

**BOARD OF ZONING ADJUSTMENT**  
**SPECIAL EXCEPTION APPLICATION**

**Applicant's Statement of 1322 Randolph St NW LLC**

**1322 Randolph Street, NW (Square 2825, Lot 127)**

**I. INTRODUCTION AND NATURE OF RELIEF SOUGHT**

1322 Randolph St NW LLC (the "Applicant") is the owner of the property located at 1322 Randolph Street, NW (Square 2825, Lot 127) (the "Subject Property"), which is zoned RF-1. The improvements on the Subject Property consist of a two-story (plus cellar), one-family dwelling (the "Building"). The Applicant proposes to construct a third-story addition to the Building and three-story addition at the rear of the Building (the "Addition") and convert it to three (3) residential dwelling units. The third story addition will be set back five feet (5 ft.) from the front façade and the three-story addition at the rear of the building will only extend ten feet (10 ft.) past the adjacent buildings' rear walls. Accordingly, the Applicant requests special exception approval for the conversion pursuant to Subtitle U § 320.2.

**II. BACKGROUND.**

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located at 1322 Randolph Street, NW and is in the RF-1 zone district. Abutting the Subject Property to the east and west are other row dwellings. Abutting the Subject Property to the north and south are Randolph Street and a public alley, respectively. The area is characterized by a variety of residential uses, including one-family dwellings, flats, and apartment buildings on the northwest and northeast corners of Randolph Street and 13<sup>th</sup> Street.

B. Proposed Addition and Required Relief.

The Applicant is proposing to construct a third-story addition to the Building and a three-story addition at the rear of the Building which will extend the Building footprint by only ten feet (10 ft.). The third story will increase the building height from twenty-eight point sixty-seven feet (28.67 ft.) to thirty-five feet (35 ft.). The third story addition is set back five feet (5 ft.) from the front façade of the existing building and the Applicant is preserving the existing mansard roof.

The Addition only extends ten feet (10 ft.) beyond the adjacent properties' rear walls. Even with the Addition, the lot occupancy will be limited to forty-two-point seven percent (42.7%). The proposed project includes two (2) parking spaces.

**III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE U § 320.2.**

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 U § 320.2 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).

Given the nature of the Addition, the Building's mass and height will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, as the lot occupancy is limited to only forty-two-point seven percent (42.7%), and the Building is within the height and story limit of the RF-1 Zone. The proposed Addition will not tend to affect adversely the use of neighboring properties to the north and south, as they are separated by Randolph Street and a public alley, respectively. The Addition will not impact the adjacent properties to the east and west, as the Addition will not extend more than ten feet (10 ft.) beyond those buildings' rear walls.

C. Requirements of Subtitle U § 320.2.

The proposal in this Application satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(l) as follows:

**Section 320.2(a)** *“The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);*

The Applicant is proposing to increase the height to thirty-five feet (35 ft.). The Applicant has submitted photographs of the Subject Property and architectural plans along with its Application.

**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;*

The proposed Addition will increase the number of units from one (1) unit to three (3) units. Therefore, Inclusionary Zoning and the set aside requirements of Subtitle C § 1003.6 do not apply.

**Section 320.2(c)** *There must be an existing residential building on the property at the time of filing an application for a building permit;*

There is an existing residential structure on the Subject Property at the time of filing an application for a building permit.

**Section 320.2(d)** *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;*

The proposed structure includes three (3) units, requiring a minimum of 2,700 square feet of land. The Subject Property has 2,700 square feet of land, therefore satisfying the minimum requirement.

**Section 320.2(e)** *An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on the adjacent property;*

The Applicant is not proposing to extend the Addition further than ten feet (10 ft.) past the furthest rear walls of any principal residential buildings on the adjacent properties.

**Section 320.2(f)** *Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;*

The Addition, including roof structures and penthouses, will not block or impede the function of a chimney or other external vent on the adjacent property.

**Section 320.2(g)** *Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system;*

The Addition will not interfere with the operation of an existing or permitted solar energy system on any adjacent property.

**Section 320.2(h)** *A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top*

*architectural elements shall include identified rooftop architectural elements on all sides of the structure;*

The Applicant is not proposing to alter any roof top architectural elements original to the Building. The third story Addition will be set back five feet (5 ft.) from the front façade and the Applicant will maintain the existing mansard roof.

**Section 320.2(i)** *Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

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

The light and air available to neighboring properties will not be unduly affected. The proposed Addition will not extend more than ten feet (10 ft.) past the rear walls of the buildings to the east and west.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. The proposed Addition will not have windows on the east or west façades.

*(3) The conversion and any associated additions, 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 or alley;*

The conversion and any associated additions, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street. The Addition is set back five feet (5 ft.) from the front façade, and the Applicant is maintaining the existing mansard roof.

**Section 320.2(j)** *In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;*

The Applicant has submitted plans showing the relationship of the proposed Addition to the neighboring properties and the public ways.

**Section 320.2(k)** *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 or nearby properties, or to maintain the general character of a block;*

No special treatment is necessary because the Addition will maintain ample open space, will be a size and scale appropriate for the site, and will have a design consistent with the neighborhood.

**Section 320.2(l)** *The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i)."*

The Applicant is not requesting any waivers.

#### **IV. CONCLUSION.**

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*

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Martin Sullivan

Applicant's Statement  
1322 Randolph Street, NW

Sullivan & Barros, LLP  
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