

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of 710 Otis Place, LLC
1362 Shepherd Street, NW (Square 2824, Lot 106)

I. INTRODUCTION.

This Statement is submitted on behalf of 710 Otis Place, LLC (the “**Applicant**”), owner of the property located at 1362 Shepherd Street, NW (Square 2824, Lot 106) (the “**Subject Property**”). The Subject Property, located in the RF-1 zone district, is improved with a two-story + cellar, single-family row dwelling (the “**Building**”). The Applicant proposes to construct a third story addition on top of the existing building footprint, and a three-story addition at the rear (“**Rear Addition**”) (collectively, the “**Addition**” or “**Additions**”). As part of the project, the Applicant seeks to convert the Building from one unit to three units (the “**Project**”). The Project requires special exception relief for the 3-unit conversion pursuant to U § 320.2

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to Subtitle X § 901.2 and Subtitle U § 320.2.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located in the RF-1 Zone District. It is an interior lot measuring 4,460 square feet. The Subject Property is improved with a two-story, single-family row dwelling. Abutting the Subject Property to the north is Shepherd Street, NW. Abutting the Subject Property to the west is a semi-detached single-family dwelling at 1364 Shepherd Street, NW. Abutting the Subject Property to the east is a single-family row dwelling at 1360 Shepherd Street, NW. Abutting the Subject Property to the south is a public alley. The area is characterized by a variety of residential and commercial uses, including commercial uses to the west, along 14th Street, and Iglesia Primitiva Pentecostal Church to the north.

The Subject Property is located less than 200 feet from 14th Street where there are a number of commercial uses. The area is well-served by public transportation as there are bus stops within walking distance of the Subject Property along 14th Street.

B. Proposed Project.

The Applicant intends to construct a third-story addition and three-story rear addition to the existing two-story Building. The third story addition will bring the height to 34 feet, within the matter-of-right limit, and the rear addition will also conform to the lot occupancy and rear yard requirements of the RF-1 Zone. As part of the renovation, the Applicant is also proposing to convert the existing single-family dwelling to three dwelling units.

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL.

A. Standards for Approval.

i. General Special Exception Criteria

Pursuant to 11-X DCMR § 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 approval as detailed below. 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.

ii. Standard for Approval- Court of Appeals

Approval granted through a special exception is "presumed appropriate, reasonable, and compatible with other uses in the same zone district, provided that the specific regulatory requirements for the requested special exception are met." *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 n.1 (D.C. 2000); BZA Application No. 16826 of City Gate (June 26, 2002). Importantly, "the structure and the purpose of the Zoning Regulations are such that once the Board has determined that an application satisfied the [specific requirements of the regulations] it follows as a matter of law that the application is consistent with the designed purpose of the special purpose district." *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 89 (D.C. 1978).

This court has consistently emphasized the narrow scope of the Board's discretion in reviewing special exception applications:

In evaluating requests for special exceptions, the Board is limited to a determination of whether the exception sought meets the requirements of the particular regulation on which the application is based. The applicant has the burden of showing that the

proposal complies with the regulations; but once that showing has been made, the Board ordinarily must grant the application. *National Cathedral Neighborhood Ass'n*, 753 A.2d 984, 986 n.1. *See also Stewart*, supra, 305 A.2d at 518 (D.C. 1973) (pointing out that “[s]pecial exceptions, unlike variances, are expressly provided for in the Zoning Regulations”).

In other words, if the specific requirements of the regulation are met, the Board is generally precluded from denying an application for special exception approval. *See National Cathedral Neighborhood Ass'n*, 753 A.2d 984, 986 n.1.

B. Application Satisfied the General Special Exception Requirements of 11-X DCMR § 901.2.

1. Granting of a 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 Subject Property is located in the RF-1 zone; the RF zones “are distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.” (E § 100.4). The Zoning Regulations permit the conversion of a single-family dwelling to three (3) units via special exception. The Zoning Regulations also note that the RF zones are “residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units. Therefore, the proposed 3-unit conversion is in harmony with the general purpose and intent of the RF Zones and Zoning Regulations.

2. Granting of a 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 not tend to affect adversely the use of the neighboring properties as the Addition conforms with the development standards of this zone.

C. Specific Special Exception Criteria

Relief from the Conversion Requirements of 11-U DCMR § 320.2.

In order to have three (3) principal dwelling units on the Subject Property, the Applicant must request special exception relief pursuant to U § 320.2. A conversion requires that the existing

residential building existed on the lot prior to May 12, 1958. Here, the Building has existed on the lot since 1921, safely meeting the first requirement. The proposal in this Application also satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(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 accepts as complete the building permit application for the conversion or expansion;

The building to be 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 and 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 Applicant is only proposing three (3) dwelling units; therefore, this section does 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.

There is a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit. The Applicant is proposing a total of three (3) residential dwelling units, which requires 2,700 square feet of land area. The Subject Property has 4,460 square feet of land area.

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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