

DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

Applicant’s Statement of Lee Granados and Kevin Klym

1725 Church Street, NW (Square 156, Lot 337)

I. INTRODUCTION.

This Statement is submitted on behalf of Lee Granados and Kevin Klym (collectively known as the “**Applicant**”), the owners of the property and improvements located at 1725 Church Street, NW (Square 156, Lot 337) (the “**Subject Property**”). The Subject Property, located in the RA-8 zone district, is improved with an existing, single-family row building (the “**Building**”). The Applicant is proposing to construct a new porch and entry stairs leading to the porch (the “**Porch**” or the “**Addition**”). Lot occupancy in the RA-8 zone is limited to sixty percent (60%). The Porch will bring the Building over the permitted lot occupancy, to sixty-four-point five percent (64.5%). Accordingly, the Applicant is requesting special exception relief from the maximum lot occupancy requirements of F § 604.1 pursuant to F § 5201. The Applicant is also proposing a new roof deck, but that aspect of the project is permitted as a matter-of-right.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle F § 5201 from the requirements of F § 604.1.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located in the RA-8 Zone District and in the Dupont Circle Historic District. It is an interior lot measuring 1,550 square feet. The Subject Property is improved with a three story (including a basement) single-family, row building. Abutting the Subject Property to the west is a residential building that has been converted to at least two units. Abutting the Subject

Property to the east is a residential building that has converted to at least two units. Abutting the Subject Property to the south is Church Street, NW. Abutting the Subject Property to the north is a public alley. The area is characterized by a mixture of residential uses including multi-family buildings, flats, and single-family dwellings. Both adjoining buildings have existing front porches.

B. Proposed Project and Requested Relief.

The Subject Property is improved with a three-story, single family dwelling, constructed circa 1908. The Applicant is proposing a new covered Porch with stairs. The Porch only adds about ninety-four point five square feet (94.5 sq. ft.), but as the lot is so small, only 1,550 square feet, the Porch brings the Property from fifty-eight point four percent (58.4%) to sixty-four-point five percent (64.5%) lot occupancy.

IV. 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 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 approval pursuant to 11-F DCMR § 5201 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. General Special Exception Requirements of 11-X DCMR § 901.2.

The Applicant is requesting approval pursuant to F § 5201 in order to construct a new covered Porch. In order to obtain this approval, an Applicant must meet the general special exception requirements of 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).

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

The Porch will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Zoning Regulations specifically permit special exception relief from lot occupancy of up to seventy percent (70%) in the RA-8 Zone. The project only exceeds the permitted lot occupancy by four and a half percent (4.5%).

2. Addition 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 Porch will not impact the light and air or privacy of the neighboring properties. The addition of the covered porch will serve to make the Subject Property more compatible with the surrounding properties, which have similar covered porches.

C. Requirements of 11-F DCMR § 5201.

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 lot occupancy pursuant to F § 5201.1(a), which permits a maximum lot occupancy of up to seventy percent (70%).

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 proposed Porch. The proposed Porch will be approximately the same size as the adjacent porches, which are already covered. Accordingly, there will be no impacts on light and air.

(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 Porch. The Applicant is not proposing any new windows along with the Porch and the Porch is not permitting any new or invasive views into the adjacent buildings.

(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 Porch, together with the original Building, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street. The Porch will improve the views along Church Street as it will more closely match the adjacent buildings, which already have covered porches. The Porch will not be visible from the alley.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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.

The Applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship between the proposed Porch to adjacent buildings and views from public ways.

Section 5201.5: 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 and nearby properties.

The Applicant will comply if the Board of Zoning Adjustment requires special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

Section 5201.6: This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The Applicant is not proposing to introduce or expand a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

V. **CONCLUSION.**

For the above reasons, the Application meets the requested special exception relief.

Respectfully Submitted

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP
Date: September 8, 2020