

DISCTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Gordon Seagrave
Owner of Lot 809 in Square 2062

I. SUMMARY OF CASE.

A. Applicant Information.

This Statement is submitted on behalf of Gordon Seagrave (the “**Applicant**”), owner of the property located at Lot 809 in Square 2062 (the “**Property**”). The Property is an alley tax lot currently unimproved, surrounded by three sides by 3215 Rowland Place, NW. The owners of 3215 Rowland Place are not affiliated with this Application in any way. The Applicant lives at 3112 Rodman Street, NW. His rear lot line abuts the same alley as the subject Property, Lot 809, and is across the alley from Lot 809. The Applicant purchased his home at 3112 Rodman Street in 2013, along with the subject Property, Lot 809.

B. Description of the Property and Proposed Project.

The Property is located in the R-2 Zone and in the Cleveland Park Historic District. It is a small tax lot with 276 square feet of land area. To its east, it abuts a 16-foot-wide alley. All other lot lines abut 3215 Rowland Place, a street-facing alley. The alley connects to Rowland Place, NW and that connection to Rowland Place, NW is approximately 120 feet from Lot 809. This is shown in more detail in the Supporting Photos and Maps Exhibit. The proposal is for a small one-story garage, (the “**Garage**”) with a building footprint of 213 square feet, to be used exclusively for the Applicant and his family, who reside across the street. The Plat and Plans included with this submission show the project in more detail.

C. Special Exception Relief Required.

Despite the simple nature of the proposal, two special exceptions are required. As described more thoroughly below in Section III, the first (C-306.4) is needed to create a record lot; and the second (D-5201) is needed due to the proximity to a non-alley lot and infeasibility of meeting the required 5-foot setback from the north, south, and western alley lines about the non-alley lot.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X § 901, C § 306.4, and D § 5201.

III. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

The requested relief aligns with the general purpose and intent of the Zoning Regulations and Maps for alley lots. Lot 809 is an unimproved alley tax lot in the R-2 zone. The proposed use, a modest one-story Garage for one private residential parking space, is codified in the zoning regulations as an anticipated matter of right use. The proposal to convert the tax lot to a record lot is also consistent with the Zoning Regulations, either as a matter-of-right or via special exception approval depending on the tax lot creation date, and the conversion does not alter the existing lot boundaries. Similarly, the proposed Garage will not adversely affect the use of neighboring properties, as described more thoroughly in Section III.C, and as demonstrated by the photographs, represents a typical and expected garage structure in residential alleys within this zoning district and area.

B. Requirements of Subtitle C § 306.4.

In order to convert the alley tax lot to an alley record lot via special exception, the Applicant must meet the requirements of C § 306.4, and the lot must have been created prior to September 6, 2016. According to the subdivision document, the tax lot has existed since at least the 1990s and certainly since 2013, per the deed. The deed, with the property description highlighted, has been included to evidence this, as well as the subdivision document. The deed and subdivision document are sufficient for DOB to determine the lot has existed prior to 2016 and is eligible for special exception under this section. The proposal in this Application satisfies the requirements of 11 DCMR Subtitle C § 306.4(a) and (b) as follows:

Section 306.4(a): The Alley Tax Lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and;

The subject Property connects to Rowland Place through the abutting alley. The alley serving the subject Property is publicly improved, of sufficient width to support emergency access, and already serves nearby residential properties. No new infrastructure, utility extensions, or alley improvements are required to support the proposed garage or the conversion of the tax lot to a record lot. Accordingly, the proposal does not impose any burden on public services or infrastructure.

Section 306.4 (b): The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

- (1) Department of Transportation (DDOT);**
- (2) Department of Public Works (DPW);**

- (3) Metropolitan Police Department (MPD);**
- (4) Fire and Emergency Medical Services Department (FEMS);**
- (5) DC Water (WASA); and**
- (6) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).**

The Applicant will cooperate with the Office of Zoning and various agencies in answering questions and providing information needed for the agencies to review and make a recommendation.

C. Requirements of Subtitle D- 5201.4.

The Applicant seeks relief from D-5100.1(c) and (d), pursuant to the requirements of D-5201 in order to provide no setback from the western, northern, and southern lot lines abutting the adjacent non-alley lot, where a five-foot (5 ft.) setback from those lot lines would typically be required. While this is a special exception and the Applicant is required only to meet the applicable standards, rather than demonstrate hardship, given the subject Property's limited size of 276 square feet and the fact that three lot lines abut the same non-alley property, strict compliance with the five-foot (5 ft.) setback requirement would eliminate any reasonable buildable area and make construction of even a modest garage infeasible. The requirements are:

- (a) The light and air available to neighboring properties shall not be unduly affected;**
- (b) The privacy of use and enjoyment of neighboring properties shall 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 Project proposed is modest, a small (213 square-foot), single-story garage intended solely for one parking space. The structure is limited to one story, contains no habitable space, includes no windows oriented toward the adjacent non-alley lot, and is lower in elevation and separated from the adjacent lot by a privacy fence. Accordingly, the light and air available to neighboring properties will not be unduly affected, nor will the privacy of their use and enjoyment be compromised. As viewed from the alley and other public ways, the proposed Garage is consistent in character, scale, and pattern with other accessory structures located within residential alleys and will not substantially visually intrude upon the surrounding properties. As demonstrated by the photographs, existing fencing, grade changes, and separation distances further minimize any potential impacts. Accordingly, the proposal fully satisfies each of the applicable standards of Subtitle D § 5201.

IV. CONCLUSION.

Applicant's Statement
Square 2062, Lot 809

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

Alexandra Wilson
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