

**BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

913 7th Street, NE (Square 888, Lot 46)

Request for a Modification of Significance to BZA Order No. 19917

I. NATURE OF RELIEF.

This Statement is submitted on behalf of Sean Ward and Audrey Tomason (collectively known as the “Applicant”), owners of the property located at 913 7th Street, NE (Square 888, Lot 46) (the “Subject Property”). On February 6, 2019, the Board of Zoning Adjustment (“BZA” or the “Board”) granted the Applicant special exception relief pursuant to E § 5201 from the rear addition requirements of E § 205.4 in order to construct a two-story rear addition to an existing, attached principal dwelling unit in the RF-1 Zone that extends more than ten feet (10 ft.) past the rear walls of the adjoining properties. After the Applicant obtained approval, it was informed that the proposed addition (the “Addition)—which was approved by the Board— would bring the building over the permitted lot occupancy for the RF-1 Zone. The lot occupancy had been miscalculated by the architect and was listed as 59.9% on the BZA-Application and Self-Certification form.

The BZA-approved plans included a two-story Addition with an upper story overhang that had a larger footprint than the first story. The architect incorrectly thought that the upper story overhang did not count in the lot occupancy calculation but as it does count in lot occupancy, it brings the total lot occupancy of 62.39%, not 59.9%. Accordingly, the Applicant is requesting a modification of significance in order to obtain relief from the lot occupancy requirements of E § 304.1. The original plans are not changing in any way. As the standard for review for special exception relief for lot occupancy is identical to the standard of review relief

for the rear addition requirements (E § 5201), the Applicant is requesting a modification of significance.

II. BACKGROUND.

A. Description of the Subject Property.

The Subject Property is located in the RF-1 Zone. It is a long, narrow rectangular lot measuring approximately one hundred and twenty-four feet (124 ft.) in length, seventeen point two five (17.25 ft.) in width and 2,083 square feet in land area. The Subject Property is improved with an existing two-story single-family rowhouse (the “Building”).

B. Description of the Adjacent Properties and Neighbor Support.

Abutting the Subject Property to the south, at 911 7th Street, is a single-family rowhouse. The owners of that property, Susan and Rob Collins, submitted a letter in support of the original application. Their building is approximately the same length as the Applicant’s building. Abutting the Property to the north is 915 7th Street. The owner of that property, Rotimi Ogunbiyi, submitted a letter in support of the original Application. Abutting the Property to the east and west are a public alley and 7th Street, respectively.

III. MODIFICATION OF SIGNIFICANCE REQUIREMENTS ARE SATISFIED.

Subtitle 11-Y DCMR § 704 requires that the Applicant provide a statement regarding the “nature of, reason(s), and grounds for the modification of significance.” No material facts upon which the Board based its original approval of the Application have changed. The plans have not changed in any way and the Applicant is only requesting relief in order to construct what was shown on the BZA-approved plans.

In Case No. 19917, the Applicant received approval for rear setback relief in order to construct an Addition extending more than ten feet (10 ft.) beyond the rear walls of the adjoining properties, which is reviewed according to the same requirements as lot occupancy relief- E § 5201. These requirements were discussed during the BZA hearing and deliberations on February 6, 2019. None of the material facts upon which the Board based its decision have changed and the plans are not changing in any way.

5201.3(a) The light and air available to neighboring properties shall not be unduly affected;

In the original application, the Applicant asserted, OP supported, and the Board concurred with the determination that the Addition should not have an undue impact on the light and air of the neighboring houses. The Addition would have a marginal impact on the adjacent neighbors' sunlight, but it should not be enough to be considered undue. If the Addition were constructed, the Subject Property's rear yard would continue to exceed the minimum requirement so there should be no significant impact the neighboring properties air. Furthermore, the design of the Addition maintains the existing court by converting it from an open court to a closed court which should minimize any potential impact on the northern neighbor's (915 7th St.) light and air.

As the plans are not changing in any way, the original analysis and determination by the Office of Planning and the Board applies to the lot occupancy request as well.

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

In the original application, the Applicant asserted, OP supported, and the Board concurred with the determination that the Addition should not unduly compromise the privacy and

enjoyment of the neighboring properties. The first story of the Addition should not have an impact because it would be behind the six to seven foot (6-7 ft.) tall privacy fence that encloses the Subject Property. The Addition would replace the Building's existing rear addition which includes a deck on the second-story that faces into the rear yards of the adjacent properties. The Addition, though further extended, would have no windows on its sides and no deck facing the neighbors so it would allow for more privacy than exists today.

As the plans are not changing in any way, the original analysis and determination by the Office of Planning and the Board applies to the lot occupancy request as well.

(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;

In the original application, the Applicant asserted, OP supported, and the Board concurred with the determination that the Addition together with the original building as viewed from the alley should not substantially visually intrude upon the character and scale of the houses along the alley. The Subject Property has a six to seven foot (6-7 ft.) tall wooden privacy fence so only the second story would be visible. The Addition would use hardy-plank material and be colored light gray. It would have a residential design in character with the surrounding houses.

As the plans are not changing in any way, the original analysis and determination by the Office of Planning and the Board applies to the lot occupancy request as well.

(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

The original plans and elevations—which are not changing in any way—have been included with this request.

(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%).

The proposed lot occupancy is 62.39%.

IV. CONCLUSION.

The Applicant received support from both adjacent neighbors and expects to maintain their support. The Applicant plans to contact ANC 6C and present the modification. ANC 6C voted unanimously to approve the original application.

For the reasons outlined in this Statement, the Applicant respectfully requests the modification of significance as detailed above and as demonstrated by the attached plans.

Respectfully Submitted,

Martin P Sullivan

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