

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Barry Rodgers**  
**1226 F Street, NE (Square 1006, Lot 0026)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Barry Rodgers (the “**Applicant**”), owner of 1226 F Street, NE (Square 1006, Lot 0026) (the “**Property**”). The Property is located in the RF-1 zone and is improved with a two-story, 4-unit, purpose-built apartment building (the “**Building**”). The Applicant proposes to construct a third story addition (the “**Addition**”) to provide more space for the top two units. The Building has an existing nonconforming lot occupancy on floors 1 and 2 of 82%. The Addition (floor 3) will have a lot occupancy of 70%, requiring special exception relief from the lot occupancy requirements of Subtitle E-210. Additionally, the Addition requires relief from the rear yard requirements of Subtitle E-207.1.

**II. JURISDICTION OF THE BOARD.**

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

**III. PROPOSED PROJECT.**

The Property is located in the RF-1 zone district. It is a corner lot measuring 1,973 square feet in land area. Abutting the Property to the north is 1237 Maryland Avenue, NE, a single-family dwelling and an alley. Abutting the Property to the west is 1235 Maryland Avenue, NE, a single-family dwelling. Abutting the Property to the south is F Street. Abutting the Property to the east is 13<sup>th</sup> Street.

The existing Building is a two-story, four-unit, purpose built multifamily dwelling, with two units on each floor. The Applicant proposes adding a third story, allowing the two upper units to be expanded into two-level units. The Addition will have a lot occupancy of 70% and will maintain the rear yard setback of 1 foot. Aside from the requested relief, the proposal complies with all other development standards of the RF-1 zone, including height, use, and front setback. An increase in the number of residential dwelling units is not permitted under the Zoning Regulations.

**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 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 height limitations, and the Building will remain a four-unit dwelling. 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.

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 E- 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 from lot occupancy, which is available up to 70%, pursuant to E-5201.1(a). The rear yard will be maintained at 1 foot - less than the required 20-foot minimum.

**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 Addition will not unduly affect the light and air available to neighboring properties. The Building complies with the 35-foot height limit, and the Addition is smaller than the existing

first and second floors (1,381 sq. ft. compared to 1,633 sq. ft.). Its modest height and placement atop the existing footprint ensure that neighboring light and air will not be adversely impacted.

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

The Addition is thoughtfully designed to minimize any potential impacts on adjacent properties. It does not have any north-facing windows, preserving the privacy of the neighboring residence. The Addition is also set back from the existing first and second floor walls, increasing the physical separation from adjoining properties and further reducing any privacy impacts. Accordingly, the Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties.

**(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 Addition will remain within the overall scale and character of the block and neighborhood. The project respects the RF-1 zone's intent to preserve the residential character while allowing modest expansions. The Addition is consistent with similar developments in the area and will not result in an appearance that is substantially visually intrusive when viewed from F Street, 13<sup>th</sup> Street, the public alley, or neighboring properties.

**(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;**

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,

*Martin P Sullivan*

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Martin P. Sullivan  
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