

## **BOARD OF ZONING ADJUSTMENT**

### **Applicant's Statement of Datis Properties LLC**

#### **1819 A Street, SE (Square 1111, Lot 96).**

#### **I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.**

This Statement is submitted on behalf of Datis Properties LLC (the “**Applicant**”), owner of the property located at 1819 A Street, SE (Square 1111, Lot 96) (the “**Subject Property**”). The Subject Property is improved with a two-story, single-family row building (the “**Building**”).

The Applicant is proposing to construct a third-story addition on top of the existing two-story portion of the Building and a three-story addition on top of existing cellar space at the rear (the “**Addition**”) and convert the Building to three (3) residential dwelling units (the “**Project**”). Accordingly, the Applicant is requesting special exception relief pursuant to U § 320.2. The Applicant is also requesting relief from the requirements of E § 205.4 (the “ten-foot rule”) pursuant to E § 5201 as the rear wall of the proposed Addition extends twelve feet (12 ft.) past the furthest rear wall of the only adjoining property, to the east.

#### **II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X § 901, U § 320.2, and E § 5201.

#### **III. BACKGROUND.**

##### **A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located at 1819 A Street, SE and is in the RF-1 zone district. It is a long, rectangular lot measuring 3,020 square feet of land area. Abutting the Property to the north is A Street, SE. Abutting the Subject Property to the south is a public alley. Abutting the Subject Property to the west is a public alley. Across the alley, to the west, is a relatively large apartment building with eleven (11) units. Abutting the Subject Property to the east is a row building used as

a single-family dwelling. The Stadium Armory Metro Station is located one-half block to the east of the Subject Property. The area is characterized by row buildings, a number of which have been converted to multi-family residential uses, as well as some institutional and federal buildings.

**B. Proposed Project.**

The existing Building is two-stories with a cellar level. The main two-story portion of the Building measures forty-four feet and nine and a half inches (44 ft. 9.5 in.) in length. The cellar level exceeds the existing Building footprint by seven feet and six inches (7 ft. 6 in.) for a total existing Building footprint of fifty-two feet and three and a half inches (52 ft. 3.5 in.) in length. The rear wall of the cellar currently extends twelve feet (12 ft.) past the rear wall of the only adjoining Building (to the east). The Applicant is proposing to construct a third story Addition on top of the existing two-story portion of the Building and a three-story Addition on top of an existing cellar extension at the rear. Once completed, the Building will be three (3) full stories and maintain the overall length of fifty-two feet and three and a half inches (52 ft. 3.5 in.). The proposed lot occupancy will increase slightly due to the proposed balconies and rear deck but will be only forty-three-point nine percent (43.9%) as proposed. The Applicant is providing a large rear yard of seventy-three and a half feet (73.5 ft.) and providing four (4) parking spaces, where only two (2) spaces are required. Regarding the unit mix, the Applicant is proposing two (2), 3-bedroom units and one (1), 2-bedroom unit.

**IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

**A. Overview.**

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 § 320.2 and E § 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 Subtitle 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 Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Subject Property is located in the RF-1 zone; the RF zones “are distinguished by a maximum number of principal dwelling units per lot of either two (2), three (3), or four (4) units.” (E § 100.4). The Zoning Regulations permit the conversion of a single-family dwelling to three (3) units via special exceptions. Therefore, the proposed use was contemplated by the Zoning Commission and enumerated in the 2016 Zoning Regulations. Accordingly, the proposed Addition and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**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 Addition will also not adversely affect the use of neighboring properties as the proposed Addition meets all other development standards of the RF-1 zone.

**C. Requirements of Subtitle U § 320.2.**

In order to have three (3) principal dwelling units on the Subject Property, the Applicant must request special exception relief pursuant to U § 320.2. The proposal in this Application satisfies the requirements of 11 DCMR Subtitle U § 320.2(a) through 320.2(c) as follows:

**Section 320.2(a): The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion;**

The building to be expanded is in existence on the Property and will be in existence on the property at the time the Department of Consumer and Regulatory Affairs accepts as complete the building permit application for the conversion or expansion.

**Section 320.2(b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6; and**

The Applicant is only proposing three (3) dwelling units; therefore, this section does not apply.

**Section 320.2(c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.**

There is a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit. The Applicant is proposing a total of three (3) residential dwelling units, which requires 2,700 square feet of land area. The Subject Property has 3,020 square feet of land area.

**D. The Application Meets the Specific Requirements of E § 5201.**

The proposed Addition will extend twelve feet (12 ft.) past the rear wall of the adjoining property. Accordingly, the Applicant is requesting relief from the ten-foot rule (E § 205.4-5). The Application meets the requirements of E § 5201 as follows:

**5201.4(a) The light and air available to neighboring properties shall not be unduly affected;**

The difference between a matter-of-right Addition and the proposed Addition is only two feet (2 ft.) which should not unduly affect the light and air available to the adjoining property (to the east).

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

The privacy and use of enjoyment shall not be compromised as the proposed Addition will not have any windows facing the neighboring building to the east.

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

The area is characterized by two-story and three-story dwellings, as demonstrated by photographs of the surrounding area. The third story Addition would be permitted as a matter-of-right were it not for the additional two (2 ft.) of Building length at the rear of the Building. The Applicant is maintaining the existing front façade and original architectural elements (porch roof and cornice). The Applicant is not proposing to increase the overall length of the Building. Accordingly, the proposed Addition, 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 street or alley frontage.

**(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.**

The Applicant has included materials sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

**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 with any special treatment.

**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 the expansion of a nonconforming use, lot occupancy beyond what is permitted in this section, height, or number of stories, as a special exception.

**V. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

*Martin P Sullivan*

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Martin Sullivan  
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Date: December 18, 2020

*Alexandra Wilson*

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