

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

**Applicant's Statement of Christopher Hauser and Starcross Properties**  
**329 Peabody Street, NE (Square 3733, Record Lot 46, A&T Lot 820).**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.**

This Statement is submitted on behalf of Starcross Properties (the “**Contract Purchaser**”) and Christopher Hauser (the “**Owner**”), owner of the property located at 329 Peabody Street, NE (Square 3733, Record Lot 46, A&T Lot 820) (the “**Property**”), located in the R-1B zone. The Contract Purchaser and Owner are hereinafter collectively referred to as the applicant (the “**Applicant**”). The Property is a substandard non-alley record lot as described by C-301.1.<sup>1</sup> The Applicant is proposing to construct a new, two-story + cellar, single-family detached building (the “**Building**”). The side yard setback requirement for a detached single-family building in the R-1B zone is 8 feet. Given the substandard lot width, the Applicant is proposing side yards of five feet (5 ft.) each. Accordingly, the Applicant is seeking special exception relief pursuant to D-5201 from the side yard requirements of Section D-208.2. Additionally, due to the topography at the rear of the Property, the Applicant cannot feasibly provide one required parking space. Therefore, the Applicant is also seeking parking relief from C-701.5 pursuant to C-703.2.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901, D-5201, and C-703.2.

**III. BACKGROUND.**

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

The Property is an interior lot measuring 2,250 square feet in land area. It is currently vacant. Abutting the Property to the north is Peabody Street, NE. Abutting the Property to the south is a public alley. Abutting the Property to the west is 327 Peabody Street, NE. Abutting the Property to the east is 331 Peabody Street, NE. The area is characterized by smaller lots than you would typically expect to find in an R-1B zone. The adjacent properties, as well as the surrounding

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<sup>1</sup> The R-1B record lot standards are 5,000 sq. ft. of land area and 50 ft. in width where the Property has 2,250 sq. ft. of land area and 30 ft. of width. Subtitle C-303.1 states: a record lot existing prior to the effective date of this title that does not conform with the lot dimension and lot area requirements of the zone in which it is located may be considered a conforming lot for the purposes of building permits and uses provided any building or structure thereon shall meet the development standards of the relevant zone and provided the non-conformity shall not be increased.

properties on this block and in the area generally, are substandard in size for the R-1B zone. The size yards for the nearby properties are similarly nonconforming.

**B. Proposed Project.**

The Applicant is proposing to construct a new single-family home. The Building will have two stories and a cellar and be a detached building, meaning it will have two side yards. While the proposed side yards will only be five feet, whereas eight is typically required, the house is located in a portion of the R-1B zone where the lots are narrower than the typical R-1B lot. The side yards, like the other aspects of the house, have been designed to fit the pattern and scale of houses along the block, which also have nonconforming, or substandard, side yards. For example, the front setback has been designed to meet the range, but more specifically, the front setbacks of the adjoining neighbors. Additionally, the height, pitched roof, and rear yard line up with the pattern and scale along the front and rear. The Applicant is also proposing fencing and a retaining wall similar to the neighboring properties, as well as a small awning in the front and landing in the rear.

**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 and C-703.2 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-1-B zone is “intended to provide for areas predominantly developed with detached houses on moderately sized lots.” The Property will be a detached single-family dwelling in the same pattern and similar design as the other single-family dwellings on the block, which also have nonconforming side yards. 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 construction of the Building shall not unduly impact the light and air available to neighboring properties as the degree of relief request is only three feet on each side.

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

The Building shall not unduly compromise the privacy of use and enjoyment of neighboring properties given there is still adequate separation between the adjacent properties. Similar to all other properties in the area, the Applicant is proposing windows on its east and west sides. The window pattern has been thoughtfully designed to maintain privacy. For example, there are only two full windows on the east-side. They are located in the middle of the building and are located adjacent to the stair landings where people do not tend to linger. The windows face the wall of 331 Peabody, which does not have full windows in the middle of the wall, but rather around the perimeter. The windows on the west-side have been similarly designed to avoid direct views into neighboring properties, protecting both the future residents of the subject Property, as well as neighboring properties. Further, the difference between the by-right design and requested design is only 3 feet. The proposed Building, being only three feet closer to neighboring properties will not unduly compromise the privacy and use of enjoyment of said properties.

**(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 Building has been designed to be compatible with the existing houses. While the proposed side yards will only be five feet, whereas eight is typically required, the house is located in a portion of the R-1B zone where the lots are narrower than the typical R-1B lot. The side yards, like the other aspects of the house, have been designed to fit the pattern and scale of houses along the block, which also have nonconforming, or substandard, side yards. For example, the front setback has been designed to meet the range, but more specifically, the front setbacks of the adjoining neighbors. Additionally, the height, pitched roof, and rear yard line up with the pattern and scale along the front and rear. The Applicant is also proposing fencing and a retaining wall similar to the neighboring properties, as well as a small awning in the front and landing in the rear. Accordingly, the Addition will not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley.

**D. Special Exception Requirements of Subtitle C-703.2.**

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to C § 703.2.

**Section 703.2 “The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:**

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

**(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;**

As demonstrated by the photographs submitted with this statement, the Property has a significant topographic change between its rear and the alley and access is impeded by this topography. It is not physically possible to create a parking space in the rear without substantial

land disturbance. There do not appear to be parking spaces available for rent within 600 feet of the lot as all existing spaces serve their respective residential uses.

**(d) Amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood;(e) The nature of the use or structure or the number of residents, employees, guests, customers, or clients who would reasonably be expected to use the proposed building or structure at one time would generate demand for less parking than the minimum parking standards;**

The request is to have zero parking spaces where only one is required. The proposal is for a modest sized single-family home with three total bedrooms in DC. Future purchasers will have full knowledge that there is no dedicated on-site parking space and would take that into consideration regarding any respective parking needs. Therefore, it is highly unlikely that future residents would purchase this type of home if they had substantial parking needs or multiple cars.

**Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.**

The reduction in the required number of parking spaces (one space) is only for the amount the applicant is physically unable to provide.

**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,

*Alexandra Wilson*

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Alexandra Wilson  
Sullivan & Barros, LLP  
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