

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Square Fifteen Development, LLC**  
**1109 4th Street, NE (Square 0805, Lot 21 and 800)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Square Fifteen Development, LLC (the “**Applicant**”), owner of the property located at 1109 4<sup>th</sup> Street, NE (Square 805, Lot 21 and 800) (the “**Property**”). The Property, located in the RF-1 zone district, is improved with a two-story, single-family row dwelling (the “**Building**”). The Applicant proposes to maintain a third story addition on top of the existing building footprint and a three-story addition at the rear (the “**Addition**”). The Addition was already mostly constructed pursuant to the applicable approvals and permissions, as a matter-of-right addition, straddling each of the two side property lines. Upon a wall check inspection, the faulty survey was discovered, and the addition had been constructed two feet (2 ft.) off of the south property line and an equal distance over the north property line. A copy of the original, incorrect, plat is attached as Exhibit A to this Statement.

To solve the north property line issue, the Applicant is purchasing the two-foot wide tax lot that exists between the Applicant's Property and the neighboring property to the north.<sup>1</sup> To solve the south property line setback issue, the Applicant requests special exception relief pursuant to E-5201 from the side yard requirements of E-208. The extension has a setback width of two feet, where at least three (3) feet is required to extend a nonconforming side yard.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief requested pursuant to Subtitle X § 901.2, and Subtitle E § 5201.

**III. BACKGROUND.**

**A. Description of the Subject Property and Surrounding Area.**

The Property is located in the RF-1 Zone District. It is an interior lot measuring 2,000 square feet in land area. The Property is improved with a two-story, single-family row dwelling. Abutting the Property to the north is 1111 4<sup>th</sup> Street, NE, which consists of a single-family row

---

<sup>1</sup> This narrow lot has always effectively been a part of the Property, and the existing Building is fully on this narrow tax lot, as it adjoins the neighbor's building to the north on a completely separate lot.

dwelling. Abutting the Property to the west is 4<sup>th</sup> Street. Abutting the Property to the east is the alley. Abutting the Property to the south is 1107 4<sup>th</sup> Street, NE, which consists of a single-family row dwelling.

**Proposed Project.**

The Applicant seeks approval for the construction – mostly completed – of a third-story addition and three-story rear addition. The third story addition will bring the height to 33 feet 4 inches, within the matter-of-right limit, and the rear addition will also conform to the lot occupancy and rear yard requirements of the RF-1 Zone, including the 10-foot rule. The proposed side yard setback on the south is two feet; one foot short of the required width of three feet.

**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 E-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 RF-1 zone; the RF-1 zone is intended “provide for areas predominantly developed with residential row buildings on small lots within which no more than two (2) principal dwelling units are permitted.” The

Property will remain a single-family row 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 E-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 addition is designed to maintain reasonable setbacks and complies with height restrictions of the RF-1 zone. The Addition will not extend significantly beyond the rear wall of the structures to the north or south. The small lot to the north, in the process of being integrated into the Applicant's ownership, has historically remained a functional aspect of the Property. The extension will follow the existing building line and will not obstruct light or air for neighboring properties, which are due south of the Building.

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

The Addition does not have north or south facing windows. Accordingly, the Addition 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;**

There are similar third story additions on this block of 4<sup>th</sup> Street. The rear Addition is modest in scale and will not dominate views from the public alley. From the street and alley, the Addition will read as a cohesive extension of the original dwelling, preserving the character and scale of the streetscape.

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*

---

Martin P. Sullivan, Esq.  
Sullivan & Barros, LLP  
Date: March 10, 2025