

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 512 Taylor, LLC
5034 Nebraska Avenue, NW (Square 1879, Lot 30)

I. INTRODUCTION.

This Statement is submitted on behalf of 512 Taylor, LLC, (the “**Applicant**”), owner of 5034 Nebraska Avenue, NW (Square 1879, Lot 30) (the “**Property**”). The Property is located in the R-2 zone. The Property is improved with a two-story + cellar single-family row dwelling (the “**Building**”). The Applicant is proposing to construct a two-story addition at the rear of the Building, and a partial third story addition (the “**Addition**”).

The Building is an existing row dwelling (no side yards) in an R-2 zone where buildings are required to have one, eight-foot side yard. The Building is currently nonconforming with respect to the side yard requirements and, pursuant to D-208.7, in the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.). The proposal is requesting to maintain the existing condition—no side yards. Accordingly, the Applicant is requesting relief pursuant to D-5201 from the nonconforming side yard requirements of D-208.7 in order to maintain the existing row building with no side yards.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2 and D-5201.

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is located in the R-2 zone district. It is an interior lot measuring 2,932 square feet in land area. Abutting the Property to the north at 5036 Nebraska Avenue, NW, is a single-family semi-detached dwelling. Abutting the Property to the south, at 5032 Nebraska Avenue, NW, is a single-family semi-detached dwelling. Abutting the Property to the west is a public alley. Abutting the Property to the east is Nebraska Avenue, NW. This block is characterized by groups of three dwellings constructed together, with a row dwelling in the middle of two semi-detached structures. One of the other center row buildings on the block requested similar relief in BZA Case

No. 20839, in 2023, albeit with a slightly longer addition. The lengths of the buildings on the block vary. There are also a number of larger apartments and commercial buildings in the immediate vicinity. The property is located steps away from the intersection of Nebraska Avenue and Connecticut Avenue.

B. Proposed Project.

The Applicant is proposing to construct a two-story rear addition and partial third story addition. Other than the requested side yard relief, the proposal meets all development standards for the R-2 zone as follows:

Development Standard	Minimum	Maximum	Proposed
Height	NA	40 ft., 3 stories	39 ft., 3 stories
Lot Occupancy	NA	40%	39%
Rear Yard	20 ft.	NA	27 ft. 8 in.
10 ft. Rule	NA	10 ft. past	10 ft. past
Parking	1 space	NA	2 spaces
Side Yards	Existing NC- 5 ft. extension	NA	0 ft. existing, 0 ft. proposed

The existing Building is a row dwelling with no side yards. As a row dwelling is a nonconforming structure with respect to side yards in the R-2 zone, and the extension of this nonconformity requires relief from the side yard requirements of D-208.7.

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.

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 of Subtitle D- 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).

The Applicant is seeking relief in order to maintain and extend the nonconforming side yard pursuant to D-5201.4(a)-(c).

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 Applicant will provide shadow studies to demonstrate that the extension of the nonconforming side yard will not unduly affect the light and air available to neighboring properties.

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

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing any north-facing or south-facing windows.

(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 requested relief is for the extension of the nonconforming side yard. Regarding the view from the alley, there are already houses with similar additions, as well as a number of accessory structures along the alley. Further, the Applicant will maintain an ample rear yard. Accordingly, the Addition will not intrude upon the character, scale, and pattern of the houses as viewed from the alley. The third story addition will also maintain the pattern and scale of houses

from Nebraska Avenue, as the subject Property currently has no side yards, and the third story will maintain that condition.

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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