

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

**Applicant's Statement of Rosalynd Upton**  
**1522 W Street, SE (Square 5779, Tax Lot 818, Record Lot 481)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Rosalynd Upton (the “**Applicant**”), owner of the property located at 1522 W Street, SE (Square 5779, Tax Lot 818, Record Lot 481) (the “**Property**”). The Property, located in the R-3 zone district, is improved with a two-story + cellar, detached single-family dwelling (the “**Building**”). The Applicant proposes to construct a two-story + cellar addition to the rear of the Building (the “**Addition**”), and to convert the cellar to an accessory apartment, which is permitted as a matter-of-right. The Addition, a replacement of an existing one-story addition, will extend the existing nonconforming side yards, requiring special exception relief from the side yard requirements of D-208.7 pursuant to D-5201.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief requested pursuant to Subtitle X § 901.2, and Subtitle D § 5201 and has the authority to review the Application as an expedited review case pursuant to Y § 401.2(b).

**III. BACKGROUND.**

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

The Property is located in the R-3 Zone District. It is an interior lot measuring 2,760 square feet in land area. The Property is improved with a two-story + cellar detached single-family dwelling. Abutting the Property to the north is the alley. Abutting the Property to the west is 1520 W Street, SE, which consists of a detached single-family dwelling. Abutting the Property to the east is 1524 W Street, SE, which consists of a detached single-family dwelling. Abutting the Property to the south is W Street.

**Proposed Project.**

The Applicant seeks approval for the proposed Addition, which extends the existing building to the rear. The Property currently has side yards of 4.82 feet to the east and 1.18 feet to the west and those dimensions will remain unchanged as the Addition follows the established footprint. The project is otherwise fully compliant with the development standards of the R-3 zone.

The Addition consists of a two-story plus cellar extension, replacing the existing one-story plus cellar rear addition. The design modestly lengthens the rear wall by only four feet and three inches on the first floor and cellar level. The second floor cantilevers over the first floor slightly, extending an additional four and a half feet. In total, the Addition only extends eight feet and eight inches from the existing rear wall. A deck on the first floor is proposed as well. As shown in the plans, the proposal builds directly upon the location of the former rear addition, maintaining the relationship to neighboring properties and creating only a limited increase in height and depth.

#### **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 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-3 zone; the R-3 zone is intended "to allow for row houses, while including areas within which row houses are mingled with detached houses, semi-detached houses, and groups of three (3) or more row houses." The Property will remain a single-family detached dwelling and maintains the existing nonconformity. This is a row house district, and a new building could be constructed lot line to lot line. The proposal maintains the general form and existing side yard depths, one of which is only

a few inches shy of meeting the 5-foot requirement. 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 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 building footprint remains within the established pattern of development on this block, which consists of narrow detached and semi-detached homes. The addition provides a generous rear yard depth (over 53 feet, where 20 feet is required), ensuring that ample light and air continue to flow to adjacent properties. The modest height of the addition further minimizes any impact on light and air access for neighbors.

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

The Addition is located toward the rear of the existing dwelling and maintains the separation from adjoining residences. The proposal is oriented toward the alley and rear yard, consistent with common development patterns, and will not result in direct intrusions on adjacent properties. As a result, the privacy of use and enjoyment of neighboring properties will not be unduly compromised.

**(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 Addition is compatible with the existing structure and surrounding homes. It maintains the side yard widths, so the visual rhythm of spacing between buildings along W Street is preserved. The Addition is located primarily at the rear, minimizing its visibility from W Street.

When viewed from the alley, the addition presents a scale and design consistent with other rear additions in the neighborhood.

**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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