

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPLICATION NO. 19539

Statement in Support of Special Exception Relief

74 R Street, N.W.; Square 3101, Lot 57

I. Introduction

This Statement is submitted on behalf of 74 R Street NW LLC (the “Applicant”), owner of the property located at 74 R Street, NW (Square 3101, Lot 57) (the “Property”). The Applicant originally requested variance relief from the RF-1 Zone lot occupancy requirements, and from the prohibition against enlarging an existing nonconforming structure. After discussions with the Office of Planning, the Applicant has decided to remove a spiral staircase at the rear of the Property. The removal of the staircase lowered the lot occupancy from seventy-point-seventeen percent (70.17%) to sixty-eight-point eight percent (68.8%), and the Applicant can now pursue special exception relief, instead of variance relief. As discussed more fully below, the Application meets the test for special exception relief, pursuant to 11-E DCMR §5201, from the lot occupancy requirements of 11-E DCMR § 304.1 and from the prohibition against enlarging a nonconforming structure of 11-C DCMR § 202.2.

III. The Application Satisfies Special Exception Requirements of Subtitle X § 901.2, E §

5201.

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 Subtitle E § 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. Requirements of Subtitle X § 901.2.

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). The height and bulk of the Project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as well as other properties in this area.

C. Requirements of Subtitle E § 5201.

The proposal in this application satisfies the requirements of Subtitle E § 5201, as follows:

Section 5201.3 *“An Application for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse affect on the use of enjoyment of any abutting or adjacent dwelling or property, in particular:*

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

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

(c) *The 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 subject street frontage; and*

(d) *In demonstrating compliance with paragraphs (a), (b) and (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 addition or accessory structure to adjacent buildings and views from public ways; and*

(e) *The Board of Zoning adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

(a) The Addition does not impact the light and air available to the neighboring properties, as it does not extend past the rear walls of the adjacent properties.

(b) The privacy of use and enjoyment of any neighbors will not be unduly compromised by the proposed Addition.

(c) & (d) The Addition, together with the existing Building, does not visually intrude upon the character, scale, or pattern of houses on R Street, N.W., as the Addition is only at the rear of the Building.

(e) The original building had a lot occupancy of sixty-six percent (66%), the Addition increases the lot occupancy to sixty-eight point eight percent (68.8%), and therefore does not exceed the seventy percent (70%) lot occupancy requirement for special exception relief in the RF-1 zone district.

Section 5201.4 *“The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”*

The Applicant will comply with Board directives for protection of adjacent and nearby properties.

Section 5201.5 *“This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*

The Applicant is not requesting to introduce or expand a nonconforming use.

Section 5201.5 *“This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”*

The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

IV. Conclusion.

For the reasons outlined in this Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,



Martin Sullivan
Sullivan & Barros, LLP
Date: September 20, 2017