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Applicant: Harold & Danielle Bulger
Agent: Seth M. Ballard, AIA, NCARB
Date: August, 8th 2025
Project Address: 3401 Lowell St NW
Square: 2089 Lot: 0828

Zoning District: R-1-B

Special Exception Sought: Subtitle D-208.7 & Subtitle D-211.1 & Subtitle

Applicants Request for Special Exception Relief:

Introduction:

Harold & Danielle (“the Applicant”) is the owner of the property and improvements located at 3401 Lowell St NW Square 2089, Lot 0828 (“the Property”).

Note: This proposal was previously reviewed and approved by the HPRB and BZA in 2020 under a different applicant. Despite Approvals the homeowner was not able to move forward with the project. We are now seeking approval for the same project under a new applicant (New Homeowner). We have removed the previously approved request for relief from the requirements for Accessory Apartment. The Accessory apartment is no longer a part of the scope of work - all other elements remain the same. The previous BZA Case is #20205 and the Previous HPRB Case is HPA 19-270.

The Property is located on a corner lot at the intersection of Lowell St. NW and 34th St. NW and is currently zoned R-1-B. The property is an irregularly shaped lot. A portion of the rear yard of the property directly to the West was purchased in the past from the neighbor and includes a pool and pool equipment shed.

The lot width at the front property line is 40’ which is less than the minimum required by the current R-1-B Zone. The existing residence is a 2-story single family home with finished attic and finished cellar, with a swimming pool, and rear yard driveway with a curb cut along 34th St. NW. The home includes a front porch and a side porch along 34th St. The existing porch along 34th St NW projects into the public Right of Way with an existing excavated storage area -or vault- at the cellar level.

The Property and Building have been sitting vacant for years with minimal upkeep to the property and none for the building. Consequently, the existing structures are in need of mold remediation and extensive renovations.

Project Description:

The Applicant proposes a full interior renovation of the existing structure, including underpinning the basement level to gain ceiling height. Additionally, the Applicant proposes to add a 2-story addition with finished attic and the relocation of the curb cut to lead into a new

garage at the cellar level. Finally, the Applicant proposes to expand the existing bay window up to the property line.

The proposed work will require the following relief:

- 1.) Subtitle D-208.7 – Side Yard Set Back. The rear addition will require special exception relief for extending non-conforming side yard setbacks along the West and East Property lines, because the existing is non-conforming a minimum of 5’ is required.

West Side Yard - The existing setback is 2.9 feet. The proposed setback for the building foundation is 4 feet, with a 1 foot cantilevered one story direct vent gas fireplace projection (leaving 3 feet from the bay face to the property line).

East Side Yard – The Existing Setback is 0.0’ (with the existing covered porch projecting in to public space). The proposed setback for the addition will continue the existing condition of 0.0’.

- 2.) Subtitle D-211.1 Pervious area requirement – Minimum 50% required – Existing is 40.2%, and provided will be 44.1%. We are proposing to reduce the amount of impervious area by 3.9%, however, it would be a hardship to reduce further and therefore we are requesting relief from this requirement.

HPRB, ANC, ARC and Neighbor Approvals already obtained:

Applicant will be working closely with neighbors, ANC, ARC and HPRB to present and explain every aspect of the project and explain clearly with those groups that relief will be required per #1 and #2 above.

In execution the Applicant requires a special exception pursuant to Subtitle D-5201.1 for the following:

1. Encroachment onto side yard setback requirement that does not comply with Subtitle D-208.7
2. Pervious surface area requirement that does not comply with Subtitle D-211.1

Please find this application suitable for meeting minimum requirements to grant special exception relief from the aforementioned zoning regulations.

APPLICANTS SATISFACTION OF SPECIAL EXCEPTION REQUIREMENTS – SUBTITLE X-901.2 & D-5201

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 the neighboring property, subject also, in this case, to the specific requirements for relief under Subtitle D 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)

Requirements of Subtitle X-901.2:

The granting of 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..." (11DCMR Subtitle X 901.2):

Relief from D-208.7 Side Yard Set back: The location of the existing building is on a corner lot less wide than the surrounding lots in this area and 10' shy of the minimum set forth in the current R-1-B Zone. Due to the width restriction of the lot in combination with the existing non-conforming West Side Yard of 2.9' and of the East Side yard of 0.0' the addition seeks to maintain the character of the existing house.

The proposed design and project also conforms to the Historic Standards set by the Office of Planning. In keeping with the nature of the neighborhood the non-conforming extension of the Western Side yard at 4.0' and the Eastern Side Yard of 0.0' will remain in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, and will not adversely affect the homes to the West of the property. Nor will the Addition adversely affect the properties to the North, South and east of the Building, as they are each separated from adjacent properties by a Conforming rear yard, Lowell Street NW and 34th Street NW, respectively.

Furthermore, we would note that it is not uncommon within the block and within the Cleveland park neighborhood as a whole that side yard set backs on one or more side of a property does not conform to the 8.0' requirement as set in the current R-1-B Zone regulations. Neighbors have reviewed proposed plans and granted permission via signed petition and local architectural review board approval.

Relief From D-308.1 Pervious Surface Area Requirement: The Existing lot has a Pervious Surface area of 40.2%, and provided will be 44.1%. We are proposing to reduce the amount of impervious area by 3.9%, however, due to the shape and size of lot as mentioned above it would be difficult to increase the pervious surface area further.

Requirements of Subtitle D-5201:

The proposal in this application satisfies the requirements of Subtitle D 5201 as follows:

Section 5201.1 – Applicant request specific relief for the following:

(b) Yards

Applicant request special exception for encroachment into Side Yard requirement that does not comply with Subtitle D-208.7. Requested deviation at extension of non-conforming side yard of 1.0' at the West Property Line and 5.0' at the East Property line.

(e) Pervious Surface

Applicant request special exception of the pervious surface area that reduces the existing pervious surface area but does not comply with the minimum set forth in Subtitle D-211.1

Section 5201.2 – Applicant seeks special exception relief for the following:

(a) An addition to a building with only one (1) principal dwelling unit.

Section 5201.3

“The proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

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

The addition will not unduly affect the light and air available to the property to the West. The addition extends, to a similar scale, the existing condition of the current building, and the Neighboring property has an existing line of mature evergreen trees blocking their view to the east. Furthermore, The Addition will have a mass and proportion crafted in harmony with the architectural fabric of the existing home and its adjacent properties. The Property to the North will be separated by a conforming rear yard, along with the neighboring properties own driveway. The properties to the South and East are separated by public right of way and will not be impacted adversely.

Neighbors have reviewed proposed plans and granted permission via signed petition and local Architectural review board approval.

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

The surrounding neighboring properties’ privacy of use and enjoyment should not be unduly compromised by the proposed addition. At a 4.0’ distance from the West property line, the proposed addition would be closer to the neighboring property than the 5.0’ required by the zoning regulations. However, the existing house is 3.0’ away from the rear property line so the proposed addition would continue or exceed the existing conditions of the site. Similarly, the proposed addition would continue the existing condition at the East Property line, and would visually step back, as an addition, from the projection of the existing covered porch on the first floor and with a 1.16’ deep “hyphen” at the second floor. The neighbors (including the neighbor to the West) has reviewed proposed plans and granted permission via signed petition and local architectural review board approval.

(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; and

The Addition, together with the existing House, does not visually intrude upon the character, Scale, or pattern of houses on Lowell Street and 34th Street NW: The Addition has gone through several iterations as it has passed through review with the local Advisory Board, the Cleveland Park Historic Society, and The Historic Preservation Review Board. This process has developed a building that all parties including the neighbors agree fit with the historic fabric of the neighborhood and set the addition as subordinate to the house.

(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

Please see attached existing photographs, existing and proposed plans and elevations, along with 3d conceptual renderings of the proposed addition.

(e) The Board of Zoning adjustments may approve lot occupancy of all new and existing structures on the lot as specified.....50%...for all R Zones.”

The proposed lot occupancy is 38.6% and therefore does not exceed the fifty percent (50%) lot occupancy requirement for special exception relief in the R-1-B zone district.

Section 5201.4

“The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior o interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”

The Applicant will comply with request for protection of adjacent and nearby properties.

Section 5201.5

“This Section may not be used to permit the introduction of expansion of a nonconforming use as a special exception”

The existing and proposed use as single family dwelling is in keeping with the R-1-B Zone.

Section 5201.6

“This Section may not be used to permit the introduction of expansion of a nonconforming height or number of stories as a special exception”

The existing building height of approximately 28’-3” is conforming and will not be exceeded by the new addition.

Thank you for your time and consideration on this project.

Sincerely,

Seth M. Ballard, AIA, NCARB