

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicants' Statement of 3822 Van Ness NW, LLC
3822 Van Ness Street, NW (Square 1829, Lot 23).

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of 3822 Van Ness NW, LLC (the “**Applicant**”), owner of the property located at 3822 Van Ness Street, NW (Square 1829, Lot 23) (the “**Property**”), located in the R-2 zone. The Property is improved with a two-story plus cellar semi-detached single-family dwelling (the “**Principal Building**”) with a one-story accessory building (the “**Accessory Building**”). The Applicant is proposing to construct a one-story addition and one-story screen porch addition to the west side of the Principal Building. The Applicant is also proposing a two-story addition to the rear of the Principal Building (the “**Addition**”). While no work is proposed to the Accessory Building, that Accessory Building will be located in the “required rear yard” as a result of the rear Addition to the Principal Building. Accordingly, the Project requires special exception relief pursuant to D-5201 from the accessory building-related rear yard requirements of D-5004.1(a).

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901 and D-5201 and has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is an interior lot measuring 3,630 square feet in land area. Abutting the Property to the north is Van Ness Street, NW. Abutting the Property to the east is 3820 Van Ness Street, a semi-detached single-family dwelling. Abutting the Property to the south is the alley. Abutting the Property to the west is 3824 Van Ness Street, a semi-detached single-family dwelling.

B. Proposed Project.

The Applicant proposes to construct a one-story addition and one-story screen porch addition on the west side of the Principal Building which will fill in the existing dogleg. The Applicant is also proposing to construct a two-story addition to the rear of the Principal Building. The Addition will decrease the distance between the Principal Building and the Accessory

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Building from 29.7 feet to 14.2 feet. The Addition will otherwise conform to the development standards.

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-2 zone; the R-2 zone is "intended to provide for areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached houses." The Property will remain a semi-detached single-family dwelling. 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.

C. 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 location of the Accessory Building in the required rear yard, resulting from the Addition to the Principal Building, will not impact the light and air available to neighboring properties. The effect of this relief is internal to the property, as it simply allows the Principal Building to be positioned closer to the existing Accessory Building. The Principal Building itself complies with all zoning development standards.

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

The location of the Accessory Building in the required rear yard, resulting from the Addition to the Principal Building, will not unduly compromise the privacy of use and enjoyment of neighboring properties. The closer proximity of these two buildings does not raise privacy concerns.

(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;

A small portion of the proposed Addition will be visible from Van Ness Street. However, it has been designed to align with the character of the existing Building and surrounding houses along both the alley and Van Ness Street. As such, it will not intrude upon the character, scale, or pattern of the houses along Van Ness Street or the alley. No additions are proposed for the Accessory Building.

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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Date: February 14, 2025