

**BOARD OF ZONING ADJUSTMENT**  
**SPECIAL EXCEPTION APPLICATION**

**Applicant’s Statement of Eric F. Goldstein Trustee and Katherine A. Douglass Trustee**

**1800 Kenyon Street, NW (Square 2598, Lot 46)**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT**

Eric F. Goldstein Trustee and Katherine A. Douglass Trustee (collectively known as the “Applicant”) are the owners of the property located at 1800 Kenyon Street, NW (Square 2598, Lot 46) (the “Subject Property”), which is zoned RF-1. The improvements on the Subject Property consist of a single-family dwelling and a detached garage (the “Garage”). The Applicant proposes to construct a new roof deck over the existing Garage at the rear of the Subject Property. Due to Historic Preservation Review Board (“HPRB”) restrictions, the Applicant must provide railings instead of parapets on top of the Garage. The railings measure three feet and eight inches (3 ft. 8 in.) in height but are only setback eight inches (8 in.) from their respective walls. Subtitle C § 1502.1 requires a 1:1 setback from each building wall for roof structures such as railings. The Applicant is unable to provide a full setback of three feet and eight inches (3 ft. 8 in.) for each railing. Accordingly, the Applicant requests special exception approval from the setback requirements of Subtitle C § 1502 pursuant to Subtitle C § 1504.1 for the railings on the proposed roof deck.

**II. BACKGROUND.**

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 1800 Kenyon Street, NW and is in the RF-1 zone district. The Subject Property is a corner lot measuring 2,000 square feet in land area. Abutting the Subject Property to the north and south are Kenyon Street and a public alley, respectively. Abutting the Subject Property to the east is 18<sup>th</sup> Street. Abutting the Subject Property to the west is a single-family row dwelling.. The area is characterized by single-family row dwellings and flats.

B. Proposed Project and Required Relief.

The Applicant is proposing to construct a new roof deck over the existing Garage at the rear of the Subject Property. Due to HPRB restrictions, the Applicant must provide railings instead of parapets on top of the Garage. The railings measure three feet and eight inches (3 ft. 8 in.) in height but are only setback eight inches (8 in.) from their respective walls. Subtitle C § 1502.1 requires a 1:1 setback from each building wall for roof structures such as railings. The Applicant is unable to provide a full setback of three feet and eight inches (3 ft. 8 in.) for each railing. Accordingly, the Applicant requests special exception approval from the setback requirements of Subtitle C § 1502 pursuant to Subtitle C § 1504.1 for the railings on the proposed roof deck.

**III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE C § 1504.1.**

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 C § 1504.1 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 Garage will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps. The proposed roof deck over the existing Garage will not tend to affect adversely the use of neighboring properties to the east as they are separated by 18<sup>th</sup> Street. The proposed

deck is on top of an existing Garage and will not impact the use of the neighboring property to the east, as the Garage is setback from the eastern lot line of the Subject Property. The proposed roof deck will also not impact the properties to the north and south, as they are separated by Kenyon Street and a public alley, respectively. Further, the proposed roof deck and railings will not be visible from Kenyon Street.

C. Requirements of Subtitle C § 1504.1.

The proposal in this Application satisfies the requirements of 11 DCMR Subtitle C § 1502 pursuant to C § 1504.1 according to the following considerations:

**(a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;**

Due to HPRB restrictions, the Applicant must provide railings instead of parapets on top of the Garage. Ordinarily, an Applicant could provide parapet walls which are not required to be setback. The railings measure three feet and eight inches (3 ft. 8 in.) in height but are only setback eight inches (8 in.) from their respective walls. Due to the limited space on top of the existing Garage, the Applicant is unable to provide a full 1:1 setback of three feet and eight inches (3 ft. 8 in.) for each railing. Accordingly, the Applicant is requesting special exception approval for the railings pursuant to Subtitle C § 1504.1.

**(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;**

The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall as the proposed roof deck's railings will comply with the HPRB restrictions.

**(c) The relief requested would result in a roof structure that is visually less intrusive;**

The roof deck railings will not be visually intrusive.

**(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of Subtitle C-115 building lot; or other**

**conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;**

Not applicable to this Application.

**(e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and**

Not applicable to this Application.

**(f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.

**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.

Respectfully submitted,

*Martin P Sullivan*

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