

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Burden-of-Proof Statement of Gohar Sedighi & Michael Donovan
3900 Alton Place, NW (Square 1779, Lot 814)

I. INTRODUCTION.

This Statement is submitted on behalf of Gohar Sedighi and Michael Donovan (collectively the “**Applicant**”), owners of the property located at 3900 Alton Place, NW (Square 1779, Lot 814) (the “**Property**”). The Property is located in the R-1B zone and is improved with a detached single-family dwelling (the “**Building**”). The Applicant proposes to expand the second floor and construct a third-story addition (the “**Addition**”). The Addition will increase the total lot occupancy to 45.78%, where a maximum of 40% is permitted by right. The Building is nonconforming with respect to the rear yard requirement. The Addition does not increase the existing rear yard nonconformity, as it does not extend the Building further toward the rear property line. However, the proposed third-story rear wall will align with the existing second-story rear wall, which is located approximately 20.49 feet from the rear property line, where 25 feet is required.

Accordingly, the Applicant requests special exception relief from the lot occupancy requirements of D-210.1 and the rear yard requirements of D-207.1 pursuant to D-5201.

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-1B zone district. It is a corner lot measuring 2,975 square feet in land area. Abutting the Property to the west is Wisconsin Avenue Baptist Church, located at 3920 Alton Place. Abutting the Property to the east is 39th Street. Abutting the Property to the north is Alton Place. Abutting the Property to the south is 4412 39th Street, which consists of a detached single-family dwelling.

B. Proposed Project.

The Applicant is proposing to expand and reconfigure the second floor and construct a third-story addition. The project will increase the total lot occupancy to 45.78%. The Property is currently nonconforming with respect to rear yard requirements, and the existing building envelope is maintained with no rearward expansion. The Addition is otherwise conforming to the development standards of the R-1B zone.

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-1B zone; "The R-1B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots" The Property will remain a detached single-family dwelling. The proposed lot occupancy and rear yard requests are permitted via special exception approval. 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 Addition is largely located over the existing footprint of the home and maintains the existing nonconforming setbacks from adjacent properties. It is within the height limitations and the additional 5.78% of lot occupancy does not unduly affect the light and air available to neighboring properties.

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

The Addition does not introduce window openings or viewing conditions that are out of character with the existing home or surrounding neighborhood context. In addition, the Property is a corner lot, which provides additional separation from neighboring homes. The rear of the Property abuts a church property and is further buffered by existing vegetation, fencing, and a driveway area, all of which help minimize potential privacy impacts.

(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;

The proposed Addition is consistent with the character, scale, and pattern of development in the surrounding neighborhood. The project is designed as an addition to the existing single-family home and remains compatible with nearby residential properties in terms of massing and overall appearance.

V. CONCLUSION.

Applicants Statement
3900 Alton Place, NW

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

Martin Sullivan
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