

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of
1365 Perry, LLC
710 Taylor Street, NW (Square 3134, Lot 53)

I. INTRODUCTION.

A. Overview

This Statement is submitted on behalf of 1365 Perry, LLC (the “**Applicant**”), owner of 710 Taylor Street, NW (Square 3134, Lot 53) (the “**Property**”). The Property is located in the RF-1 zone and is improved with a two story + cellar single-family row dwelling (the “**Building**”). The Applicant is proposing to construct a third story 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. 10 Foot Rule: The Rear Addition will extend more than 10 feet past either adjacent adjoining property - 29 feet and 1 inch past the rear wall of the building to the east and 21 feet and 1 inch past the rear wall of the building to the west. Subtitle 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.
2. Architectural Elements: The RF-1 zone has a unique provision, Subtitle E-204.1, prohibiting alterations of original rooftop elements. These elements include porches and mansard roofs. The Applicant seeks to extend the existing mansard element and replace the existing dormers with a new dormer style. The Applicant is also demolishing the existing porch roof and replacing it with a new porch roof. It shall have a similar style, albeit with a new balcony railing. Accordingly, the Applicant is seeking relief pursuant to E-204.4.
3. Penthouse: Penthouse structures are permitted by right in the RF-1 zone subject to certain criteria - one of which is that it be within the by-right height limit of the zone (35 ft.). The penthouse stair meets all the by-right criteria except it is not within the by-

right building height limit. Accordingly, the Applicant seeks special exception relief pursuant to C-1501.1(c).

4. 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-207.5), E-204.4, C-1501.1(c), and U-320.2.

III. CONTEXT AND PROJECT.

A. Description of Property and Surrounding Area

The Property is located at 710 Taylor Street, NW and is in the RF-1 zone district. It has 2,725 square feet of land area. Abutting the Property to the north is Taylor Street, NW. Abutting the Property to the west is a row dwelling used as a single-family home (712 Taylor Street, NW). Abutting the Property to the east is a row dwelling used as a flat (706 Taylor Street, NW). Abutting the Property to the south is a public alley.

Georgia Avenue is less than two blocks to the west of the Property and the Georgia Avenue-Petworth metro station is approximately three and a half blocks south. New Hampshire Avenue is less than one block from the Property to the east. While the Applicant is satisfying the parking requirements on-site, there is ample opportunity to utilize public transit, or to run errands and live daily life on foot given the proximity to the variety of non-residential uses in the area. Restaurants like Timber Pizza and Cinder Barbecue are an easy walk, being located on the corner of Upshur and 8th Street, about a block and a half from the property. That is where the MU-4 zone begins in relation to the Property. There are also three daycare centers located within a few blocks of the Property. The Petworth Playground is also in that immediate area, as is MPD, the Boys and Girls Club, and a public charter school.

B. Project Description

The Property is currently improved with a two-story + cellar with a porch. The Applicant is proposing a rear addition, a third story addition, and penthouse stair. The Applicant is also

demolishing the existing porch roof and replacing it with a new porch roof. It shall have a similar style, albeit with a new balcony railing. The third story addition contemplates the extension of the existing mansard roof new dormers of a different style in lieu of the existing dormers. The proposal meets all other development standards, including height, rear yard - providing double the required rear yard - and is under 60% lot occupancy. Two car spaces will be provided, meeting that requirement as well.

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-207.5, E-204.4, C-1501.1(c), 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, height, and yard limits of the RF-1 zone.

The purpose of the architectural elements provision is to preserve defining architectural elements - such as mansard roofs, dormers, and cornices - that contribute to the historic and visual cohesion of the neighborhood, and to avoid discordant alterations or “pop-ups” that visually disrupt the rhythm of façades. The Applicant’s proposal avoids this “pop-up” style box that are seen elsewhere on the street—which are permitted by right per the three-foot rule. While the existing mansard and dormers are being replaced, the proposed design maintains the same general roof form, slope, and proportional relationship to the façade, resulting in a form that reads as a natural extension of the existing structure. As demonstrated by photographs, a number of the properties have already had these box additions, and not every property has a porch. Accordingly, granting the architectural elements relief will not create a substantial visual intrusion as the

proposal continues the architectural language of the building and the block, avoiding abrupt shifts in scale or form that would draw undue attention or appear inconsistent with surrounding homes. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

In terms of the 10-foot rule, the Applicant will provide a shadow study. The penthouse is sufficiently set back to not create any visual intrusion and is an appropriate alternative to a hatch.

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. 10-Foot Rule 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 architectural elements 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 there will be no impact to light or air due to the removal of the cornice nor creation and extension of dormers. With respect to the 10 ft. relief, it is within the height limit and lot occupancy limit. These are long yards and a 40-foot rear yard is being

maintained. Additionally, 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, 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. It still maintains an appropriate rear yard and lot occupancy for the zone.

(ii) Regarding the special exception for architectural elements alteration, the proposal updates the existing features through sensitive redesign. The purpose of the architectural elements provision was effectively to prevent discordant alterations or “pop-ups” that disrupt the rhythm of façades. The intent is not to prohibit all alterations to architectural elements, but to ensure that any modifications maintain the integrity of the building’s design and avoid substantial visual intrusion upon the streetscape.

The Applicant’s proposal avoids the “pop-up” style third-story addition that is permitted by right (with a 3 ft. setback) and can be seen elsewhere on the block. Rather than introducing a setback box that interrupts the established roofline, the design reinterprets the existing mansard element in a cohesive and proportionate manner, extending it to integrate the third story while maintaining the building’s overall architectural language. Similarly, the Applicant is replacing the dormers with new dormers, albeit in a different style. Although the existing mansard and dormers will be extended and replaced, the proposed design maintains a compatible roof form, slope, and proportional relationship to the façade, allowing the addition to read as a unified composition rather than a discordant projection.

The Applicant is also demolishing the existing porch roof and replacing it with a new porch roof. It shall have a similar style, albeit with a new balcony railing. Given that not all properties on the block have porches, the addition of a simple, well-proportioned railing on top of the porch roof replacement will not substantially visually intrude upon the streetscape. The proposed railing is consistent with the architectural style of the home, the railing on the porch, and other railings on this street which are located on the ground floor of the respective porches. Accordingly, the proposed modification does not substantially visually intrude upon the character, pattern, or scale of houses along the street, especially compared to a by-right box design.

(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.

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.

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The proposed structure includes three (3) units, requiring a minimum of 2,700 square feet of land. The subject Property has 2,725 square feet of land area, meeting this requirement.

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,

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