

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Jennifer May**  
**745 10<sup>th</sup> St., SE (Square 950, Lot 75)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Jennifer May (the “**Applicant**”), owner of the property located at 745 10<sup>th</sup> St., SE (Square 950, Lot 75) (the “**Subject Property**”). The Subject Property, located in the RF-1 zone district, is improved with a three-story, one-family row dwelling (the “**Principal Building**”). The Applicant proposes to construct an accessory building (the “**Accessory Building**”). This will result in a lot occupancy of seventy percent (70%) requiring special exception relief from the maximum permitted lot occupancy of sixty percent (60%). Also, the Accessory Building will be located within a portion of the required rear yard, which also requires special exception relief, as detailed below.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the requested special exception relief requested pursuant to Subtitle E-5201 from the lot occupancy requirements of E-304.1 and the accessory building rear yard requirements of E-5004.1(a).

**III. BACKGROUND.**

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

The Subject Property is located in the RF-1 Zone District. It is an interior lot measuring 1,387 square feet. The Subject Property is improved with a three-story plus cellar, single-family row dwelling. Abutting the Subject Property to the north is a single-family row dwelling. Abutting the Subject Property to the east is 10<sup>th</sup> Street, SE. Abutting the Subject Property to the south is a nine (9)-unit apartment house. Abutting the Subject Property to the west is a 30-foot-wide public alley. The

area is characterized by a mixture of residential uses, including apartment buildings as well as flats and single-family dwellings. Several buildings in the area have similar accessory buildings to what the Applicant is proposing as shown in the "Photographs" included with this Application.

**B. Proposed Project and Requested Relief.**

The Applicant is proposing to add the proposed Accessory Building at the rear of the Subject Property, adjacent to a 30-foot-wide alley. The new building will contain one full-sized parking space, and will have a second floor which will consist of living space considered to be incidental to the single-family use in the Principal Building; *i.e.*, it will not have a kitchen and will not be used as a separate dwelling unit. The Accessory Building will have a building area of 277.3 square feet.

The Principal Building has, and will continue to have, a lot occupancy of forty-eight percent (48%). The Accessory Building is proposed to have a lot occupancy of twenty-two percent (22%). The Application is therefore proposing a total lot occupancy of seventy percent (70%). Accordingly, the Applicant is requesting special exception relief from the maximum permitted lot occupancy of sixty percent under E-304.1.

The Accessory Building is proposed to be located within a two-foot one-inch portion of the *required* rear yard area. Accordingly, the Applicant is requesting special relief from E-5004.1(a), which prohibits the location of an accessory building within a *required* rear yard.<sup>1</sup>

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

**A. Overview.**

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<sup>1</sup> The required rear yard is measured from the rear line of a principal building, including any qualifying porch or deck structures, back toward the rear property line, for a distance (in this zone) of twenty feet. The Accessory Building will be seventeen feet eleven inches from that rear line of the Principal Building.

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-E 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 special exception relief pursuant to E-5201, in order to exceed the maximum permitted lot occupancy by ten percent (10%), and to allow the location of an accessory building within a required rear yard. In order to obtain this approval, an Applicant must comply with X-901.2, which requires that the granting of a 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 in accordance with the Zoning Regulations and Zoning Maps.

**1. The Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The Special Exception 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 which is intended to, "provide for areas predominantly developed with row houses on small lots" (E-300.1). The Zoning Regulations specifically permit special exception relief from the maximum lot occupancy and minimum rear yard requirements up to seventy percent (70%). Moreover, the parking garage use is permitted as a matter-of-right in the RF-1 Zone and is extremely common on this block and

surrounding area. Accordingly, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**2. The Special Exception 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 proposed Accessory Building will not unduly impact the light and air or privacy of the neighboring properties.

**C. Requirements of 11-E DCMR § 5201.**

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

**Section 5201.2: For a new or enlarged accessory structure to a residential building with one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards 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 the Accessory Building on a non-alley lot, and there is only one (1) principal dwelling unit in the Principal Building. Accordingly, the Applicant is permitted to request this relief pursuant to E-5201.2(a), and (b).

**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 affected;**

The Accessory Building is in an area consisting of significant shading from taller trees. To the south is a large apartment building with an estimated lot occupancy of over seventy percent (70%), nearly reaching the point of the proposed Accessory Building. The adjacent property to the north has a one-story accessory building. A shadow study will be provided which will demonstrate that light and air is not unduly affected.

**(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. The proposed Accessory Building will not have windows facing adjacent properties and will be used primarily for vehicle and other storage, and as incidental living space. As shown in the photographs included with this Application, there are similar existing accessory buildings along this block of the public alley, including accessory buildings with second floors and windows.

**(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 Accessory Building will not be visible from the front street. There are similar existing accessory buildings and roll-up doors along this block of the public alley. Therefore, the Project will not visually intrude upon the character, scale, or pattern as viewed from 10<sup>th</sup> Street, SE, or 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 provided plans, photographs, elevations, and section drawings sufficient to represent the relationship between the proposed Accessory Building 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.**

**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, or to exceed the lot occupancy beyond what is authorized as a special exception.

**V. CONCLUSION.**

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

Respectfully Submitted,

*Martin P Sullivan*

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Martin P. Sullivan, Esq.  
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Date: October 25, 2021

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