

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of H D 438 Park Road NW LLC
438 Park Road, NW (Square 3044, Lot 53)

I. INTRODUCTION.

A. Overview

This Statement is submitted on behalf of H D 438 Park Road NW LLC (the “**Applicant**”), owner of 438 Park Road, NW (Square 3044, Lot 53) (the “**Property**”). The Property is located in the RF-1 zone and is improved with a three-story + cellar single-family semi-detached dwelling (the “**Building**”). The Applicant is proposing to construct a three-story addition to the side (the “**Side Addition**”) and a three-story addition to the rear (the “**Rear Addition**”), (collectively known as the “**Additions**”). The Applicant is also proposing to convert the Property to three residential dwelling units (the “**Project**” or “**Proposal**”).

B. Summary of Relief

As part of the Proposal, the Applicant seeks the following special exceptions:

1. Rear Yard: The Rear Addition will decrease a portion of the rear yard to 6 feet and 6 and 3/4 inches where E-207.1 requires a rear yard of twenty feet (20 ft.), requiring relief pursuant to E-5201.
2. 10 Foot Rule: The Rear Addition extends 19 feet and 2-3/4 inches past the rear wall of the only adjoining property to the west whereas E-207.4 limits such an extension to 10 feet. Accordingly, the Applicant seeks relief from E-207.4 pursuant to E-207.5 and subject to the requirements of E-5201.
3. Architectural Elements: The RF-1 zone has a unique provision, Subtitle E-204.1, prohibiting alterations of original rooftop elements. The Applicant is also proposing to expand the existing third-story dormer and add a dormer. It is also removing the existing cornice on top of the bay window on the eastside of the Building, through the removal of the bay window, to allow for the Side Addition.¹ Accordingly, the Applicant is seeking relief pursuant to E-204.4.

¹ While the Applicant is not seeking relief for these alterations, the other main design elements being altered are the existing non-original front addition. The existing front-addition was originally an open porch, and the Applicant plans to construct a new porch across the front of the Property where none currently exists.

4. Parking: The conversion increases the parking requirement by one space pursuant to C-701.5 (1 space for every 2 units). While there is an alley to the rear, the width ranges from 6 feet to 8 feet, too small for access to the rear of the lot. Accordingly, the Applicant is requesting relief for one parking space pursuant to C-703.2.
5. Conversion: U-320.2: The Applicant also seeks special exception relief pursuant to U-320.2 in order to convert the existing single-family home to three residential units.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, E-5201 (E-207.1 and E-207.4), E-204.4, C-703.2, and U-320.2.

III. CONTEXT AND PROJECT.

A. Description of Property and Surrounding Area

The Property is located at 438 Park Road, NW and is in the RF-1 zone district. It has 3,032 square feet of land area. Abutting the Property to the north is Park Road. Abutting the Property to the west is a semi-detached building, attached to the subject Building, and used as a single-family home. Abutting the Property to the east is a semi-detached Building, similar in design to the one the Applicant is proposing and used as a three-unit building. Abutting the Property to the south is a narrow public alley, which narrows to six feet in clearance at its entrance, due to the presence of a utility pole. The area is characterized by a variety of residential uses, including one-family dwellings, flats, and multi-family dwellings.

B. Project Description

The Property is currently improved with a three-story + cellar Building with a non-original 'addition' on the front—the result of enclosing the original porch. There is also a small, non-original single-story addition at the rear. As demonstrated by the photos, the current building is inconsistent with surrounding architecture and in deteriorating condition, with a failing makeshift porch railing, and is in need of serious renovation.

The Applicant proposes to remove the non-original one-story additions on the front and rear, and construct a new porch, a three-story Side Addition to the eastside of the Building, and a

three-story Rear Addition. The Building will be internally renovated to create three dwelling units, one on the cellar level, one on the first floor, and one two-story unit on the second and third floors.

The Side Addition will eliminate the existing bay window and cornice atop the window. Even though the Side Addition will decrease the existing side yard, it will still maintain a fully compliant five-foot side yard setback on its east side, maintaining the pattern of semi-detached structures along the block. The Applicant will remove the non-original existing rear addition and construct a new Rear Addition. The new Rear Addition will extend into a portion of the required rear yard.

In the front, the existing one-story non-original addition will be removed and replaced with a covered porch extending the full length of the new building. With respect to the architectural elements, in addition to the removal of the cornice on the side, the Applicant is proposing to replace the existing dormer with a wider dormer and add a new dormer on the extended building façade.

The Applicant is limiting the lot occupancy to fifty-one percent (51%), not increasing the height, removing the non-original addition so that the Building is in compliance with the front setback of the adjoining property and other properties on the block, and limiting the rear addition to only a portion of the rear not visible from Park Road.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

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, E-207.4, E-204.4, C-703.2, and U-320.2 of the Zoning Regulations.

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 proposed Addition is still within the lot occupancy, side yard, and height limits and is maintaining its semi-detached status, which is

consistent with this block. The design itself fits with the neighborhood, as opposed to the current building, as evidenced by the existing one-story front addition that does not fit with any architecture in the area. The proposal will be an overall improvement in terms of aesthetics and architectural compatibility with the neighborhood and is consistent with the adjacent property to the west, mirroring its design. Accordingly, the proposed Addition 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 described more fully below.

B. Specific Special Exception Requirements

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).

1. Rear Yard and Architectural Elements Relief

The Applicant is seeking relief from the rear yard requirements, pursuant to E-5201.4. The relief for alteration of the mansard roof is reviewed under E-204.4, which lists the same requirements as E-5201.4 with the addition of section (d).

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 Project shall not unduly affect the light and air available to neighboring properties. With respect to the architectural relief for the cornice and dormer expansion, there will be no impact to light or air due to the removal of the cornice nor creation and extension of dormers. The side yard setbacks and front yard setbacks are met. With respect to the Rear Addition and 10 ft. relief, it is within the height limit, only impacts a portion of the rear yard, and while it extends past

rear wall of the property to the west, it is only ~12-13 feet past the rear covered porch of 440 Park Road. Further, as the photos demonstrate, the rear yard of 440 Park Road is already covered in some shade due to existing foliage and is also occupied by an accessory building. Accordingly, the additional shade from the proposed Addition shall not result in an undue impact. Shadow studies will be provided to further demonstrate the lack of undue impact.

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

The Rear Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing windows on the sides of the Rear Addition. With respect to the architectural relief for the cornice and dormer expansion, there will be no impact to privacy to the removal of the cornice nor creation and extension of dormers.

(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;

(i) Regarding the special exception request for the rear yard relief and ten foot rule, the Rear Addition will not be seen from the front street and will therefore not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the street or alley.

(ii) Regarding the special exception for architectural elements alteration, the proposal retains dormer features but refines them through sensitive redesign, restoring architectural harmony with the adjacent three-unit structure to the east. The design mirrors the proportional massing, rhythm of fenestration, and material palette found on neighboring buildings, thereby enhancing—not disrupting—the character, scale, and pattern along Park Road. This proposal works with the existing character of the architecturally diverse neighborhood and results in a better overall design and view from the street.

(d) In demonstrating compliance with paragraph (a-c), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways;

These have been provided, and the Applicant will work with the Office of Planning and ANC to provide any other required information and plans.

2. Parking Relief- C-703.2

As described below, the Applicant is unable to provide parking due to the lack of alley access, physical constraints of the property, and inability to obtain a curb cut. Accordingly, the Applicant is requesting special exception relief for one parking space 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 sections 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;

Due to the small size of the alley, which narrows to six feet (6 ft.) at its entrance and is a maximum of eight feet (8 ft.) behind subject Property, the required parking space cannot be provided on the Property. The space cannot be provided within six hundred feet (600 ft.) of the Property as the surrounding area is made up of primarily residential row dwellings. From the Applicant’s investigation, there are no parking lots within six hundred feet (600 ft.) of the subject Property.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities; (c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

The Property is particularly well served by mass transit, shared vehicle, and bike facilities. The subject Property is only three-tenths of a mile (0.3 mi.) from the Georgia Avenue and Park Road bus stop and one-half of a mile (0.5 mi.) from the Georgia Avenue-Petworth Metro station (see “Proximity to Mass Transit” included with this Application).

Additionally, the Property has a Walk Score of 84 and is considered a “Very Walkable”, as well as a BikeScore of 87—a “Very Bikeable.” This is further enforced by the Property’s location relative to grocery, coffee shops, bars/restaurants, and gyms along Georgia Avenue, as well as parks and other recreation in the immediate area. Accordingly, the characteristics of the neighborhood minimize the need for the required parking spaces.

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. Regarding demand for parking, as discussed above, the Applicant anticipates that the transportation characteristics, size of the units, and amenities in the neighborhood will attract residents without cars.

3. Conversion- U-320.2

In order to have three (3) principal dwelling units on the Property, the Applicant must request special exception approval from U-320.2. The proposal in this Application satisfies the requirements of 11 DCMR U-320.2(a)-(c) as follows:

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 [Department of Buildings] accepts as complete the building permit application for the conversion or expansion;

The building to be converted and expanded is in existence on the property and will be in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion or 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 § 1003.6; and

The proposed structure includes three (3) units. Therefore, Inclusionary Zoning and the set-aside requirements of Subtitle C-1003.6 do not apply.

Section 320.2(c): There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

The proposed structure includes three (3) units, requiring a minimum of 2,700 square feet of land. The subject Property has 3,032 square feet of land area, meeting this requirement.

V. CONCLUSION.

Applicant's Statement
438 Park Road, NW

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,

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