

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

**Application for 1253 Morse St. NE**  
**(Square 4069, Lots 0058)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Moshood Olayinka, the owner of the property located at 1253 Morse St, NE (Square 4069, Lots 0058). The Subject Property is zoned RF-1 and is currently a Single-Family house. The Applicant is proposing to construct a rear and third floor addition and convert it into a four (4) unit multi-family building. Accordingly, the applicant requests special exception approval for the conversion pursuant to subtitle U § 320.2. The applicant also requests relief from the side yard requirement of Subtitle E § 208.3, pursuant to the special exception provisions of Subtitle E § 5201, as the proposed addition will reduce the side yard on one side of the building to 3 feet, where a minimum of 5 feet is required.

**II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.**

The Property is located at 1253 Morse Street N.E. and is in the RF-1 zone district. Abutting the property to the east and west and north are row dwellings. Abutting the property to the north is Morse Street N.E. Abutting the Property to the south is a public alley. The Applicant is proposing to construct a rear addition , a side addition, and a third-story addition to the existing structure. The Applicant is maintaining the existing front façade and covered porch.

**III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF X § 901.2 AND U § 320.2 AND E § 5201.**

**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 U § 320.2 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. Requirements of Subtitle X § 901.2.**

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). The proposed work will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the row homes to the north and south of the Property. Nor will the Addition adversely affect the properties to the east or west of the Building, as they are separated from the Building by a public alley and Warder Street, respectively.

**C. Requirements of Subtitle U §320.2.**

The conversion of an existing residential building existing on the lot prior to May 12, 1958, to an apartment house, or the renovation or expansion of an existing apartment house deemed a conforming use pursuant to Subtitle U § 301.4 that increases the number of units, shall be permitted in any of the RF-1 zones if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9, and subject to the following conditions:

**Section 320.2(a)**

The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;

The building currently on the property will stay in place as it is at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion and expansion.

**Section 320.2(b)**

The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.10; and

The proposed scope includes converting the existing single-family house into a four-unit multi-family building. One of the proposed units is designated as an IZ unit, as shown on the submitted plans.

**Section 320.2(c)**

There must be an existing residential building on the property at the time of filing an application for a building permit;

There is an existing residential structure on the property at the time of filing an application for a building permit.

**D. Requirements Of Subtitle E § 5201**

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). 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:

The applicant is seeking relief from the side yard requirement of Subtitle E § 208.3, pursuant to the special exception provisions of Subtitle E § 5201, as the proposed addition will reduce the side yard on one side of the building to 3 feet, where a minimum of 5 feet is required.

**(a)**

The light and air available to neighboring properties shall not be unduly affected;

The reduction of the side yard from the required 5'-0" to 3'-0" is limited to one side of the building and only on the second and third floor and does not eliminate the yard.

The proposed addition is modest in scale and maintains separation from the adjacent property, which will ensure continued access to light and air for the neighboring structure at 1251 Morse St NE.

**(b)**

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

The proposed addition reduces the required side yard setback from 5'-0" to 3'-0", but only at the second and proposed third floors. The adjacent property at 1251 Morse Street NE is a two-story structure; therefore, the addition will have no impact at the first-floor level, and the third-floor addition will extend above the neighboring roofline. The impact of the reduced setback at the second floor is expected to be minimal, particularly given that the adjoining property maintains a 5'-0" side yard on this side, resulting in an overall separation of 8'-0" between the two structures at that level.

**(c)**

The 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 subject street frontage;

The portion of the proposed addition that reduces the required side yard setback from 5'-0" to 3'-0" is located 60'-2" from the front property line and 48'-3" behind the front façade of the existing structure. As a result, it will not substantially visually intrude upon the character, scale, or pattern of houses along the Morse Street NE frontage.

**(d)**

In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and

Plans, elevations, and photographs are included with this application.

**(e)**

The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).

The proposed project results in a total lot occupancy of 35%, which is within the allowable maximum of 70% permitted by special exception.

**IV. 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.