

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Burden of Proof Applicant’s Statement of Julie Chon and Cyril Doussau de Bazignan
1409 30th Street, NW (Square 1258, Lot 823)
Request for Expedited Review

I. INTRODUCTION.

This Statement is submitted on behalf of Julie Chon and Cyril Doussau de Bazignan (collectively the “**Applicant**”), owners of the property located at 1409 30th Street, NW (Square 1258, Lot 823) (the “**Property**”). The Property is located in the R-3/GT Zone and is improved with a 4-story single-family row dwelling (the “**Building**”). The Applicant is proposing a one-story addition on the south side of the existing Building (the “**Addition**”), in an existing open court. The Addition will increase the total lot occupancy to 64.9%, 4.9% more than what is allowed by right. Accordingly, the Applicant is requesting special exception relief from the lot occupancy requirements of D-210.1, pursuant to D-5201. The Addition will increase the lot occupancy by more than 10%, which triggers the pervious surface requirement, which this proposal does not meet. Accordingly, the Applicant is also requesting special exception relief from the pervious surface requirements of D-211.1.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2 and 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 Property and Surrounding Area.

The Property is located in the R-3/GT zone district, the Georgetown Historic District, and the Commission of Fine Arts jurisdiction. It is an interior lot measuring 2,163 square feet in land area. Abutting the Property to the north is 1411 30th Street, NW, which consists of a single-family row dwelling. Abutting the Property to the south is 1405 30th Street, NW, which consists of a single-family row dwelling. Abutting the Property to the east are tax lot 839 and tax lot 844, both of which are vacant. Abutting the Property to the west is 30th Street.

B. Proposed Project.

The Applicant is proposing a one-story addition in the location of the existing large open court on the southern side of the Building. The Addition will be approximately 261 square feet and largely screened from the street by a brick wall. Except for the requested lot occupancy and pervious surface relief, the proposal complies with all other applicable development standards. The proposal and plans have been reviewed and approved by the Old Georgetown Board.

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 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/GT zone and "the R-3 zone is intended to permit attached row houses on small lots" The Property will remain an attached single-family row dwelling. The proposed lot occupancy request is permitted via special exception approval and the Applicant is only subject to the pervious surface requirements because the Addition increases the lot occupancy by more than 10%. 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.

As described more fully below, the proposed Addition will not tend to adversely affect the use of neighboring properties.

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 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 proposed Addition is one story. The relatively small scale and height of the Addition will minimize any effects on light and air to surrounding properties. Based on the positioning of nearby structures, the Addition is not expected to result in any shadowing or materially impede the access to light and air for adjacent properties.

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

The proposed Addition has been designed to maintain the privacy of neighboring properties. The existing and proposed boundary walls and fencing provide a visual buffer, and the Addition's height and placement limit any direct views into adjacent properties. Accordingly, the project will not unduly compromise the privacy of use and enjoyment of neighboring properties.

(c)The proposed addition or accessory structure, together with the original 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;

Only a small portion of the Addition's roof will be visible to 30th Street. This Property is located in the Georgetown Historic District and within the Commission of Fine Arts jurisdiction area. Accordingly, it is subject to review from both authorities in terms of its compatibility with the character, scale, and pattern of houses. OGB has reviewed and approved the plans.

V. 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.

Applicants Statement
1409 30th Street, NW

Respectfully submitted,

Martin P Sullivan

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