

**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Bridget Driggs and Michael Sewell**

**1713 D Street, SE (Square 1102, Lot 99).**

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

This Statement is submitted on behalf of Bridget Driggs and Michael Sewell (collectively known as the “**Applicant**”), owners of the property located at 1713 D Street, SE (Square 1102, Lot 99) (the “**Subject Property**”). The Subject Property is improved with a two-story, single-family row building (the “**Building**”) and is located in the RF-1 zone.

The Applicant is proposing to construct a third story addition on top of the existing Building and a three-story rear addition (the “**Addition**” or “**Project**”). The Addition will extend the existing Building fourteen feet and six inches (14 ft. 6 in.) beyond the rear wall of the building to the east. Accordingly, the following relief is required:

1. Special Exception Relief from E § 205.4, pursuant to E § 205.5 and E § 5201 (Ten Foot Rule)

Subtitle E § 205.4 limits an addition to ten feet (10 ft.) past the furthest rear wall of any adjoining building. The Addition will extend the rear of the Building fourteen feet and six inches (14 ft. 6 in.) beyond the furthest rear wall of the adjoining building to the east.

2. Special Exception Relief from E § 304.1, pursuant to E § 5201 (Lot Occupancy)

Subtitle E § 304.1 limits lot occupancy in the RF-1 zone to sixty percent (60%). The proposed Addition will increase the overall lot occupancy to sixty-two-point seven percent (62.7%). Accordingly, the Applicant is requesting relief pursuant to E § 5201

from the lot occupancy requirements of E § 304.1 and from the ten-foot rule requirements of E § 205.4.

3. Special Exception Relief from E § 206.1, pursuant to E § 5207.1 (Architectural Elements).

Subtitle E § 206.1 prohibits the removal of rooftop architectural elements original to a building. The Applicant is proposing to eliminate the existing mansard rooftop element as part of the Project. Accordingly, the Applicant is requesting relief pursuant to E § 5207.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X § 901, E § 205.5, E § 5201, and E § 5207.1.

**III. BACKGROUND.**

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

The Subject Property is located at 1713 D Street, SE, and is in the RF-1 zone district. It is a rectangular lot measuring 1,672 square feet in land area. Abutting the Subject Property to the north is D Street, SE. Abutting the Subject Property to the south is a public alley. Abutting the Subject Property to the west is 1711 D Street, SE, a two-unit row building. Abutting the Subject Property to the east is 1715 D Street, SE, a single-family row building.

**B. Proposed Project.**

The existing Building is two stories with a cellar level. The rear wall of both stories and the cellar are roughly in-line with the rear wall of the adjoining building to the east, and about fourteen feet (14 ft.) short of the adjoining building to the west. 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 rear Addition. The Addition will extend the Building length by fourteen feet and six inches

(14 ft. 6 in.) past the adjacent property to the east and roughly even with the rear wall on the adjoining building to the west. The Project proposes a lot occupancy of sixty-two-point seven percent (62.7%), a rear yard of thirty-seven feet (37 ft.), and two (2) parking spaces, where only one (1) space is required.

**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 E § 5201, and E § 5207 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. Special Exception Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The Zoning Regulations specifically permit the requested special exception relief for lot occupancy and architectural element alteration. The Addition meets all other development

standard of the RF-1 zone, and the use, a single-family row dwelling, is in harmony with the intent and purpose of the RF-1 zone, which is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. Accordingly, the proposed Project and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. Relief 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 proposal meets all other development standards of the RF-1 zone and any potential impacts on light, air and privacy do not rise to the level of undue.

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

The proposed rear addition will extend fourteen feet and six inches (14 ft. 6 in.) past the rear wall of the adjoining property to the east and will be approximately even with the building to the west. Accordingly, the Applicant is requesting relief from the ten-foot rule (E § 205.4), and from the lot occupancy requirement (E § 304.1). 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 Addition will be similar to the existing rear addition on the neighboring property to the west at 1711 D St., SE.<sup>1</sup> Furthermore, the Addition will extend fourteen feet six inches (14 ft. 6 in.) beyond the building to the east at 1715 D St., SE. A shadow study is being submitted with this Application. The study shows the difference between the proposed building footprint (14 ft. 6 in. past building to the east) and a matter-of-right building footprint (10 ft. past building to the

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<sup>1</sup> See site plan, page 1.

east). As demonstrated by the shadow study, the only time of the day and year where there is additional shade on the property to the east is at 3PM on the summer and winter solstices. Even at these two times, the additional shading is confined to a small portion of the rear yard and does not rise to the level of undue.

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

The privacy and use of enjoyment shall not be unduly compromised by the Project. The Addition will not have any windows facing the neighboring building to the east or west. The only windows within the area requiring relief face directly south, overlooking the Subject Property's rear yard, the alleys to the south, and the community garden plots at the center of the block. Therefore, the difference in privacy between a matter-of-right Addition and the proposed Addition does not rise to the level of undue.

**(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 included with this Application. The adjacent property to the west (1711 D St., SE) is a three-story condominium building. The adjacent property to the east (1715 D St., SE) is a two-story single-family dwelling. This particular section of relief from the ten-foot and lot occupancy provisions consider the view from D St., SE, as well as the alley. The Applicant is proposing to match the scale of the building on the adjacent property to the west at 1711 D Street, SE.

The Applicant is providing a substantial rear yard of thirty-seven feet (37 ft.). Furthermore, the proposed Project will use similar design elements as other properties in the area. Accordingly,

the proposed Project, together with the original Building, as viewed from alleys, and other public rights of way, shall not substantially visually intrude upon the character, scale, and pattern of buildings along D St. SE and the public 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.**

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.

**D. The Application Meets the Specific Requirements of E § 5207.1**

Under subtitle E § 206.1, "Except for properties subject to review by the Historic Preservation Review Board or their designee, or the U.S. Commission of Fine Arts, a roof top architectural element original to a principal building such as cornices, porch roofs, a turret, tower, or dormers, shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size." Subtitle E § 206.4 continues that, "Relief from the requirements of Subtitle E §§ 206.1 and 206.3 may be approved by the Board of

Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the conditions of Subtitle E § 5207.”

The Applicant is proposing to remove the mansard rooftop element from the front façade located on top of the existing second floor as part of the proposed third floor addition. The Applicant is therefore requesting relief pursuant to Subtitle E § 5207.1 which states that a special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5207.1(a), (b), and (c).

The Application satisfies the above requirements for special exception as follows:

**(a) The proposed construction shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:**

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

The removal of the mansard roof shall not impact the light and air available to neighboring properties. As stated above, the Applicant has submitted shadow studies demonstrating that the light and air available to neighboring properties shall not be unduly affected by the overall Project.

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

The removal of the mansard roof shall not unduly compromise the privacy of use and enjoyment of neighboring properties. As stated earlier, the privacy and use of enjoyment of neighboring properties shall not be compromised by the proposed Addition as it does not have any windows facing the adjacent properties to the east or west.

**(3) The proposed construction, 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;**

The adjacent property to the west (1711 D St., SE) is a three-story row building. The adjacent property to the east (1715 D St., SE) is a two-story single-family dwelling. Forward-

facing mansard roof elements are not universally present on the block and is not currently present on the adjacent property at 1711 D St., SE.

The area is characterized by residential row buildings, a number of which have third stories. Across D Street, SE, from the Subject Property are 1702 and 1706 D St., SE. Both of these properties have third story additions. The property at 1702 D St., SE, features an enlarged mansard element with two dormer windows facing D Street, SE, on its third floor. The property at 1706 D St., SE, features a flat front façade above the existing mansard element above the second floor. The property's third floor has a flat roof with an overhang over the front façade. It also features a rooftop penthouse not directly visible from D Street, SE. Further east along D Street, SE, is 1728 D St., SE. That property includes a third-floor addition, with an enlarged mansard roof similar to the property at 1702 D St., SE. Looking west along D Street, SE, across 17<sup>th</sup> Street, SE, are the properties at 1621 and 1623 D St., SE. These properties are both four-story flats, with flat roofs, and a cornice atop the front façade.

Accordingly, the Project, together with the original Building, as viewed from alleys, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along D St. SE and the public alley.

**(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed construction to adjacent buildings and views from public ways; and**

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

**(c) 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 or nearby properties, or to maintain the general character of a block.**



Applicant's Statement  
1713 D Street, SE

The Applicant will comply with any special treatment.

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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Date: July 16, 2021 July 19, 2021

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