

June 23, 2020

via IZIS

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Request to Amend the Application - BZA Case No. 20178

Dear Members of the Board:

I am writing on behalf of the Applicant in the above-referenced case. The Applicants wish to amend the Application to include an alternative, or substitute, proposal for special exception lot occupancy relief.¹

This amendment proposes a reduction in the proposed deck to meet the seventy-percent (70%) limit for a special exception request. Attached as Exhibit A are revised plans depicting the 70% option. A revised self-certification (“Form 135”) is also attached as Exhibit B. The proposed garage remains as originally requested. Since this is a reduction in the currently pending 72.5% lot occupancy request, the Applicant suggests that the Board may consider and approve this request without further notice (motion to waive notice periods attached). Both adjacent neighbors, as well as the ANC, are in support of the original 76.7% lot occupancy variance request, and so could be deemed to likely have been in support of this request which proposes both a reduced lot occupancy, and a reduced standard for approval, with no changes to the proposed garage or garage roof deck railings.

¹ The Applicant defers to the Board on this point. If alternatives are acceptable, then the Applicant intends this as an alternative. If alternatives are not acceptable, then the Applicant is perfectly content with the Board viewing this as the sole lot occupancy request before the Board, in substitution of the lot occupancy variance request.

I. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL.

A. Overview.

Pursuant to 11-X DCMR § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception approval 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 approval pursuant to 11-F DCMR § 5201 of the Zoning Regulations.

B. General Special Exception Requirements of 11-X DCMR § 901.2.

1. Project will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The proposal is compatible with the surrounding properties, and is supported by the adjoining neighbors as well as the ANC.

2. Project will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

As described more fully below, the Project will not impact the light and air or privacy of the neighboring properties.

C. Requirements of 11-F DCMR § 5201.

The proposal in this Application satisfies the requirements of 11-F DCMR § 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 or 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;

The proposal will not unduly affect the light and air available to the neighboring properties. The proposed garage is in line with the garages on surrounding properties. In fact, the lot occupancy percentages on surrounding buildings are higher than what is proposed here. The deck is limited to first-floor living level space and is adjacent to neighboring structures, so it has no impact on neighbors' light and air.

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

The additional lot occupancy does not unduly compromise the privacy of use and enjoyment of any neighboring. The deck merely connects the house and the garage, and the garage roof-deck provides a deck very similar to the neighboring properties.

(c)The project 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

The proposed garage and deck cannot be seen from the front street, and this proposal is compatible with the current row of garages in the alley.

(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 Applicant has provided plans, photographs, elevations and section drawings sufficient to represent the relationship of the proposed Project to the adjacent buildings and views from public ways.

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(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 lot occupancy of all new and existing structures will have a total lot occupancy of seventy-percent (70%).

Thank you for considering this request.

Sincerely,

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2020, an electronic copy of this Request to Amend the Application was served on the following on behalf of the Applicant, Murat and Kathryn Kayali.

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