

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Anahita Mehrani and Siavash Kooohmaraie
30 W Street, NW (Square 3118, Lot 70)

I. INTRODUCTION.

This Statement is submitted on behalf of Anahita Mehrani and Siavash Kooohmaraie (collectively, the “**Applicant**”), owners of the property located at 30 W Street, NW (Square 3118, Lot 70) (the “**Property**”). The Property is located in the RF-1 Zone and is improved with a two-story single-family row dwelling (the “**Principal Building**”) and one-story garage (the “**Garage**” or “**Accessory Building**”). The Applicant is proposing to construct a third-floor addition and a three-story rear addition to the Principal Building (the “**Addition**”). The Applicant is also proposing to replace the existing Garage at the rear of the Property with a new two-story garage (the “**Proposed Accessory Building**”). The Addition will extend 15 feet past the rear wall of the adjacent property to the west and increase the total lot occupancy to 67.9% where 60% is permitted. Accordingly, the Applicant is requesting special exception relief from the rear yard requirements of E-207.5 and the lot occupancy requirements of E-210.1. The Proposed Accessory Building will be on the rear property line, abutting the 20-foot-wide alley. Accordingly, the Applicant is also requesting relief from the access requirements of C-711.7, which requires a 12-foot setback from the centerline of the alley.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, E-5201, and C-711.11.

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is located in the RF-1 zone district. It is an interior lot measuring 2,844 square feet in land area. Abutting the Property to the west at 32 W Street, NW, is a single-family row dwelling with an accessory building. Abutting the Property to the east at 28 W Street, NW, is a single-family row dwelling with an accessory building. Abutting the Property to the north is W Street, NW. Abutting the Property to the south is the alley.

B. Proposed Project.

The Applicant is proposing to construct a third-floor addition and three-story rear addition to the Principal Building. The rear addition will extend 15 feet beyond the rear wall of the adjoining property to the west and will align with the rear wall of the adjoining property to the east. The Applicant also proposes to replace the existing garage at the rear of the Property with a new two-story accessory building, which will be set back 10 feet from the centerline of the alley. The proposed Accessory Building will extend from lot line to lot line and will comply with the height and building area requirements of the RF-1 zone. Apart from the requested lot occupancy and 10-foot rule relief, the Addition to the Principal Building will comply with all other area development standards of the RF-1 zone.

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 E-5201 and C-711.11 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 purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted." The Property will remain a single-family row dwelling, and the requests are permitted via special exception approval.

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Accordingly, the Addition and Proposed Accessory Building 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.

As described more fully below, the Addition and Proposed Accessory Building will not tend to adversely affect the use of neighboring properties.

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 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 is situated towards the rear of the Property and is limited to two stories and approximately 19 feet 9 inches. The height, footprint and number of stories is permitted as a matter-of-right. The Addition will align with the rear wall of the adjacent property to the east.

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

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing windows on the east or west side of the Addition or the Proposed Accessory Building. Accordingly, the granting of relief shall not unduly compromise the privacy of use and enjoyment of neighboring properties.

(c)The proposed addition or accessory structure, together with the original 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 Accessory Building will not be visible from W Street and there are other similar accessory buildings along the alley. A small portion of the Addition will be visible from W Street, but shall not substantially visually intrude upon the character, scale, and pattern of houses along W Street as it is designed to be compatible with the street.

D. Specific Special Exception Requirements of Subtitle C § 711.11.

711.11: The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle C §§ 711.5 through 711.7 as a special exception under Subtitle X, Chapter 9, and subject to the following:

(a) The Office of Zoning shall refer any request under this subsection to the Office of Planning and the District Department of Transportation for review and comment, which shall include an evaluation of the applicant's satisfaction of the requirements of paragraph (b) of this subsection; and

(b) The applicant shall demonstrate to the Board's satisfaction:

(1) A reasonable difficulty in providing the full-sized driveway width or alley centerline setback; and

(2) Vehicle movement and turning diagrams demonstrating that the proposed relief would allow safe:

(A) Access for vehicles of average dimensions to and from the parking spaces for which the driveway or alley centerline setback provides access; and

(B) Use of the street or alley by pedestrians and vehicles.

The Applicant is requesting relief from the 12-foot alley centerline setback requirement of Subtitle C § 711.7. As demonstrated by the submitted photographs, the accessory buildings along the alley are situated at the rear property lines of their respective lots. Requiring the Proposed Accessory Building to be set back an additional two feet would result in an area of space that is effectively unusable. Also, the two adjacent accessory building also sit on the rear property line and the Applicant wishes to align with those alley frontages. To support the request, the Applicant will submit a vehicle turning diagram demonstrating that a vehicle can access the garage via the alley without issue.

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V. CONCLUSION.

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

Respectfully submitted,

Martin P Sullivan

Martin Sullivan
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