston Terrace, NW.

VI. 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,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
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