DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of H D 724 GIRARD ST NW LLC
724 Girard Street, NW (Square 2885, Lot 0072)

I. INTRODUCTION.

A. Overview

This Statement is submitted on behalf of H D 724 GIRARD ST NW LLC (the "**Applicant**"), owner of the property located at 724 Girard Street, NW (Square 2885, Lot 0072) (the "**Property**"). The Property is located in the RF-1 Zone and is improved with a two-story plus cellar row dwelling currently used as a single-family home (the "**Building**"). The Applicant proposes to construct a three-story plus cellar rear addition (the "**Addition**") and to convert the Building to a three-unit apartment house (collectively, the "**Project**"). The Project preserves the Building's front porch, mansard roof, and dormer, and directs new building mass toward the rear of the lot while maintaining open space along the eastern lot line.

B. Summary of Relief

As part of the Project, the Applicant seeks the following special exceptions:

1. Conversion: The Applicant proposes to convert the Building, a residential building existing on the lot prior to May 12, 1958, to a three-unit apartment house. Accordingly, the Applicant seeks special exception relief pursuant to Subtitle U § 320.2.

2. 10-Foot Rule: The Addition will extend forty-six feet, ten and three-quarter inches (46 ft. 10-3/4 in.) past the rear wall of the building at 722 Girard Street, NW, the property directly east. Accordingly, the Addition will extend thirty-six feet, ten and three-quarter inches (36 ft. 10-3/4 in.) beyond the ten feet (10 ft.) permitted as a matter of right under Subtitle E § 207.4. Only the first ten feet, ten and three-quarter inches (10 ft. 10-3/4 in.) of that depth will be built along the shared lot line; the remaining thirty-six feet (36 ft.) will be set back four feet, six inches (4 ft. 6 in.) from the shared lot line. The Applicant seeks relief from E-207.4 pursuant to E-207.5, subject to the requirements of E-5201. The Addition will align with the rear wall of the building at 726 Girard Street, NW, the property directly west, and will not extend past it.

3. Court: The setback along the eastern lot line creates an open court four feet, six inches (4 ft. 6 in.) in width. Because the Building will be converted to an apartment house, the court is subject to the minimum width requirement applicable to "All Other Structures" under Subtitle E § 209.1, which is two and one-half inches (2.5 in.) per foot of court height, but not less than six feet (6 ft.). At a court height of thirty-five feet (35 ft.), the required width is seven feet, three and one-half inches (7 ft. 3-1/2 in.). Accordingly, the Applicant seeks special exception relief from E-209.1 pursuant to E-5201. No minimum court width would apply if the Building remained a single household dwelling or flat.

II. JURISDICTION OF THE BOARD.

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The Board has jurisdiction to grant the requested special exception relief pursuant to Subtitle X § 901.2, Subtitle U § 320.2, Subtitle E § 207.5 (pursuant to Subtitle E § 5201), and Subtitle E § 5201 with respect to the court requirements of Subtitle E § 209.1.

III. CONTEXT AND PROJECT.

A. Description of Property and Surrounding Area.

The Property is located in the RF-1 Zone District, in Ward 1, ANC 1E (SMD 1E05), and has a land area of approximately 2,850 square feet. The lot is twenty feet (20 ft.) wide and approximately one hundred forty-two feet, eight inches (142 ft. 8 in.) deep. It is improved with a two-story plus cellar row dwelling currently used as a single-family home. The Property adjoins 722 Girard Street, NW to the east and 726 Girard Street, NW to the west. The rear of the Property abuts a fifteen-foot (15 ft.) public alley, from which the Property is currently served by an existing accessory garage. No historic resources are noted on the Property.

The Property sits one-half block west of Georgia Avenue, NW, a short distance from Howard University, in a distinctly more urban setting than a typical RF-1 block. The surrounding area is not a uniform rowhouse block. The MU-4 Zone lines Georgia Avenue to the east, the MU-10 Zone and the Howard University campus lie to the southeast, and the RA-2 Zone lies beyond. The area includes large apartment buildings, residential conversions, larger developments, and institutional uses, and it carries a denser, more active pattern of development than a typical interior RF-1 block. Lots in the area are long, and long row dwellings with deep rear additions are a common condition, including on the north side of Girard Street, where the lots are not served by an alley. The neighboring buildings at 726, 728, and 730 Girard Street, NW each have third-story and rear additions, constructed as a matter of right in or around 2014 under the regulations then in effect. The area is also well served by bus transit along the Georgia Avenue corridor.

B. Project Description.

The Applicant proposes to construct a three-story plus cellar rear addition to the Building and to convert the Building to three residential units. The Project preserves the Building's front porch, mansard roof, and dormer. The new third floor and roof deck are set back five feet (5 ft.) behind the existing roofline and dormer elements, so that the front of the Building will continue to read from Girard Street substantially as it does today. The front areaway beneath the porch will be limited to five feet (5 ft.) or less in width.

New building mass is directed toward the rear of the lot. The Addition will extend to the rear wall of 726 Girard Street, NW, matching the depth of the adjoining building to the west. Along the eastern lot line, the Addition will extend a total of forty-six feet, ten and three-quarter inches (46 ft. 10-3/4 in.) past the rear wall of 722 Girard Street, NW. The Addition is built on the shared lot line for the first ten feet, ten and three-quarter inches (10 ft. 10-3/4 in.) of that distance. At that point, the Addition doglegs, stepping in four feet, six inches (4 ft. 6 in.) from the shared lot line for the remaining thirty-six feet (36 ft.) of its depth and creating an open court along the 722 side.

The Building will have a height of thirty-five feet (35 ft.), within the matter-of-right limit. Lot occupancy will be approximately 59%, below the sixty percent (60%) maximum permitted in the RF-1 Zone. The Project will maintain a rear yard of approximately thirty-five feet (35 ft.), where twenty feet (20 ft.) is required, and will provide two (2) parking spaces accessed from the rear alley. The existing accessory garage will be removed and replaced with a parking pad served by a roll-up garage door. All other development standards are met. The relief required for the Project is from the conversion, 10-foot rule, and court provisions, as described below.

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 U-320.2, E-207.5, and 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 Zoning Regulations expressly contemplate both the conversion of existing row dwellings in the RF-1 Zone to apartment houses by special exception under Subtitle U § 320.2 and relief from the 10-foot rule and court requirements under Subtitle E § 5201. The Building will remain a row dwelling in form, and the Project preserves the front porch, mansard roof, and dormer that define the Building's presence on Girard Street. The Property contains approximately 2,850 square feet of land area, exceeding the two thousand seven hundred square feet (2,700 sq. ft.) required for three units. The Project adds two dwelling units in a transit-accessible location adjacent to the Georgia Avenue corridor.

The Addition is also sized to its context. It aligns with the adjoining building at 726 Girard Street, NW, remains within the matter-of-right height limit, stays below the maximum lot occupancy, and maintains a rear yard nearly double the minimum requirement. Rather than maximizing the footprint, the design moves bulk away from the Girard Street frontage and away from the 722 side of the lot, consistent with the long row dwellings and deep rear additions that characterize this part of the neighborhood.

The scope of the 10-foot rule is also instructive. The rule applies only to attached and semi-detached buildings, and it is directed at the effect of a long, continuous wall built on a shared lot line. Where a building is instead set back from a side lot line, the Zoning Regulations contemplate a side yard of between three feet (3 ft.) and five feet (5 ft.) in the RF-1 Zone. The Addition is designed to track that condition. The Applicant is not pulling the Building off the shared lot line entirely; the existing Building and the first ten feet, ten and three-quarter inches (10 ft. 10-3/4 in.)

of the Addition remain attached to 722 Girard Street, NW. For the remaining thirty-six feet (36 ft.), however, the Addition is set back four feet, six inches (4 ft. 6 in.), within the range the Regulations contemplate for a side yard, so that the portion of the Addition extending beyond the 10-foot rule relates to 722 Girard Street, NW much as a matter-of-right addition with a side yard would.

The Project is intended to strike a middle ground. The Addition is sized to its location one-half block from Georgia Avenue, NW, to the demand for housing in this part of the city, and to a surrounding context of apartment buildings, conversions, and larger developments, while respecting the character of the Building and the adjoining property at 722 Girard Street, NW.

2. 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 relief will not tend to affect adversely the use of the neighboring properties. The three-unit use is residential and is consistent with the multi-unit buildings already present in the surrounding area. To the west, the Addition will not extend past 726 Girard Street, NW. To the east, although the Addition extends forty-six feet, ten and three-quarter inches (46 ft. 10-3/4 in.) past 722 Girard Street, NW, it doglegs away from the shared lot line at the ten-foot, ten and three-quarter-inch (10 ft. 10-3/4 in.) mark, and the remaining thirty-six feet (36 ft.) of the Addition is set back from that property. As described more fully below, the requested relief will not unduly impact the light and air or privacy of the neighboring properties.

B. Specific Special Exception Requirements.

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).

1. Conversion Pursuant to Subtitle U § 320.2

Following Z.C. Order No. 19-21, a conversion under Subtitle U § 320.2 is reviewed under the general special exception criteria of Subtitle X § 901.2, addressed above, together with the conditions of U-320.2(a) through (c). The Project satisfies each condition as follows:

(a) The building to be converted or expanded is in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion or expansion;

The Building is an existing row dwelling constructed in 1911, prior to May 12, 1958, and will be in existence on the Property at the time the building permit application for the conversion is accepted as complete.

(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;

Not applicable. The Project proposes three dwelling units.

(c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

The Property contains approximately 2,850 square feet of land area, or approximately 950 square feet per dwelling unit for the three proposed units, satisfying this condition.

2. 10-Foot Rule and Court Relief Pursuant to Subtitle E § 5201

The Applicant is seeking relief from the 10-foot rule pursuant to E-207.5 and from the court width requirement of E-209.1. Both are reviewed under E-5201, and are addressed together below.

(a) The light and air available to neighboring properties shall not be unduly affected;

(i) 10-Foot Rule: The light and air available to neighboring properties will not be unduly affected by the requested relief. The Property and its neighbors are oriented north-south, with Girard Street to the north and the alley to the south. Given this orientation, the additional shadow cast by the Addition onto 722 Girard Street, NW will be limited primarily to one portion of the day, the afternoon hours. The design further limits that effect. While the Addition extends forty-six feet, ten and three-quarter inches (46 ft. 10-3/4 in.) past 722 Girard Street, NW, the full-height wall on the shared lot line is limited to the first ten feet, ten and three-quarter inches (10 ft. 10-3/4 in.) of that distance. Beyond that point, the Addition doglegs away from the lot line by four feet, six inches (4 ft. 6 in.), allowing light and air to reach the rear of 722 along its entire depth. To the west, the Addition matches the rear wall of 726 Girard Street, NW, and creates no new condition for that property. The approximately thirty-five-foot (35 ft.) rear yard also keeps the rear of the lot open. A shadow study will be submitted in support of the Application.

(ii) Court: The court exists only because the Applicant has chosen to set the Addition back from the shared lot line. The alternative that would avoid court relief is not a wider court, but no court at all: a wall built on the lot line. The four-foot, six-inch (4 ft. 6 in.) court is open to the sky and to the rear yard, and it improves light and air to 722 Girard Street, NW, relative to that alternative. The reduction in court width will therefore 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;

(i) 10-Foot Rule: The privacy of use and enjoyment of neighboring properties will not be unduly compromised. The Addition does not include any windows on the portion of the east wall built along the lot line shared with 722 Girard Street, NW. Windows on the east side of the Addition are limited to the portion set back from the shared lot line and face the court. The court

is intended to provide more light, air, and privacy for both properties than a solid wall on the lot line would. The west wall of the Addition is built along the lot line shared with 726 Girard Street, NW, and matches that building's depth.

(ii) Court: The court is an open space on the Applicant's own lot, and the windows facing it are set back four feet, six inches (4 ft. 6 in.) from the shared lot line. The reduced court width does not unduly compromise the privacy of 722 Girard Street, NW, particularly when compared to the alternative of a solid wall built along the shared lot line for the full depth of the Addition.

(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; and

(i) 10-Foot Rule: The Addition, together with the Building, will not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage. From Girard Street, the porch, mansard roof, and dormer are preserved, and the new third floor is set back behind the dormer. From the alley, the rear of the Building will align with 726 Girard Street, NW, and will read with the neighboring buildings at 726, 728, and 730 Girard Street, NW, which have additions of similar depth. Long row dwellings on long lots are an established condition in this area, including across Girard Street, and the Project fits within that pattern while remaining below the maximum lot occupancy and maintaining a deep rear yard.

(ii) Court: The court sits along the side of the Addition and is not visible from Girard Street. From the alley, it reads as a step in the rear building, which reduces the apparent bulk of the Addition on the 722 side.

(d) In demonstrating compliance with paragraphs (a) through (c) of this subsection, 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.

The Applicant has provided, or will provide, plans, photographs, and elevation and section drawings sufficient to represent the relationship between the Addition and the adjacent buildings and views from public ways, as well as a shadow study.

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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