

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

**APPLICATION OF
SPECTRUM MANAGEMENT
HEARING DATE: APRIL 3, 2019**

**BZA APPLICATION NO. 19957
ANC 6B**

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This prehearing statement includes updated and additional information for the application filed by Spectrum Management (the "Applicant") on behalf of George and Lisa Simpson, the owners of Lots 37 and 38 in Square 1019S (the "Property") on January 10, 2019, seeking special exception approval pursuant to Subtitle X § 901.2 and Subtitle G § 708.1 of the Zoning Regulations from the rear yard requirements of Subtitle G § 705.3 in order to permit the construction of a second-story addition on the Property.

**II.
JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment ("BZA" or Board") has jurisdiction to grant the requested special exception pursuant to Subtitle X § 901.2 of the Zoning Regulations.

**III.
ADDITIONAL EXHIBITS IN SUPPORT OF THE APPLICATION**

- Exhibit A: Revised Architectural Drawings
- Exhibit B: Excerpt from the Zoning Map
- Exhibit C: Excerpt from HistoryQuest
- Exhibit D: HPRB Concept Approval

Exhibit E: Outlines of Testimony

Exhibit F: Support Letter

IV.
WITNESSES

1. Moe Fridy, Citadel Architects

V.
BACKGROUND

A. Description of the Property and Surrounding Area

The Property consists of Lots 37 and 38 in Square 1019S, and has a total land area of approximately 1,260 square feet. Square 1019S is bounded by Pennsylvania Avenue to the north, 12th Street to the west, and G Street to the south, in the southeast quadrant of the District of Columbia. As indicated on the excerpt from the Zoning Map attached as Exhibit B, the Property is zoned MU-25.

The Property has a street address of 1225-1227 Pennsylvania Avenue, S.E., and is currently improved with a one-story commercial building that is a contributing building to the Capitol Hill Historic District. The building has a height of 16 feet, 2 inches and there are no parking or loading facilities that serve the building. The building is presently used as offices for Spectrum Management. Directly to the south of the Property is a detached single-family residential dwelling; to the east of the Property along Pennsylvania Avenue is a two-story commercial property; and to the west, along Pennsylvania Avenue, is an additional commercial property that is also two stories in height.

The existing building is constructed to the rear property line. As shown on the excerpt from HistoryQuest attached as Exhibit C, the building was constructed in 1925. The width and depth of the building on both Lot 37 and 38 is listed as 15 feet by 42 feet, which means that the

existing building occupied the entirety of the Property as far back as 1925. As a result, the existing building on the Property is nonconforming with respect to the rear yard requirements.

B. Description of the Project

Attached as Exhibit A are revised architectural drawings, which supersede the architectural drawings filed with the Applicant's initial submission (Exhibit 7 of the record). The Applicant proposes to construct a second-story addition on the Property that will comply in all aspects to the Zoning Regulations except for the rear yard relief requested. The proposed building will have a maximum height of 25 feet, 6 inches and will contain approximately 2,057 square feet of total gross floor area, which is equal to a density of 1.6 floor area ratio ("FAR"). No parking and loading facilities are proposed. As discussed below, no vehicle parking, bicycle parking, or loading facilities are required for the building because it does not meet the minimum thresholds of Subtitle C, Chapters 7, 8, and 9, respectively. The Historic Preservation Review Board ("HPRB") granted concept approval for the proposed addition at its October 25, 2018, public meeting. A copy of the HPRB concept approval is attached as Exhibit D.

VI.

SPECIAL EXCEPTION APPROVAL

The Applicant seeks special exception approval pursuant to Subtitle X § 901.2 and Subtitle G § 708.1 of the Zoning Regulations from the rear yard requirements of Subtitle G § 705.3. Subtitle G § 705.3 states that a minimum rear yard of 15 feet must be provided in the MU-25 District. Since the Property does not abut an alley, the rear yard must be measured from the rear lot line to the rear wall of the building. 11-G DCMR § 705.5(b). In this case, the existing building is constructed to the rear property line, and the proposed addition will extend the length of the existing building. Therefore, there will not be a rear yard.

A. Standard of Review

Pursuant to D.C. Code §6-641.07(g)(2) and Subtitle X § 901.2, the Board is authorized to grant a special exception where it finds the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

This application meets the foregoing standard of review. The second-floor addition is consistent with the surrounding two-story commercial buildings and meets the requirements under Subtitle G § 1201.1 as discussed below.

B. Special Exception Standard for Rear Yard Relief

Pursuant to Subtitle G § 708.1 of the Zoning Regulations, the Board may grant special exception approval from the rear yard requirements of the MU-25 District provided that the following standards of Subtitle G § 1201.1 are met:

1. *Subtitle G § 1201.1(a)- No apartment window shall be located within forty feet (40 ft.) directly in front of another building.*

In this case, no apartment windows will be located within 40 feet directly in front of another building. The only lot that would be affected by such a condition is Lot 30 immediately

south of the Property, which is improved with a detached single-family dwelling. As shown on Sheet 2.1 of the revised architectural drawings, no windows are proposed for the rear of the second-story addition and the Applicant proposes to fill in the existing window on the first-story of the building. As a result, the requested rear yard will not provide additional views into the single-family dwelling directly to the south of the Property.

2. *Subtitle G § 1201.1(b)- No office window shall be located within thirty feet (30 ft.) directly in front of another office window, nor eighteen feet (18 ft.) in front of a blank wall.*

As shown on Sheet 2.1 of the revised architectural drawings, there will not be any windows on the rear of the second-story addition. In addition, the Applicant is proposing to fill in the existing window located on the first-story of the existing building. As a result, no office windows will be located 30 feet directly in front of another office window, nor 18 feet in front of a blank wall.

3. *Subtitle G § 1201.1(c)- In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards.*

The proposed second-story addition will be parallel to the adjacent buildings and thus this provision is inapplicable.

4. *Subtitle G § 1201.1(d)- Provisions shall be included for service functions, including parking and loading access and adequate loading areas;*

No parking and loading facilities presently exist on the Property for the existing building; and none are proposed in connection with the building addition. Pursuant to Subtitle C § 701.5, vehicle parking is only required for an office use in excess of 3,000 square feet. In addition, pursuant to Subtitle C § 901.1, loading facilities are only required for an office use with at least 20,000 square feet of gross floor area. Similarly, pursuant Subtitle C § 802.1, bicycle parking spaces are only required for non-residential uses with 4,000 square feet or more of gross floor

area. In this case, the building will have a total gross floor area of approximately 2,057 square feet which is below the stated thresholds for vehicular parking, loading, and bicycle parking.

5. *Subtitle G § 1201.1(e)- Upon receiving an application to waive rear yard requirements in the subject zone, the Board of Zoning Adjustment shall submit the application to the Office of Planning for coordination, review, report, and impact assessment, along with reviews in writing from all relevant District of Columbia departments and agencies, including the Department of Transportation, the District of Columbia Housing Authority and, if a historic district or historic landmark is involved, the Historic Preservation Office.*

The Office of Zoning submitted the application to the Office of Planning, all relevant District of Columbia departments and agencies, and to the State Historic Preservation Office on February 12, 2019, in compliance with the above requirement.

VII. **COMMUNITY OUTREACH**

Since filing the application, the Applicant presented this application to Advisory Neighborhood Commission (“ANC”) 6B’s Planning and Zoning Committee at its March 5, 2019, public meeting. The Planning and Zoning Committee unanimously recommended to the full ANC that it support the application. At its regular scheduled, duly noticed public meeting on March 12, 2019, ANC 6B voted unanimously to support the application. Also note, that the Applicant has obtained a letter of support from the owner of 1223 Pennsylvania Avenue, S.E. (Exhibit F), and owns the adjacent properties to the east and south.

VIII.
CONCLUSION

For the reasons stated above, the Applicant has demonstrated that its request is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception approval. Accordingly, the Applicant respectfully requests the Board to approve the application.

Respectfully submitted,

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