

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Amended Applicant's Statement of Polygon Holdings LLC
4457-4459 MacArthur Blvd., NW (Square 1363, Lots 57 & 961).

I. INTRODUCTION.

This Statement is submitted on behalf of Polygon Holdings LLC, the owner of the property located at 4457-4459 MacArthur Boulevard, NW (Square 1363, Lots 57 and 961) (collectively known as the “**Property**”). The 4457 Property and the 4459 Property are each improved with a two-story semi-detached single-family building. The buildings share a party wall. The Applicant is proposing to combine the structures and construct additions to the buildings. The new building (the “**Building**”) will have 17 new residential dwelling units.

Subtitle U, Section 421 states “all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.” Accordingly, the Applicant is requesting special exception approval pursuant to 11-U DCMR § 421. The Applicant is also requesting side yard relief pursuant to F § 5201 in order to maintain the existing eight-foot (8 ft.) side yards.¹

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle X-901 and F-5201.

¹ The Applicant may remove this relief once it receives a determination from the ZA that it is permitted to maintain the 8-foot side yards. The Zoning Regulations permit maintaining and extending non-conforming side yards, so long as the extension is at least 3 feet; however, the current side yards are technically conforming and only become non-conforming once the use is changed to multi-family (requiring a 9.75 ft. side yard). The Applicant does not feel comfortable removing this relief until the ZA makes a determination.

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is zoned RA-1 and is an interior lot with 8,410 square feet of land area. Abutting the Subject Property to the north is a detached single-family dwelling. Abutting the Subject Property to the south is MacArthur Boulevard, NW. Abutting the Subject Property to the west is a large apartment building (4465 MacArthur). Abutting the Subject Property to the east is a residential apartment building (4455 MacArthur). The area is made-up of a mix of residential uses, including single-family dwellings, flats, and a number of residential apartment buildings.

The Property is within walking distance of several restaurants, grocery stores, retail shops, and a number of doctors' offices. The Subject Property is also walking distance from Foundry Branch Valley Park and Foundry Branch Tunnel which provides direct access to the Capital Crescent Trail and the C&O Canal Towpath. There are also a number of bus stops within walking distance of the Property

B. Description of the Proposed Project.

The Applicant is proposing to combine the existing buildings into one single Building and construct a rear and third story addition to the Building. The Applicant is requesting relief to maintain the existing 8-foot side yards as described above. The development is otherwise conforming to the development standards of the RA-1 Zone as follows:

Development Standard	Requirement	Proposed-
FAR	1.08 (IZ)	1.08 (IZ)
Lot Occupancy	40%	41.1% ²
Height	40 ft., 3 stories	39 ft. 3 stories
Rear Yard	20 ft.	42.2 ft.
Side Yard	Two, 9.75 ft.	Two, 8 ft.
Parking	4 spaces	5 spaces

² Permitted via minor deviation.

IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X § 901.2, F-5201.

A. General Special Exception Requirements.

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-421 and F-5201 of the Zoning Regulations.

The RA-1 Zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The proposal is for a new multi-family development. Accordingly, the granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The area is made up of multi-family residential buildings. Regarding the side yard relief, the Applicant is requesting relief to maintain the existing eight-foot (8 ft.) side yards. The Building will still be significantly separated from the adjacent properties. Accordingly, the granting of the special exception will not tend to adversely affect the use of neighboring properties.

B. Specific Requirements of U § 421 and F-5201

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).

1. U-421: New Residential Developments in the RA-1 Zone.

The Zoning Regulations require that all new residential developments in the RA-1 Zone, except those comprising of one-family detached and semi-detached dwellings, be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements of this section:

Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:

(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and

It is expected that the Office of the State Superintendent of Education will not have an issue with the addition of residents from a 17-unit building.

(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.

It is expected that the relevant District of Columbia agencies shall find that the public streets, recreation, and other services in the area can accommodate the residents expected to reside in the project. The Property is located on MacArthur Boulevard and is within walking distance of several restaurants, grocery stores, retail shops, and a number of doctors' offices. The Subject Property is also walking distance from Foundry Branch Valley Park and Foundry Branch Tunnel which provides direct access to the Capital Crescent Trail and the C&O Canal Towpath. There are also a number of bus stops within walking distance of the Property.

Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

The Applicant has provided—or will provide as requested by the Office of Planning—sufficient information for the Office of Planning to comment and make recommendations on the site plan, arrangement of buildings and structures, and provisions of light, air, parking,

recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

The Applicant has submitted a site plan and set of typical floor plans and elevations. The Applicant will provide a grading (existing and final) and landscaping plan.

C. Specific Requirements of 11-F DCMR § 5201- Side Yard Relief

The proposal in this Application satisfies the requirements of 11-F DCMR § 5201, as follows:

Section 5201.1: For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.

The Applicant is proposing an addition to a principal residential building on a non-alley lot. Accordingly, the Applicant is permitted to request relief from the minimum side yard requirements pursuant to F § 5201.1(b), which permits from the development standards governing yards.

Section 5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure, shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

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

The light and air available to the neighboring properties shall not be unduly compromised by the requested relief. The Applicant is only requesting to maintain the existing side yards which

measure eight feet (8 ft.). The adjacent apartment buildings to the east and west are significantly separated from the subject Building. Accordingly, granting the relief will not unduly compromise the light and air available to the neighboring properties.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the Addition. The Applicant is proposing windows, but the windows will be significantly separated from the apartment complexes to the east and west.

(c) The proposed addition or accessory structure, together with the original building, or the new 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 street and alley frontage; and

The proposed Additions, together with the original Buildings, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street. The Applicant is proposing to maintain the front façade of each building. The requested relief is to maintain the existing side yard which will preserve the overall footprints as viewed from the front. There is not alley frontage.

VI. 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 special exception approval.

Applicant's Statement
4457-4459 MacArthur Blvd., NW

Respectfully submitted,

/S/Alexandra Wilson

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Sullivan & Barros, LLP
Date: February 7, 2022

Martin P Sullivan

Martin Sullivan
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Date: February 7, 2022