

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**APPLICATION OF
JAY B. LURIE**

ANC 5E08

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of the Applicant, Jay B. Lurie (the “Applicant”), the homeowner of the property located at 2205 Flagler Pl NW (Square 3122, Lot 0060) (the “Property”), in support of his application for special exception relief, pursuant to Subtitle X § 901.2 and E § 5201.1, from the requirements for lot occupancy (Subtitle E § 304.1) and rear yard (Subtitle E § 306.1) to add a rear deck on his home (the “Project”).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the special exception relief requested herein pursuant to Subtitle X § 901.2 and E § 5201.1 of the Zoning Regulations.

III. BACKGROUND

A. The Property and the Surrounding Neighborhood

The Property is in the RF-1 Zone District with a lot area of 1,326 sq. ft. A copy of the zoning map and land survey are attached at **Tab A**. The Property is improved with an attached row home where the Applicant resides. To the rear of the Property is a 3-foot-wide non-recorded common trash alley (the “Trash Alley”), which abuts the property at 125 W St. NW. The block where the Property is located (the “Block”) – between W St. NW and Adams St. NW – is improved with attached row homes, all of which abut the Trash Alley. None of the properties on the Block have access to off-street parking. As the Zoning Map in Tab A demonstrates, the lot occupancy of all homes on the Block has roughly equal space in the front; however, many of the homes have extensions or decks that extend beyond the Property’s existing lot occupancy. The opposite side of the Block is also improved with row homes, the rear of which homes abut a 15-foot-wide alley. Those properties have additional space for off-street parking.

The Bloomingdale neighborhood is primarily residential in nature, and the Property is in a historic district. Four blocks to the south of the Property is the intersection of Rhode Island St. NW, T St. NW, and 1st St NW, a major thoroughfare of the neighborhood.

B. Traffic Conditions and Mass Transit

The Property is in a residential area with access to public transportation. There are bus stops on nearby Bryant St. NW and North Capitol St. NW, including for lines 80 and G2. The Shaw / Howard University Metrorail Station (Yellow/Green Line) is approximately nine-tenths of a mile from the Property, and the Rhode Island Avenue Metrorail Station (Red Line) is approximately one and three-tenths miles from the Property. Additionally, there are two Capital Bikeshare stations within an eight-minute walk of the Property. In general, the area is very pedestrian-friendly, as Walkscore.com rates the Property as “Very Walkable” and “Very Bikeable”.

C. The Project

The Project entails the addition of a two-story deck on the rear of the Applicant’s home. A copy of the Architectural Plans is attached at **Tab B**. The deck will be 13 feet in length by 8 feet in depth for a total of 104 square feet. The first-story deck can be accessed from the kitchen on the main level of the Applicant’s home, and the second-story deck can be accessed from the rear-facing bedroom of the Applicant’s home. The Project also incorporates a new stair from the first-story deck, providing egress from the deck to the rear yard. As such, the new stair will also offer rear access to the main level of the Applicant’s home. The area below the deck will remain open to the air. The Applicant also proposes a lattice privacy screen on the northern lot line to provide additional privacy along the neighboring property’s dog leg. The Project also endeavors to replace the existing shed in the north side of the yard with a new shed on the east side of the yard that will be 4’4.5” in depth by 10’4.25” in length by 7’6” in height.

As a result of the Project, the Property’s lot occupancy would increase from the existing 65.51% to 69.39%, with a maximum of 60% permitted for a row dwelling in the RF-1 zone. The Property’s rear yard would decrease from the existing 19 feet to 15 feet, where 20 feet is required. As such, the Applicant seeks special exception relief from the standards for both lot occupancy and rear yard.

IV. NATURE OF SPECIAL EXCEPTION RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant requests special exception relief pursuant to Subtitle X § 901.2 and E § 5201.1 from the requirements for lot occupancy and rear yard. Under Subtitle X § 901.2 and E § 5201.1, the Board may grant special exception relief for an addition to a principal residence. The Applicant seeks relief for a project that has lot occupancy 9.39% above that permitted in the RF-1. Nonetheless, the proposed lot occupancy of 69.39% is within the Board’s authority to grant 70% lot occupancy by special exception. Additionally, the Applicant seeks relief to decrease the rear yard to 15 feet, which is 5 feet less than the required 20-foot rear yard.

Pursuant to D.C. Code § 6-641.07(g)(2) and 11 DCMR X § 901.2, the Board is authorized to grant a special exception where it finds the special exception:

- (1) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
- (2) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
- (3) Subject in specific cases to special conditions specified in the Zoning Regulations. 11 DCMR Subtitle X § 901.2.

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific requirements for the relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion . . . is limited to a determination of whether the exception sought meets the requirements of the regulation.” *President & Dirs. of Georgetown College v. D.C. Bd. of Zoning Adjustment*, 837 A.2d 58, 68 (D.C. 2003); see also *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

V. APPLICANT MEETS BURDEN FOR SPECIAL EXCEPTION RELIEF

A. The Relief is Harmonious with the General Purpose and Intent of the Zoning Regulations and Maps

The special exception relief will be in harmony with the purpose and intent of the Zoning Regulations and related maps. The Project will further the single-family residential use of the Applicant’s

home in accordance with the purpose and intent of the RF-1 zone. See Subtitle E § 100.3(a). The Applicant will be able to better enjoy the use of the outdoor space in the back of his home, which has become particularly important during the COVID-19 pandemic. Accordingly, the Project is designed to provide a safe and accessible area for the Applicant and his family to gather. To that end, the Applicant has vulnerable nearby family members that otherwise could not safely access or use a smaller deck or one that is only on the second level per the previous layout.

Additionally, the requested lot occupancy relief is within the special exception standard of 70%, and although the rear yard will be decreased, any house on the Block which has a back house extension or rear deck of any size would breach both lot occupancy and rear yard limitations due to the condensed space between the back of the originally built properties and the abutting Trash Alley.

B. The Relief Will Not Tend to Adversely Affect the Use of Neighboring Property

The Project will not adversely affect the use of neighboring properties, including as to light, air and privacy. The 2nd floor deck would be at a similar height to those of nearby and adjacent properties and would be open in nature, thus not affecting light. Since 2207 Flagler Pl NW has a rooftop solar installation, the Applicant has performed a Solar Shade Study attached as **Tab C**. The Solar Shade Study indicates no change to the deemed solar production at either the Property or 2207 Flagler Pl NW since the proposed deck is below the roofline and would have no way of affecting sunlight at the roof level.

With regard to privacy, the Applicant proposes a lattice along the northern edge of the first-floor deck to shield any views into the neighboring property's dog leg. There is also an existing fence and tree on the northern lot line to further limit impacts to privacy.

To ensure buy-in from neighbors the Applicant has obtained letters of support (see **Tab D**) from all the abutting neighbors. They are mentioned below and are all familiar with the Project and have reviewed the plans:

- (1) Neighbor north of the property with abutting dog legs and shared fence – 2207 Flagler Pl NW
- (2) Neighbor south of the property with shared wall leading out to deck and shared fence – 2203 Flagler Pl NW;

(3) Neighbor east of the Property with windows directly facing the Property's rear yard, separated by the Trash Alley at the eastern tip of the Property line.

C. The Project Satisfies the Special Conditions of Subtitle E § 5201.4

In addition to the general special exception standard, the Project satisfies the special conditions for an addition in the RF-1 zone pursuant to Subtitle E § 5201.4, as follows:

1. The light and air available to neighboring properties shall not be unduly affected;

As outlined above, the open nature of the deck design will minimize impacts to light and air for neighboring properties. Although it is a "structure" under the Zoning Regulations, the deck does not have walls. Thus, the Project will have limited impact in terms of shadowing and restrictions to air flow around the Property.

2. The privacy and use and enjoyment of neighboring properties shall not be unduly compromised;

The Project will not unduly compromise the privacy and enjoyment of neighboring properties. Further, the Applicant proposes a privacy lattice on the northern edge of the first-floor deck, in addition to maintaining the existing tree and fencing. The neighbors on all three adjacent sides of the rear yard (north, south, and east) have signed a letter of support, which states no expected adverse impacts from the Project.

See **Tab D.**

3. The proposed addition or accessory structure, 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 subject street or alley frontage;

The Project is consistent with the character, scale, and pattern of homes on Flagler Pl NW. Unlike homes on W St, Adams St, or the western block of Flagler Pl NW, the eastern block of Flagler Pl NW has limited lot sizes with no off-street parking. Several of the homes on the Block have existing rear home expansions or first and/or second floor decks of similar size to the proposed Project (see **Tab A** for the Zoning Map). The Project is therefore consistent with the pattern of development on the Block. The Project will not alter the frontage of the Property on Flagler Pl NW. In terms of character and scale, the Project will maintain a 15-foot setback from the Trash Alley, and in line with the Victorian style of the homes on the Block, the Project endeavors to create a simple, high-quality wood structure with wrought iron railing

beams that would not impose a modern aesthetic on an historic neighborhood. In conjunction with the Trash Alley, the Project will not substantially intrude on the character or scale of neighboring homes.

4. 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 architectural plans attached to this statement comply with this condition by providing plans, elevations, and section drawings to depict the deck in relation to neighboring properties and public ways.

VI. COMMUNITY OUTREACH

In addition to outreach to the Applicant's abutting neighbors, the Applicant will formally engage with both ANC 5E (SMD 5E08) and the Bloomingdale Civic Association (BCA), once the application is filed with a BZA Case Number. If required, the Applicant will present the application to ANC 5E and the BCA at their next available public meetings.

VII. CONCLUSION

For the reasons stated above, the Project meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board grant the application.

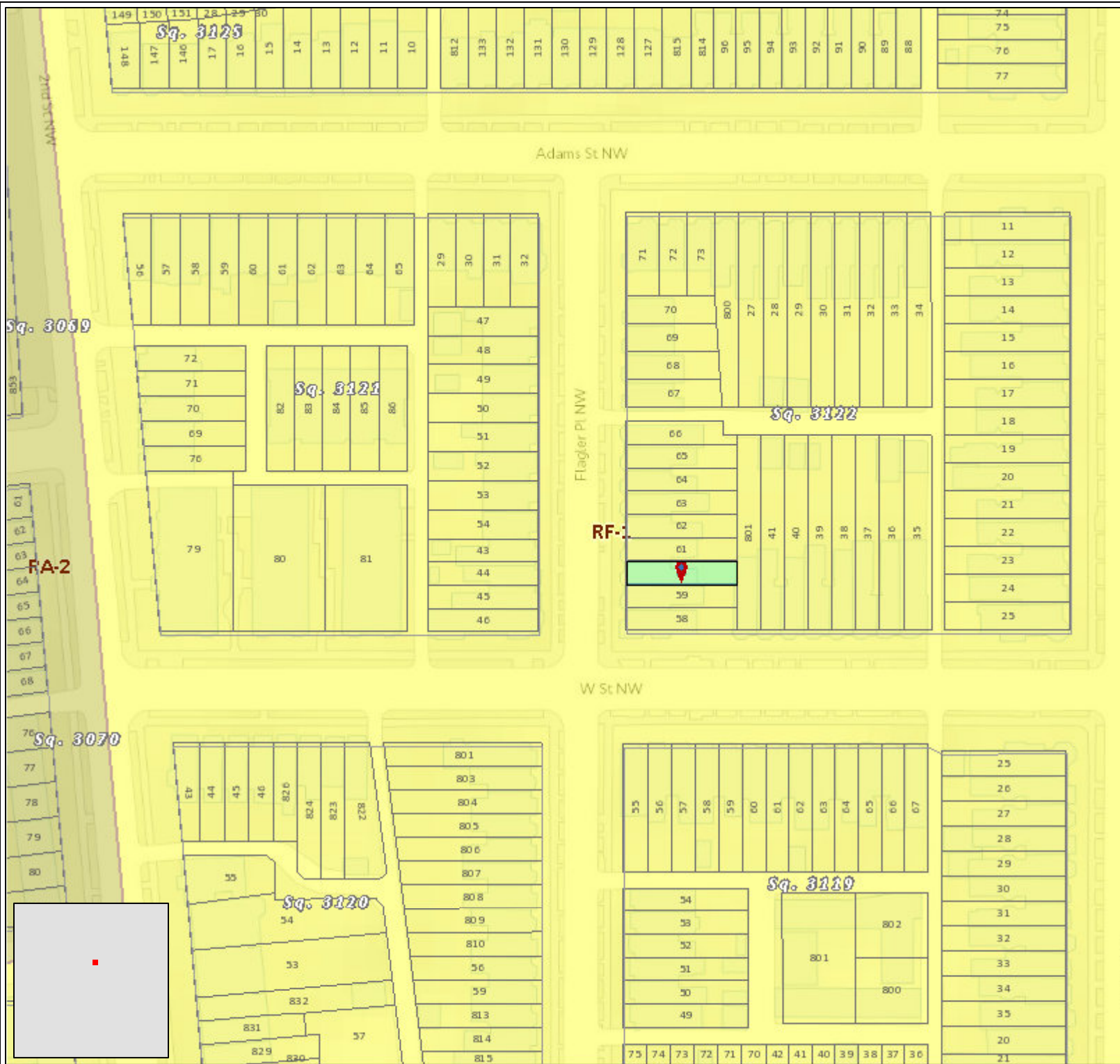
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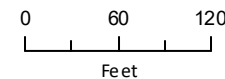
Dated: Dec 27, 2021

Jay B. Lurie
2205 Flagler PI NW
Washington, DC 20001

Tab A



Zoning Map of the District of Columbia



Extracted from Online Zoning Information published by the District of Columbia Office of Zoning, DCGIS, and Office of the Chief Technology Officer (OCTO) Exported on: 12/10/2021

To certify zoning on any property in order to satisfy a legal requirement, contact the office of Zoning at the address listed below.

District of Columbia Office of Zoning,
441 4th St NW, Suite 200 South, Washington, DC 20001
202-727-6311 | dcoz@dc.gov

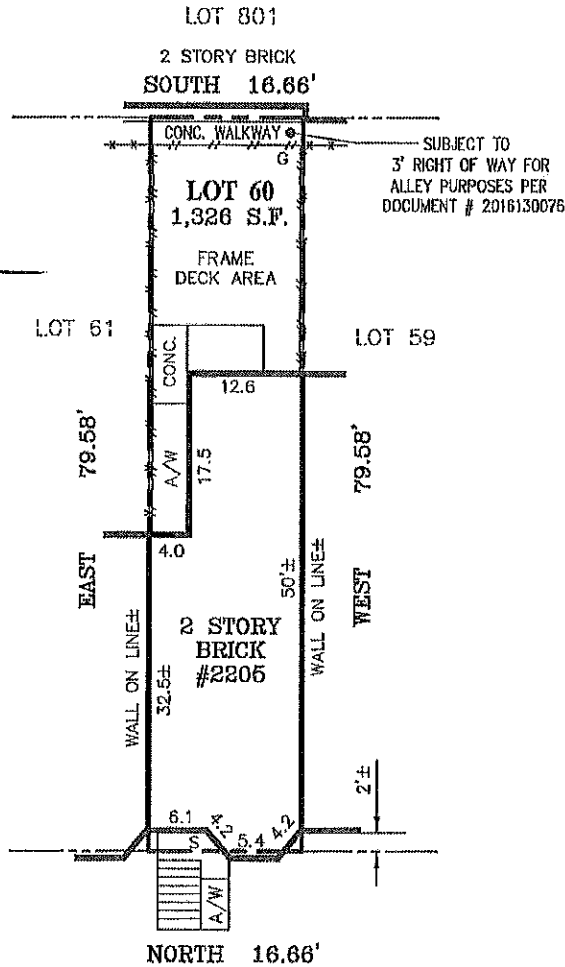
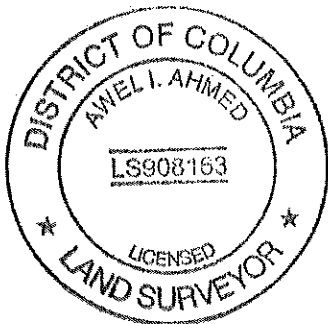
CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. No property corners found. Lines shown hereon, are evidenced by the drawing of record and field measurements.
2. Fences and other features along the property lines shown hereon, are approximate and their locations are subject to the results of a more accurate boundary survey.

[Handwritten signature]

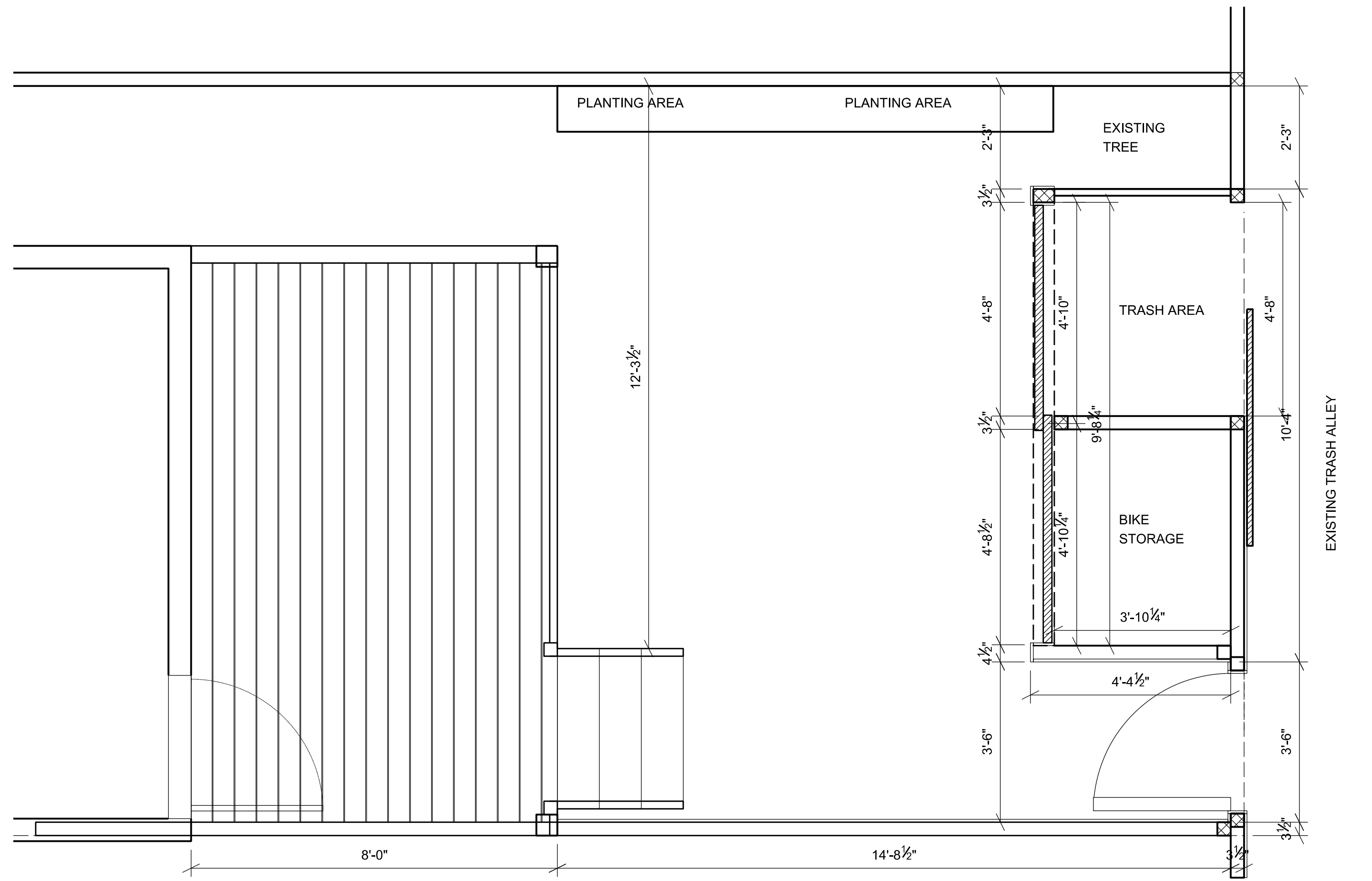


FLAGLER PLACE, N.W.

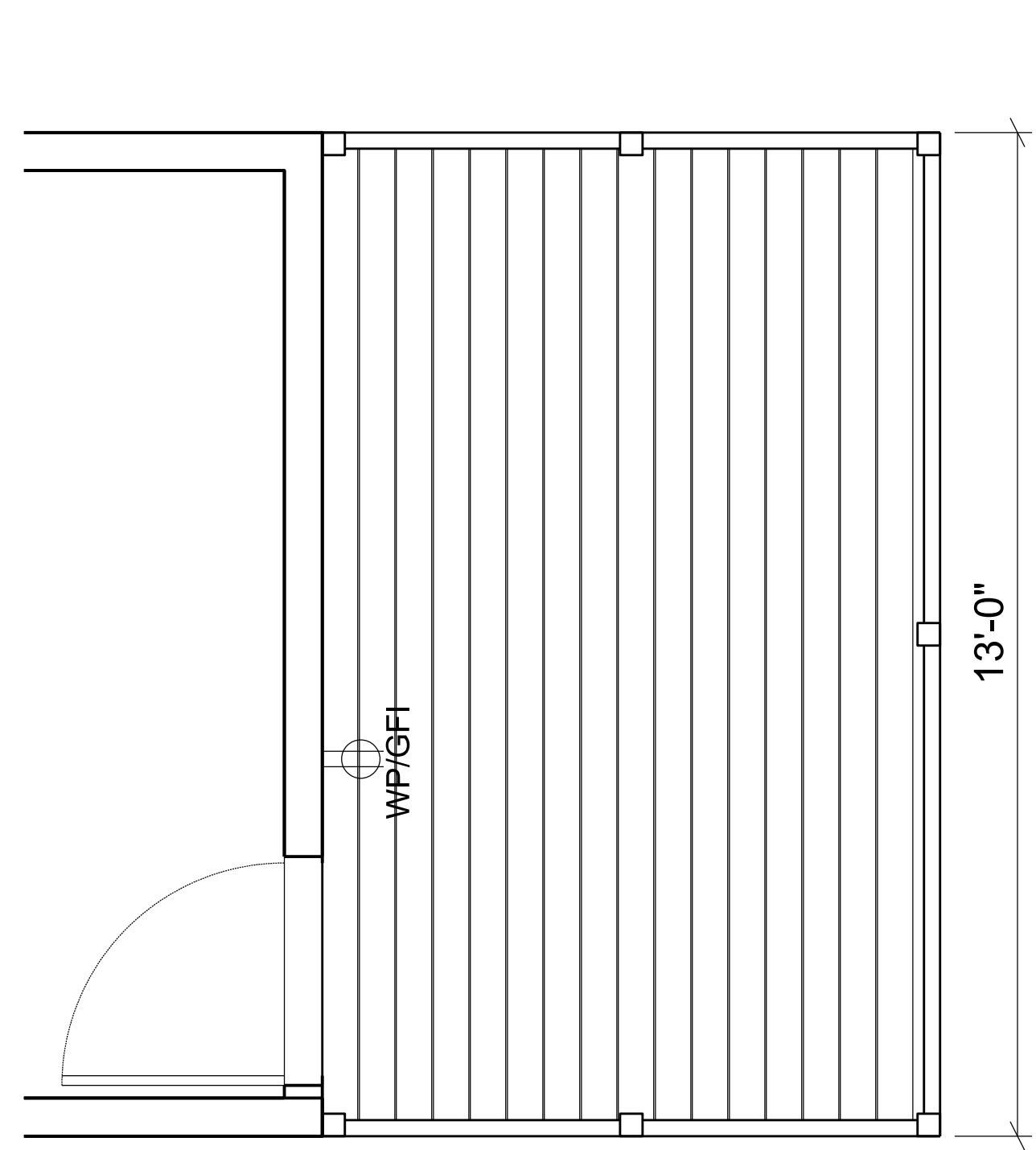
LOCATION DRAWING
LOT 60, SQUARE 3122
WASHINGTON
 DISTRICT OF COLUMBIA

<p>SURVEYOR'S CERTIFICATE</p> <p>THE INFORMATION SHOWN HEREON IS BASED UPON THE RESULTS OF A CURRENT FIELD INSPECTION, AND PURSUANT TO DOCUMENTS OF RECORD AT THE OFFICE OF THE SURVEYOR FOR THE DISTRICT OF COLUMBIA. LOCATION OF IMPROVEMENTS SHOWN IS BASED UPON FIELD MEASUREMENTS FROM EXISTING LINES OF APPARENT OCCUPATION. WHENEVER POSSIBLE, PRIOR SURVEYS OF PUBLIC RECORD HAVE BEEN USED TO CONFIRM INFORMATION SHOWN.</p> <p><i>[Signature]</i> 3/25/19 DISTRICT OF COLUMBIA LICENSED SURVEYOR LS 908163</p>	<p>REFERENCES</p> <p>D.C. SURVEYOR RECORDS</p> <p>BOOK CO. 20 PAGE 64</p>	<p>SNIDER & ASSOCIATES LAND SURVEYORS</p> <p>19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1288</p> <p>WWW.SNIDERSURVEYS.COM</p>		
	<p>DC RECORDER OF DEEDS</p>		<p>DATE OF LOCATIONS</p>	<p>SCALE: 1" = 20'</p>
	<p>LIBER</p>		<p>WALL CHECK:</p>	<p>DRAWN BY: K.D.S.</p>
	<p>FOLIO</p>		<p>HSE. LOC.: 03-19-19</p>	<p>JOB NO.: 12-04697</p>

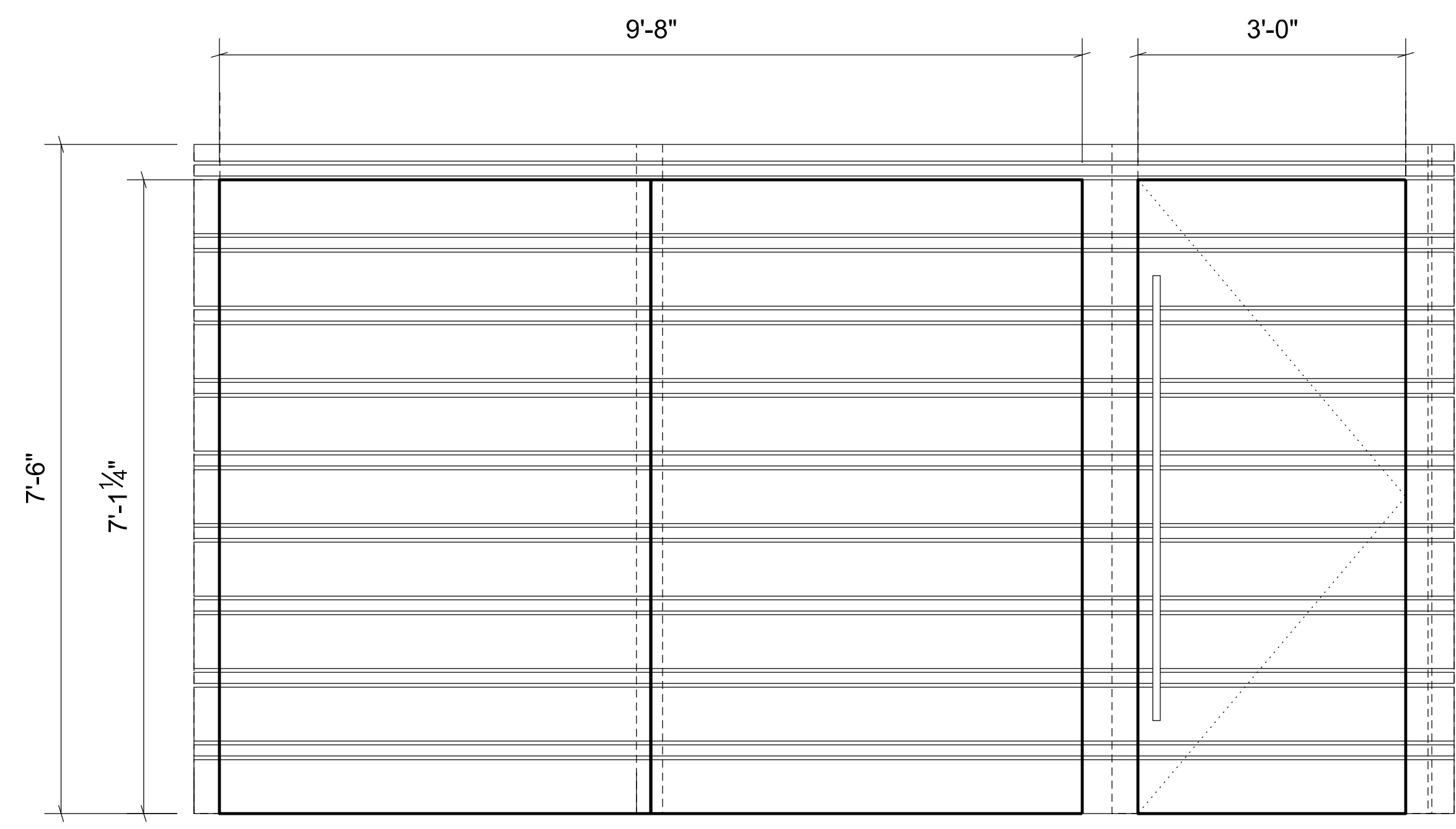
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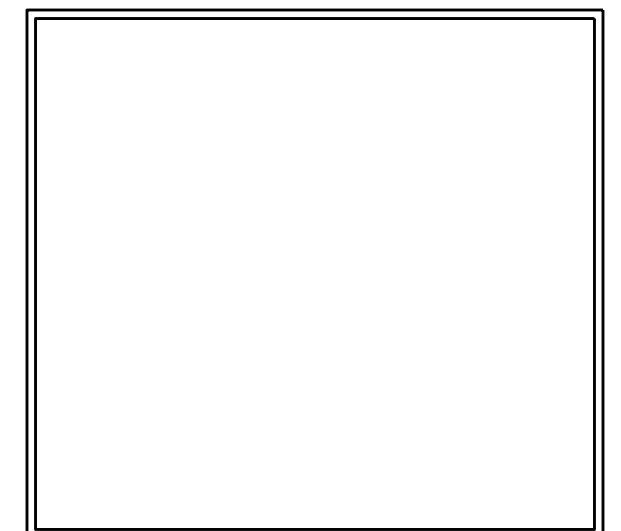
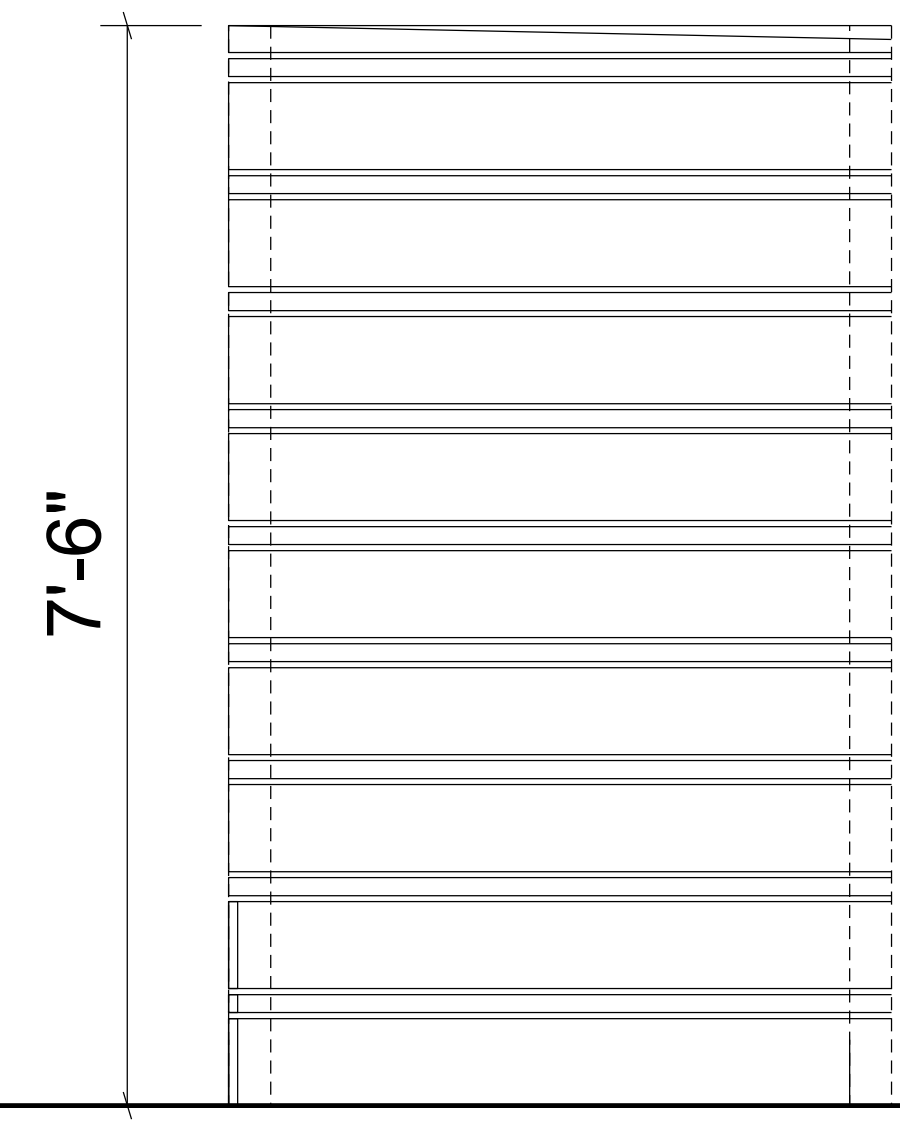
1 REAR DECK AND TERRACE
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2 2ND FLOOR DECK
 SCALE: 1/2" = 1'-0" 24X36 LAYOUT



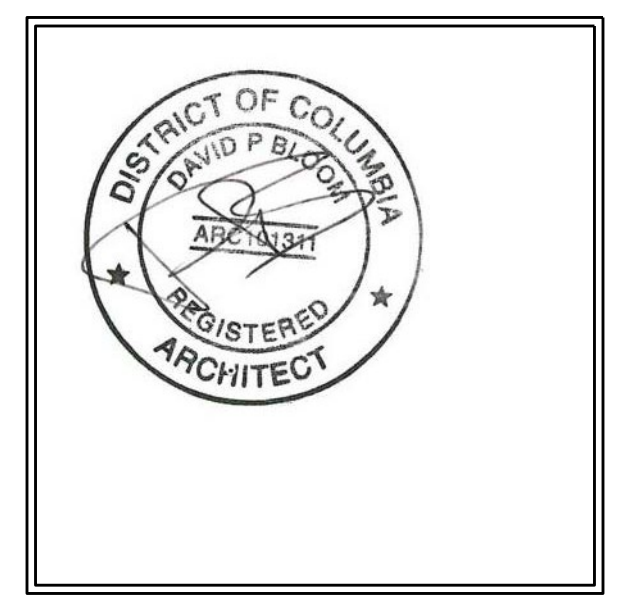
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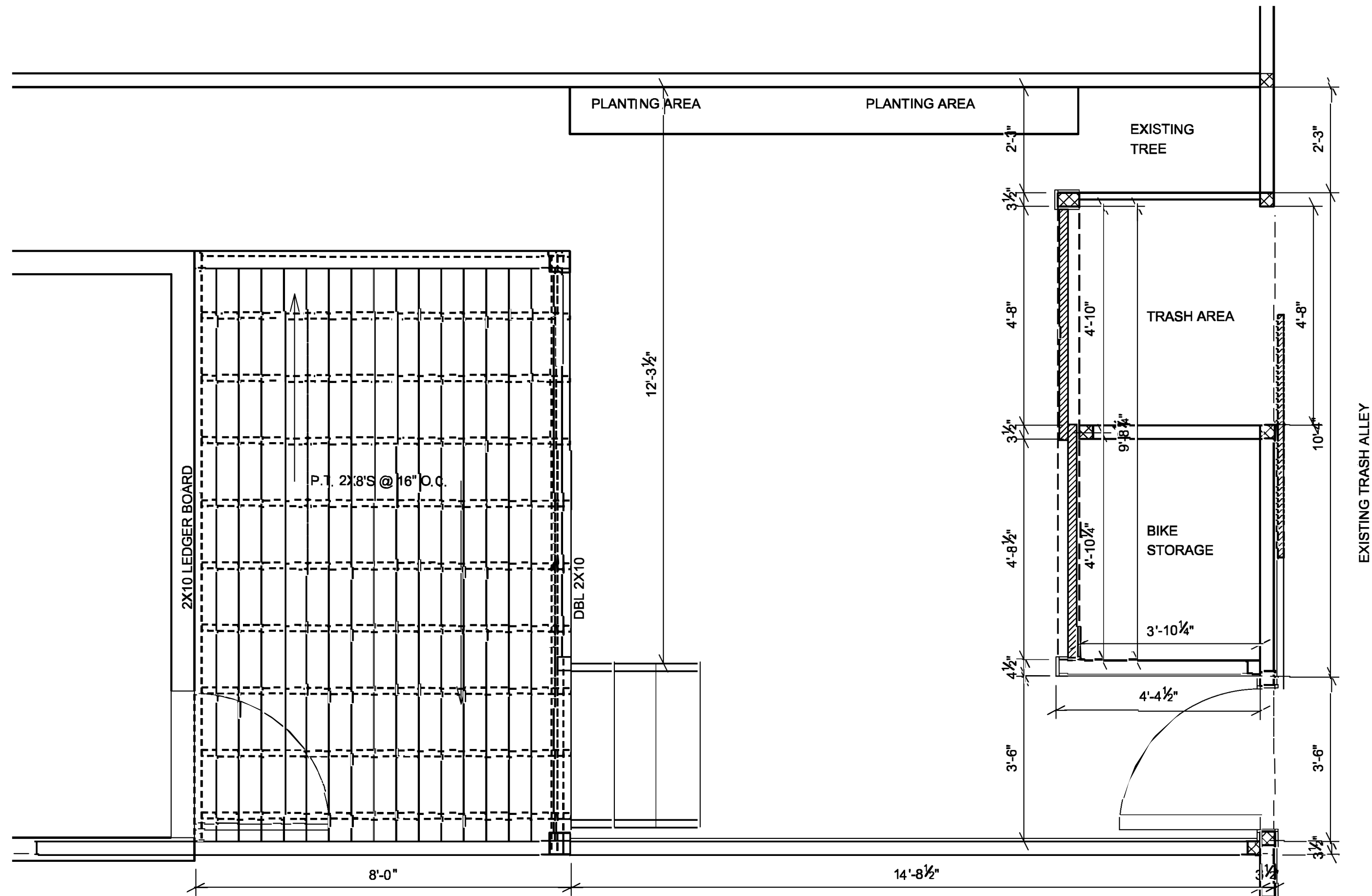
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 kc@kcdstudios.com
 1324 euclid street, nw wajdc 20009

2205 FLAGLER PL., NW
 2205 FLAGLER PLACE, NW
 WASHINGTON, DC 20001
 SQ: 3122 LOT: 0060

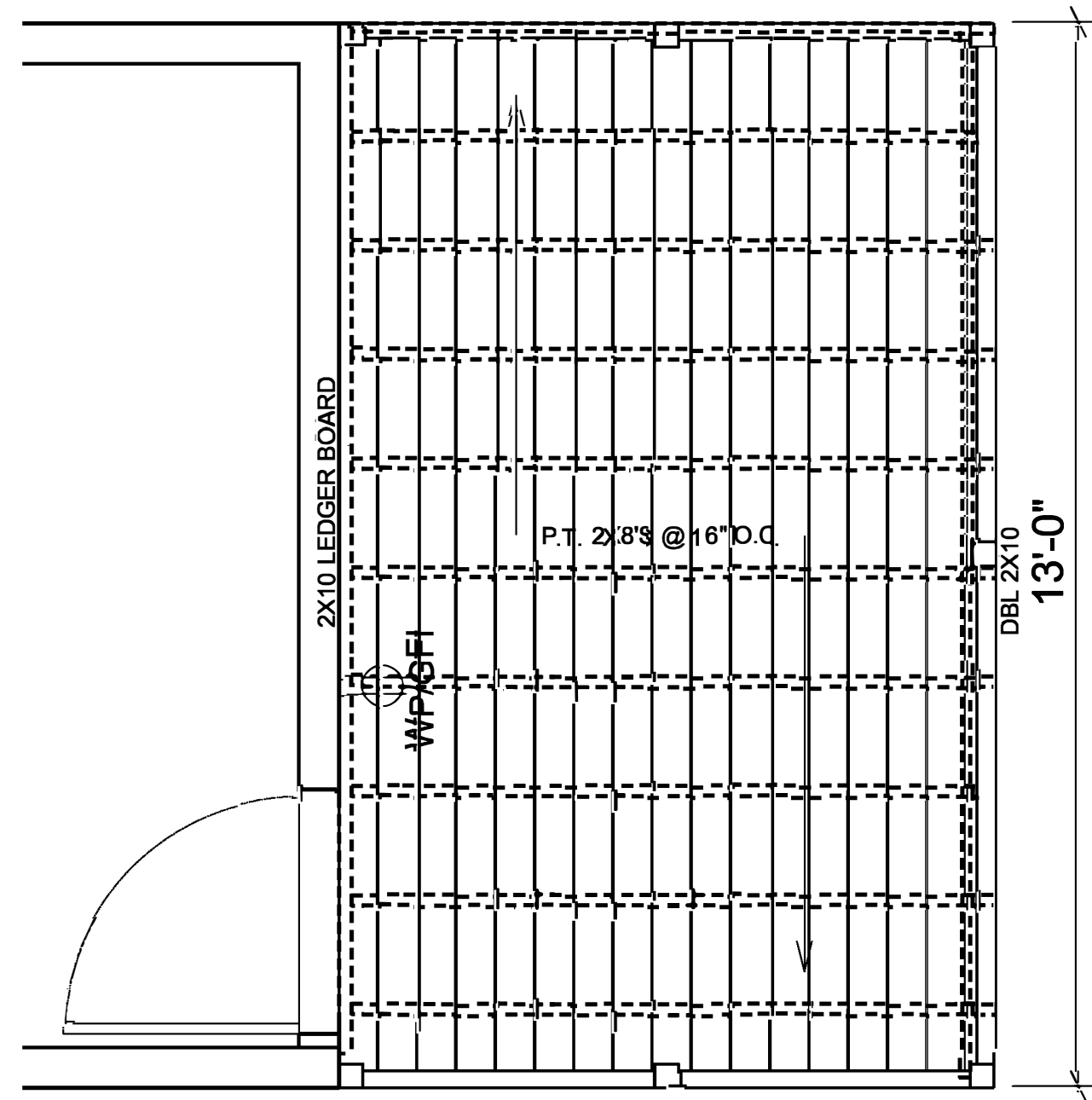
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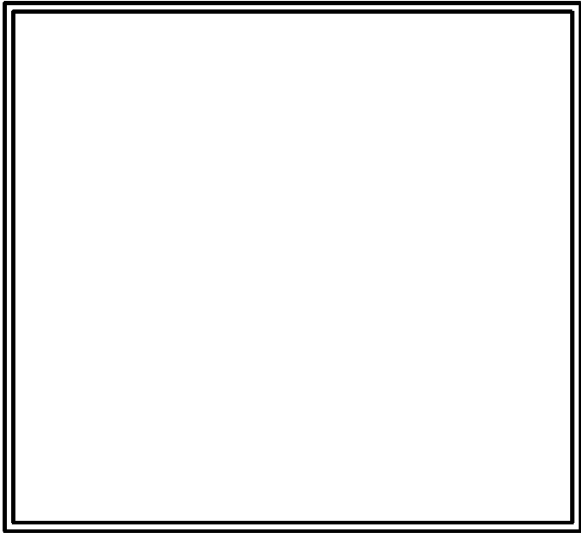
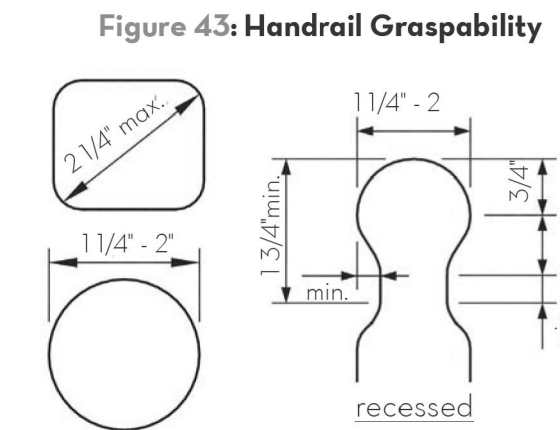
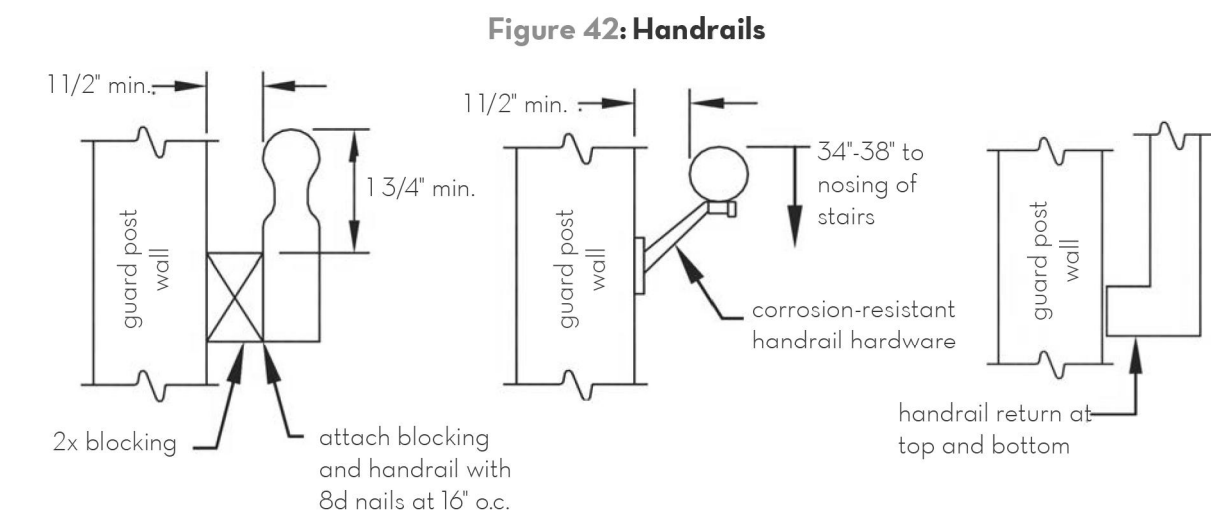
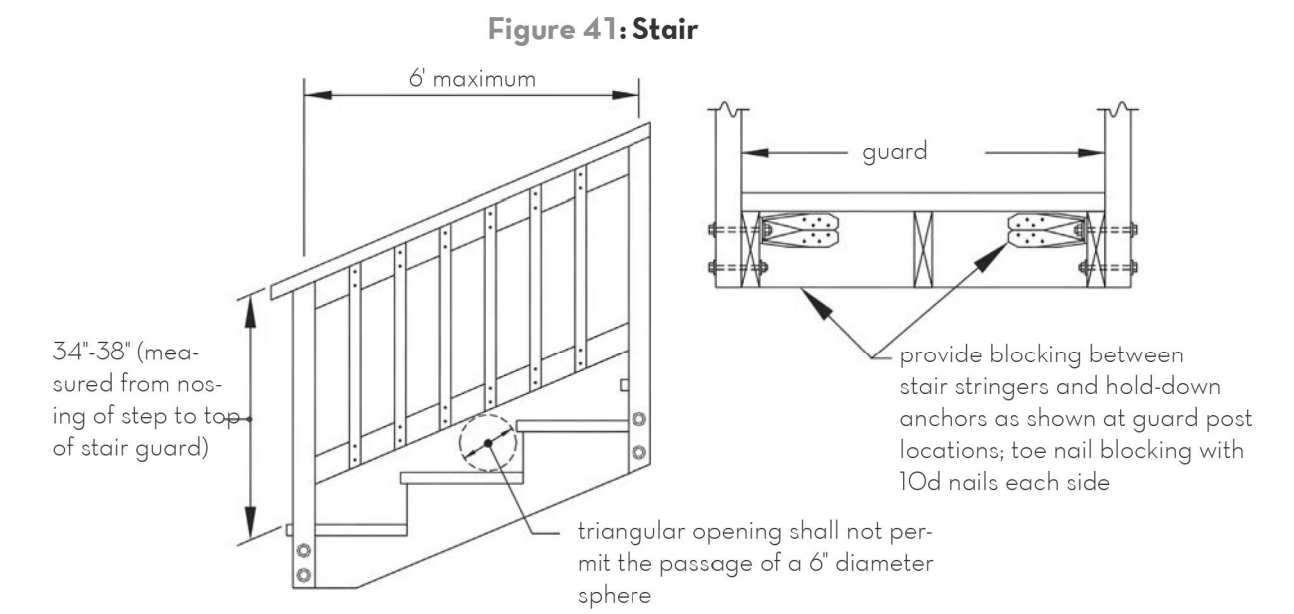
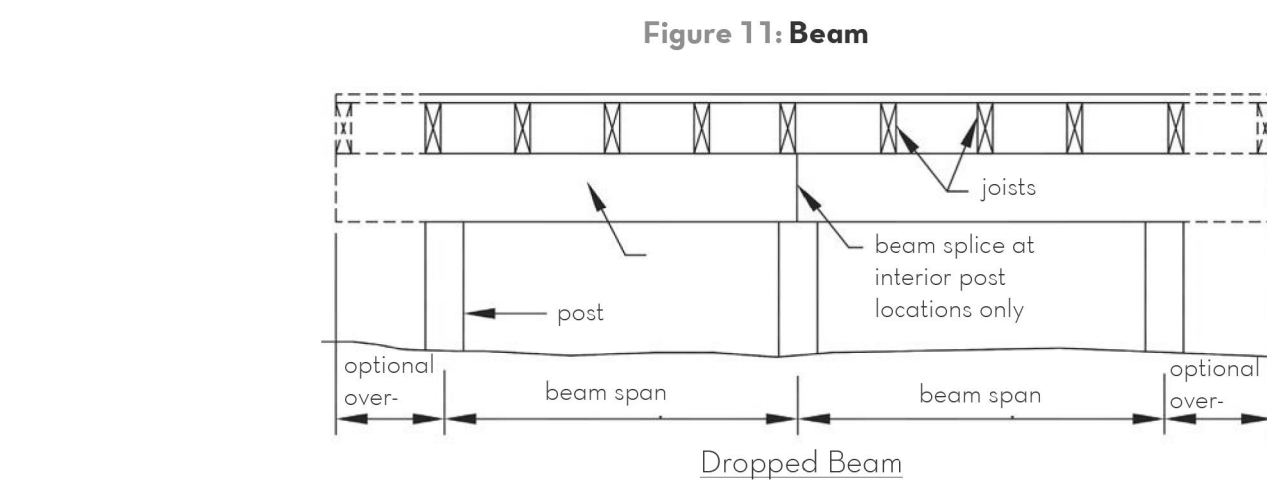
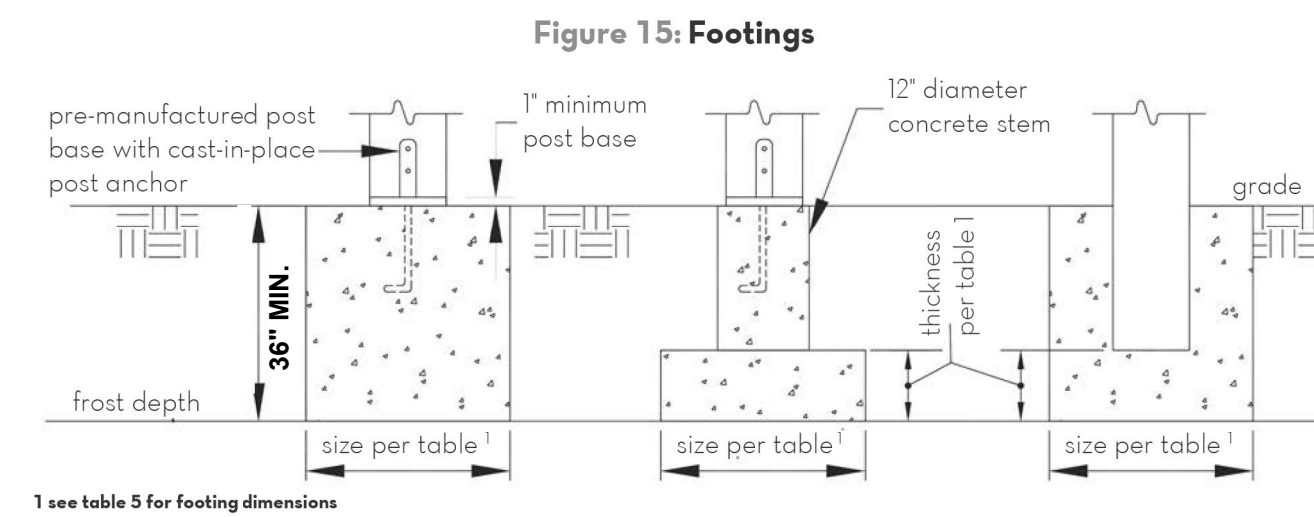
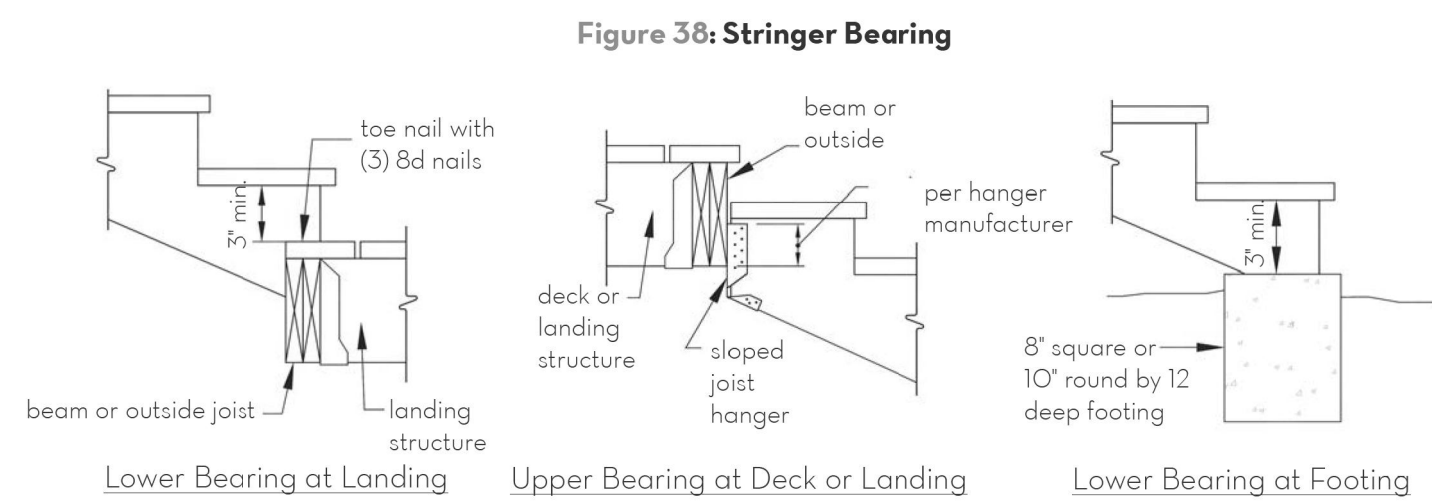
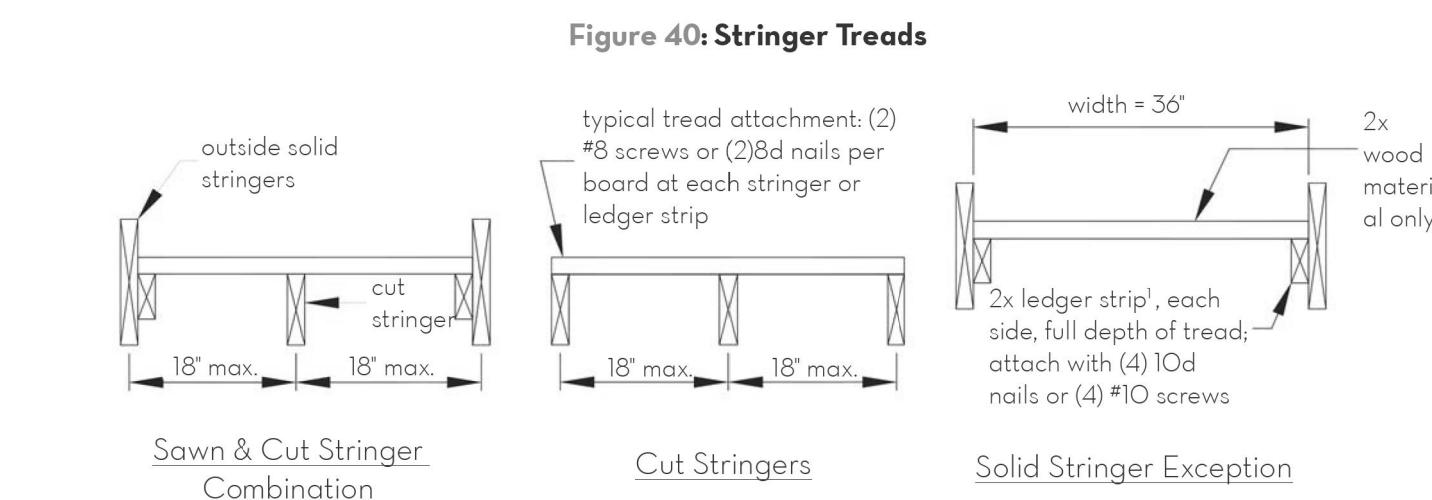
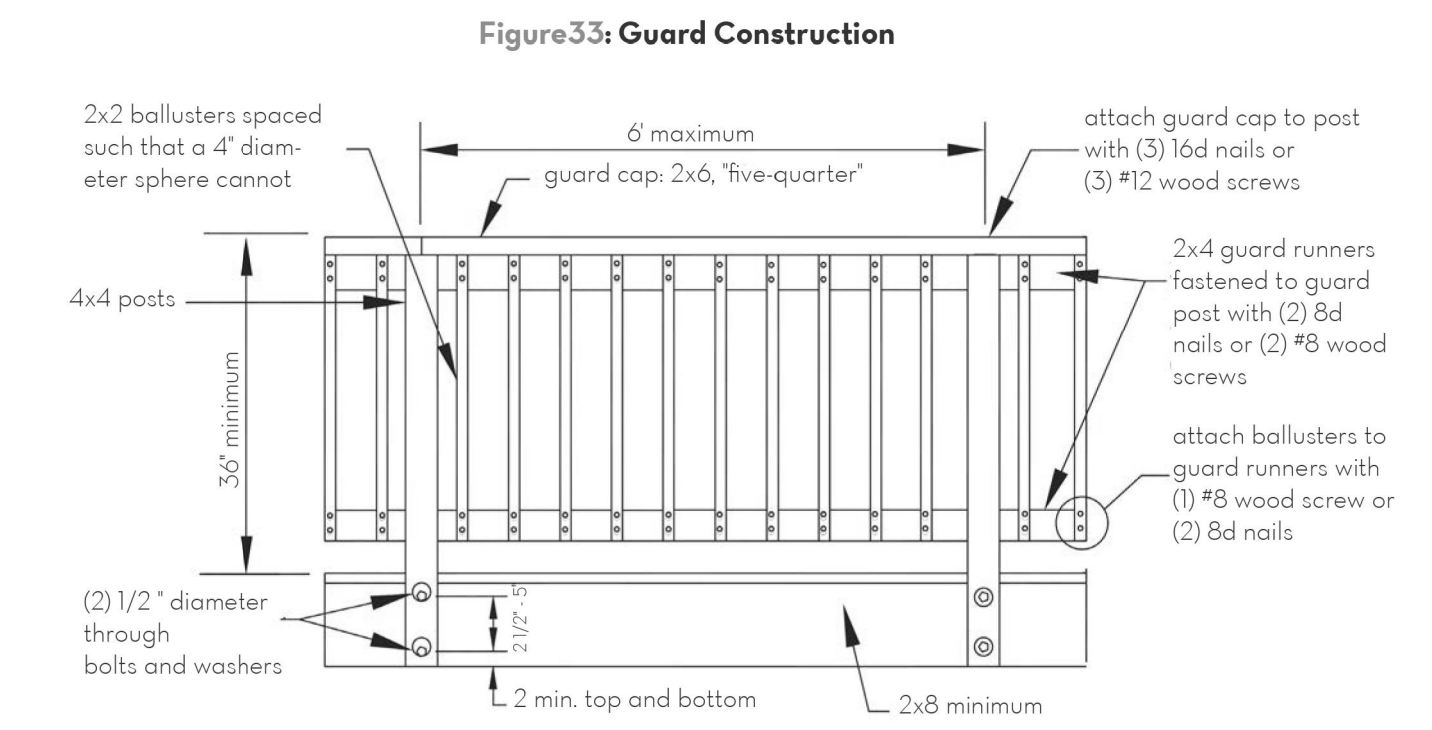
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1 1ST FLOOR DECKING
SCALE: 1/2" = 1'-0" 24X36 LAYOUT



2 2ND FLOOR DECKING
SCALE: 1/2" = 1'-0" 24X36 LAYOUT



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2205 FLAGLER PL., NW
 2205 FLAGLER PLACE, NW
 WASHINGTON, DC 20001
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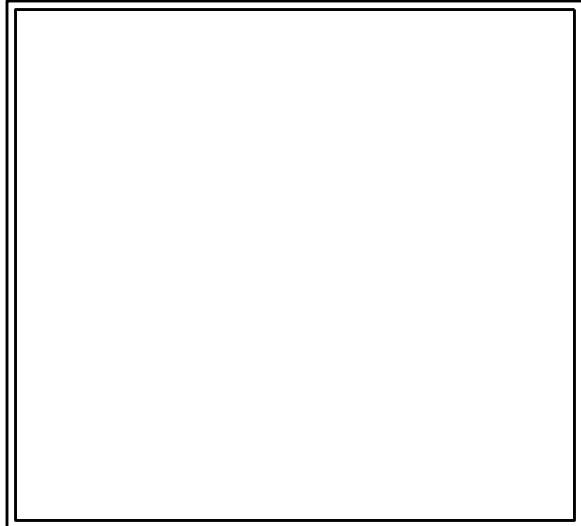


S0101



1 EAST ELVEVATION - PROPOSED
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2 EAST ELEVATION - EXISTING
 SCALE: 1/2" = 1'-0" 24X36 LAYOUT



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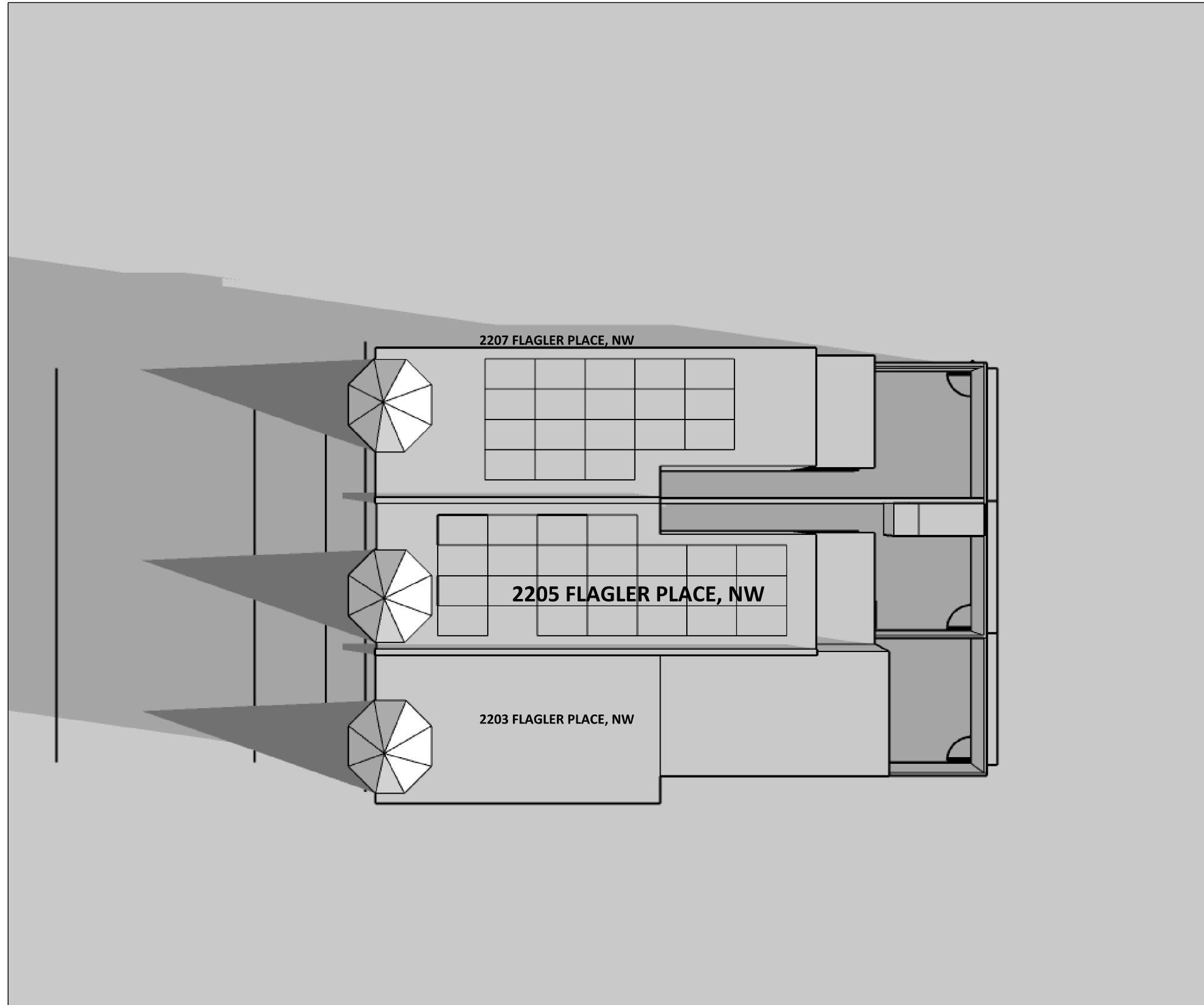
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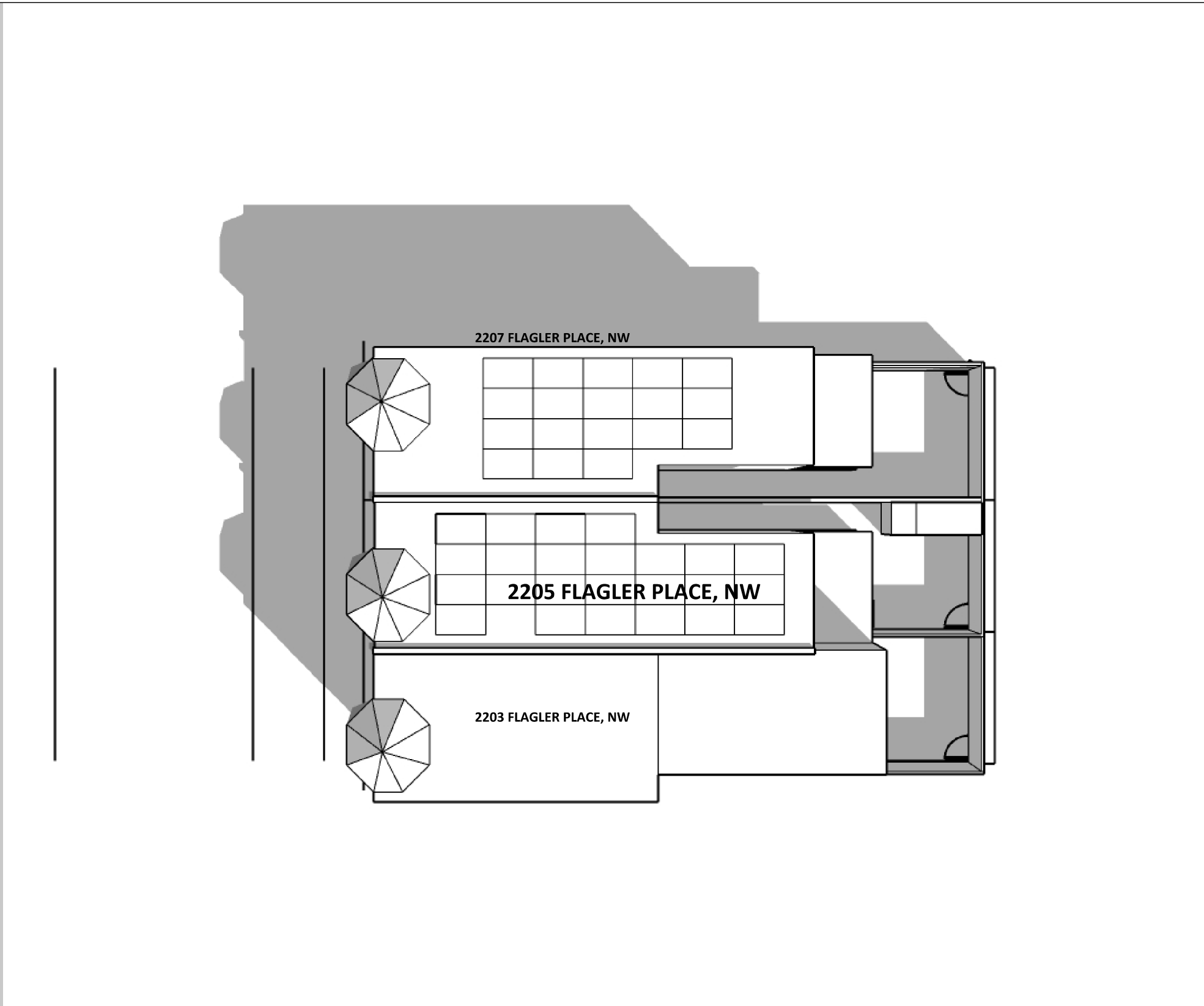


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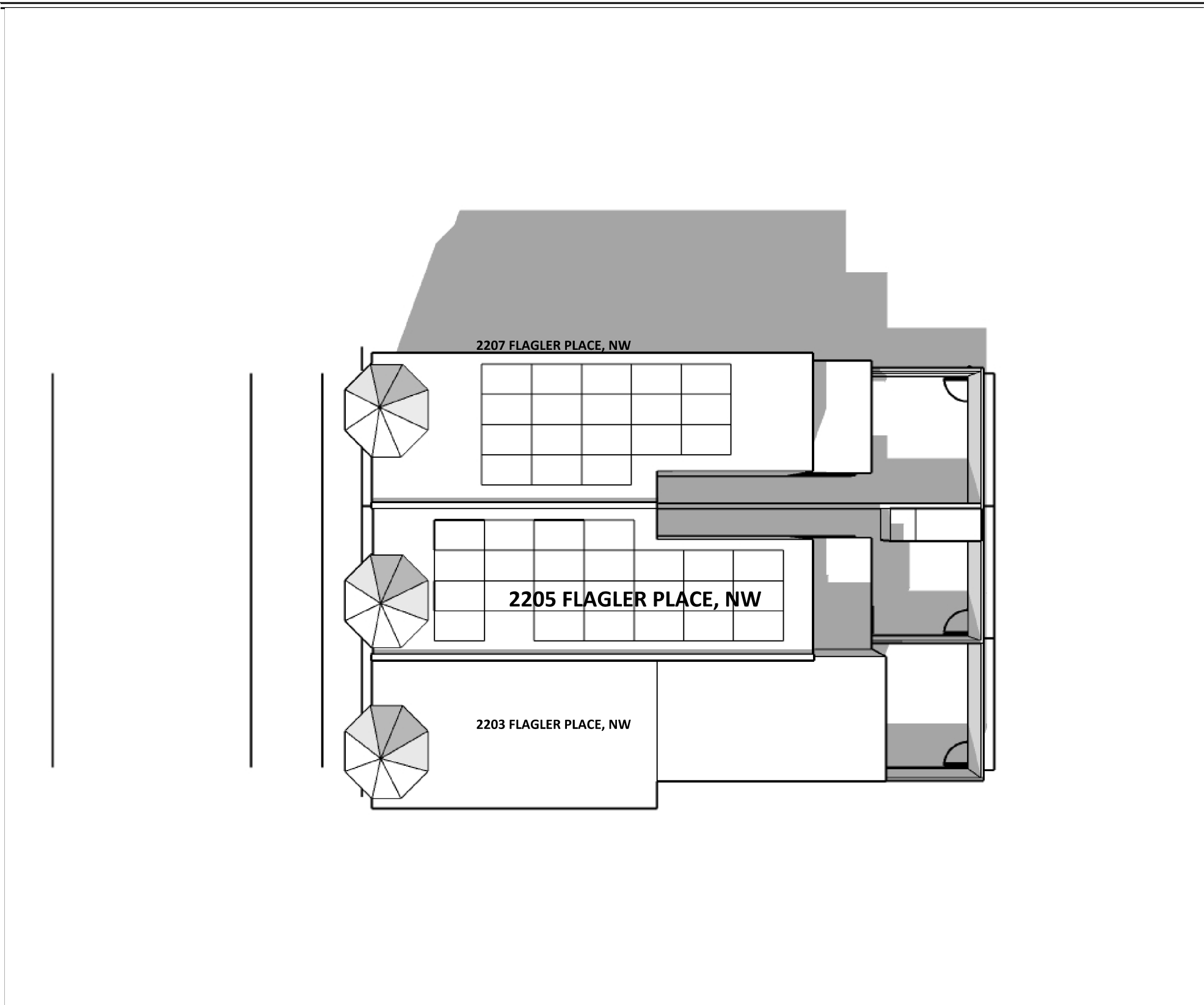
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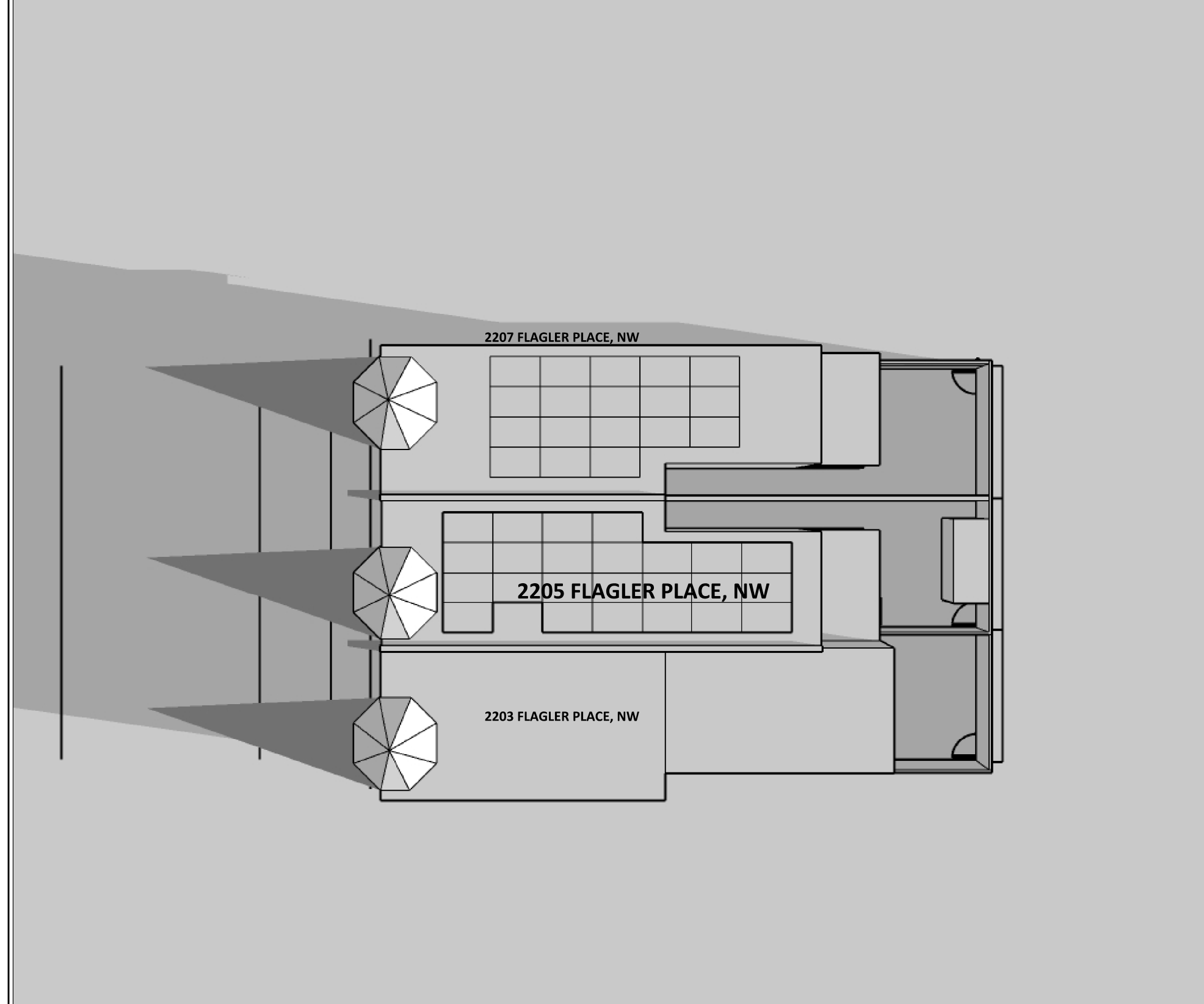
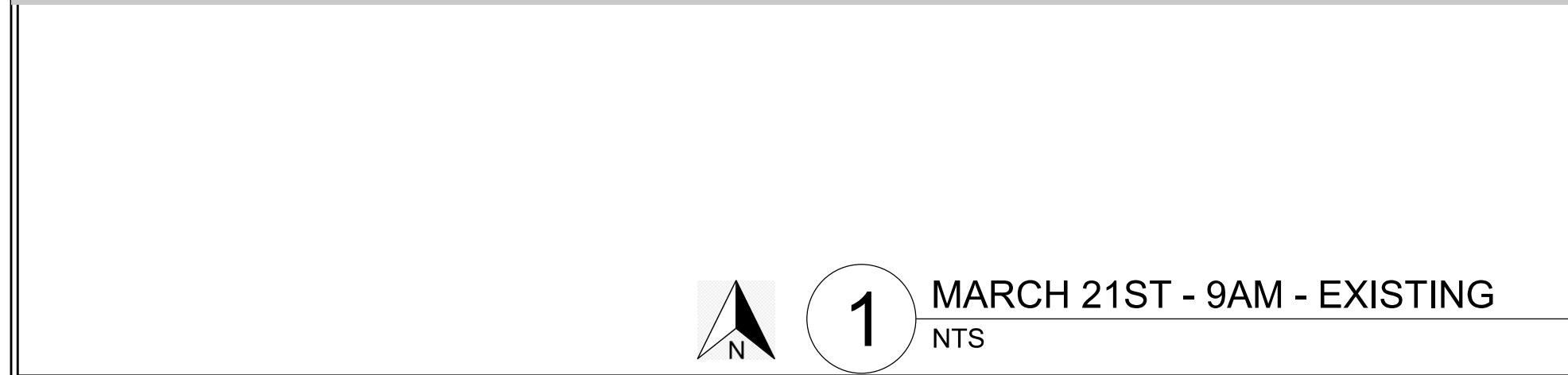
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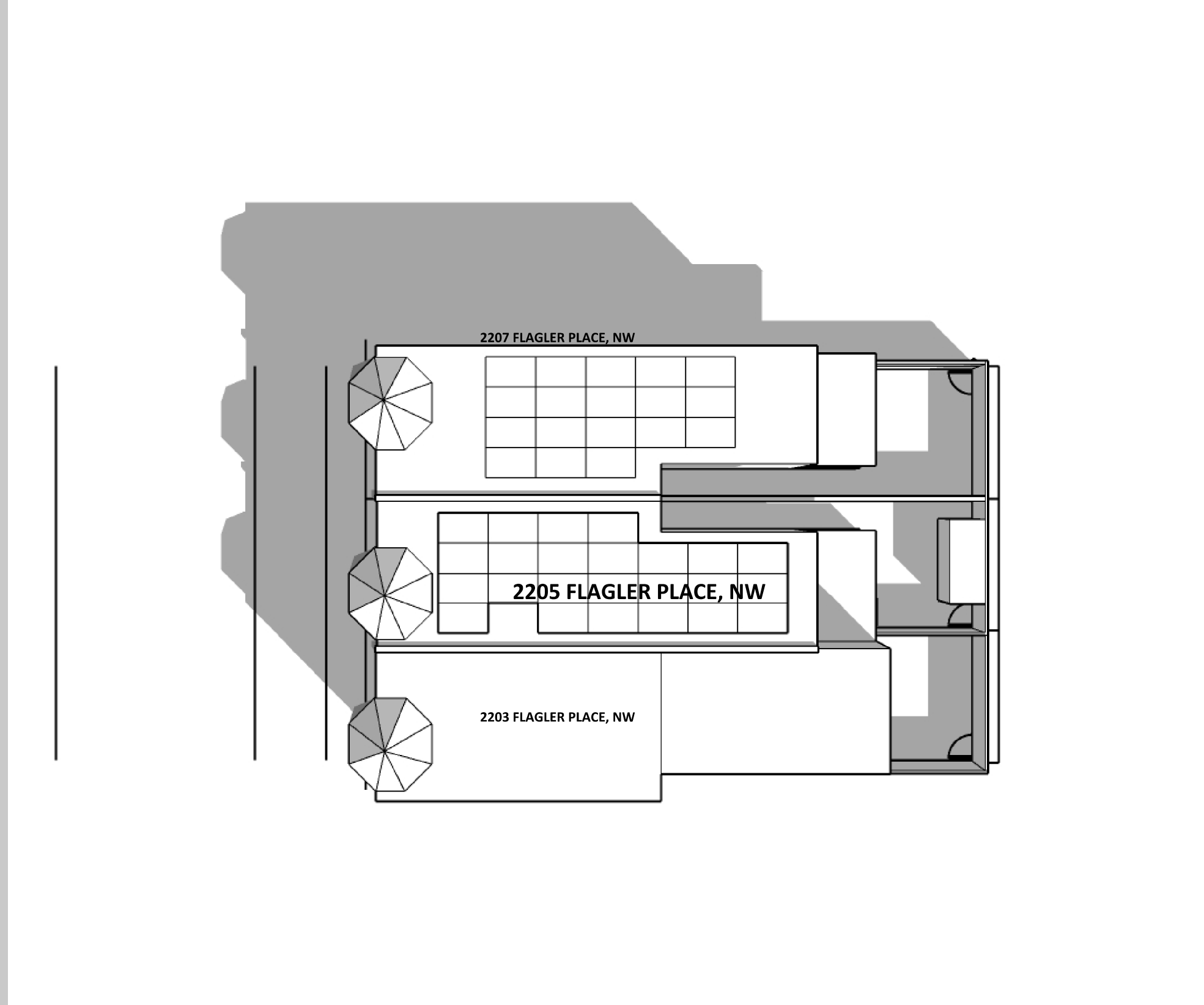
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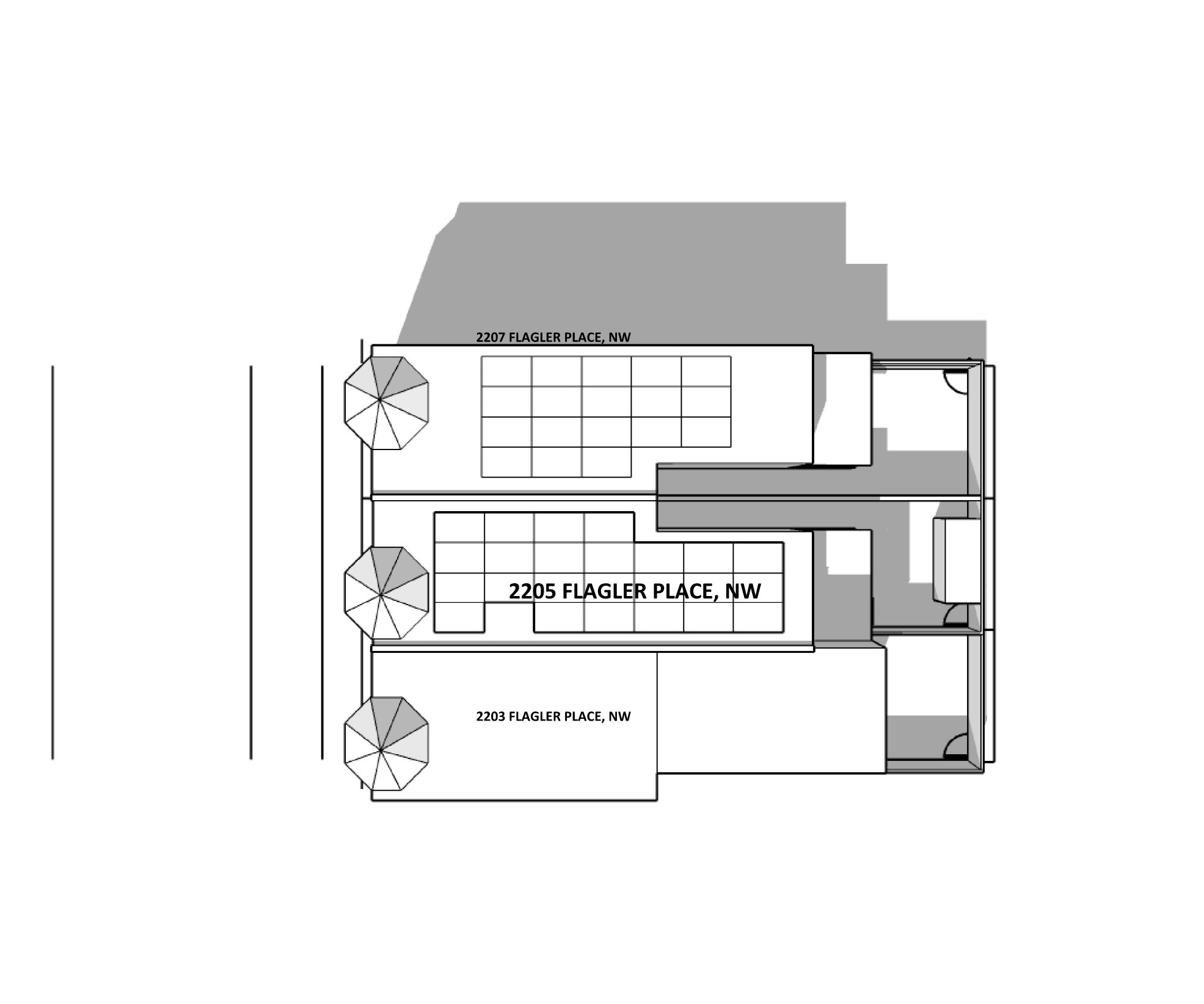
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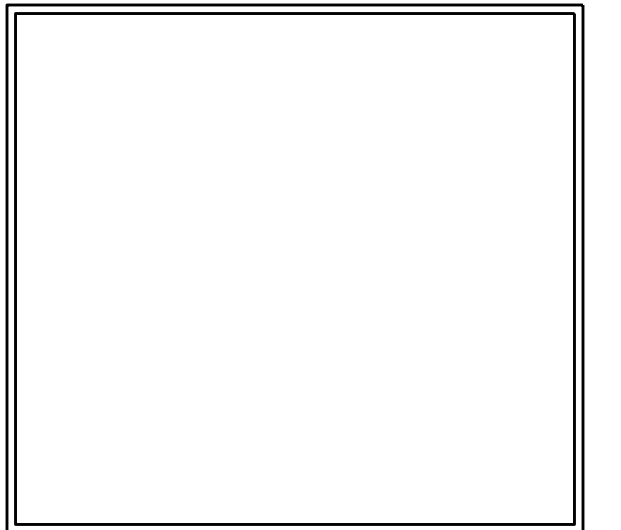
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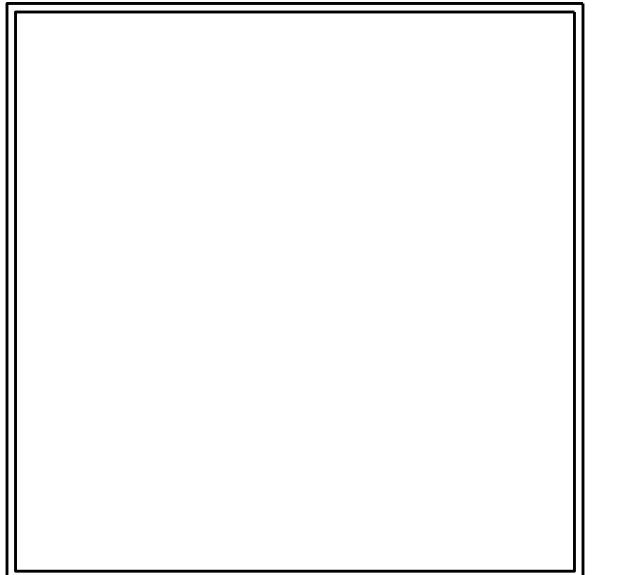
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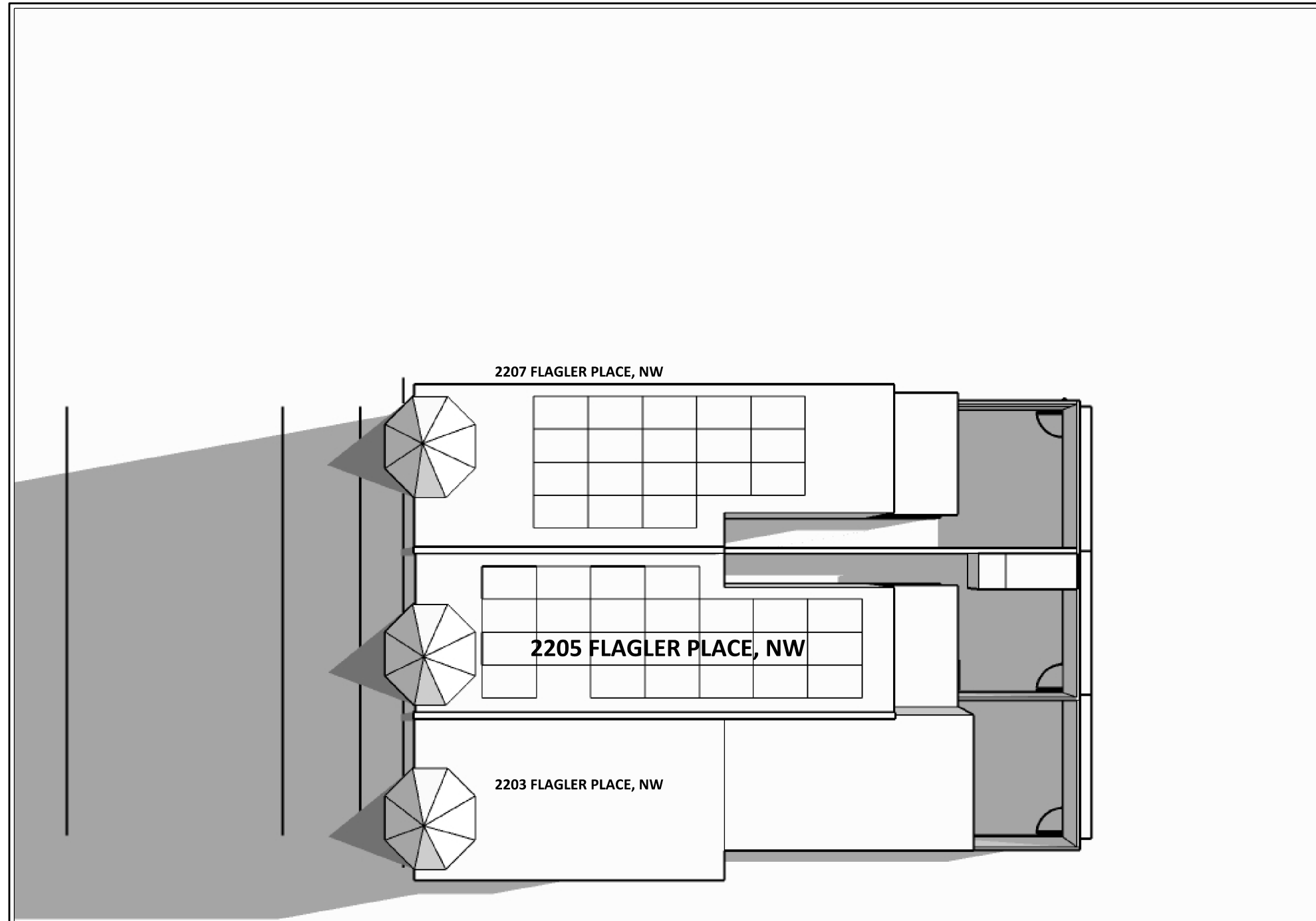
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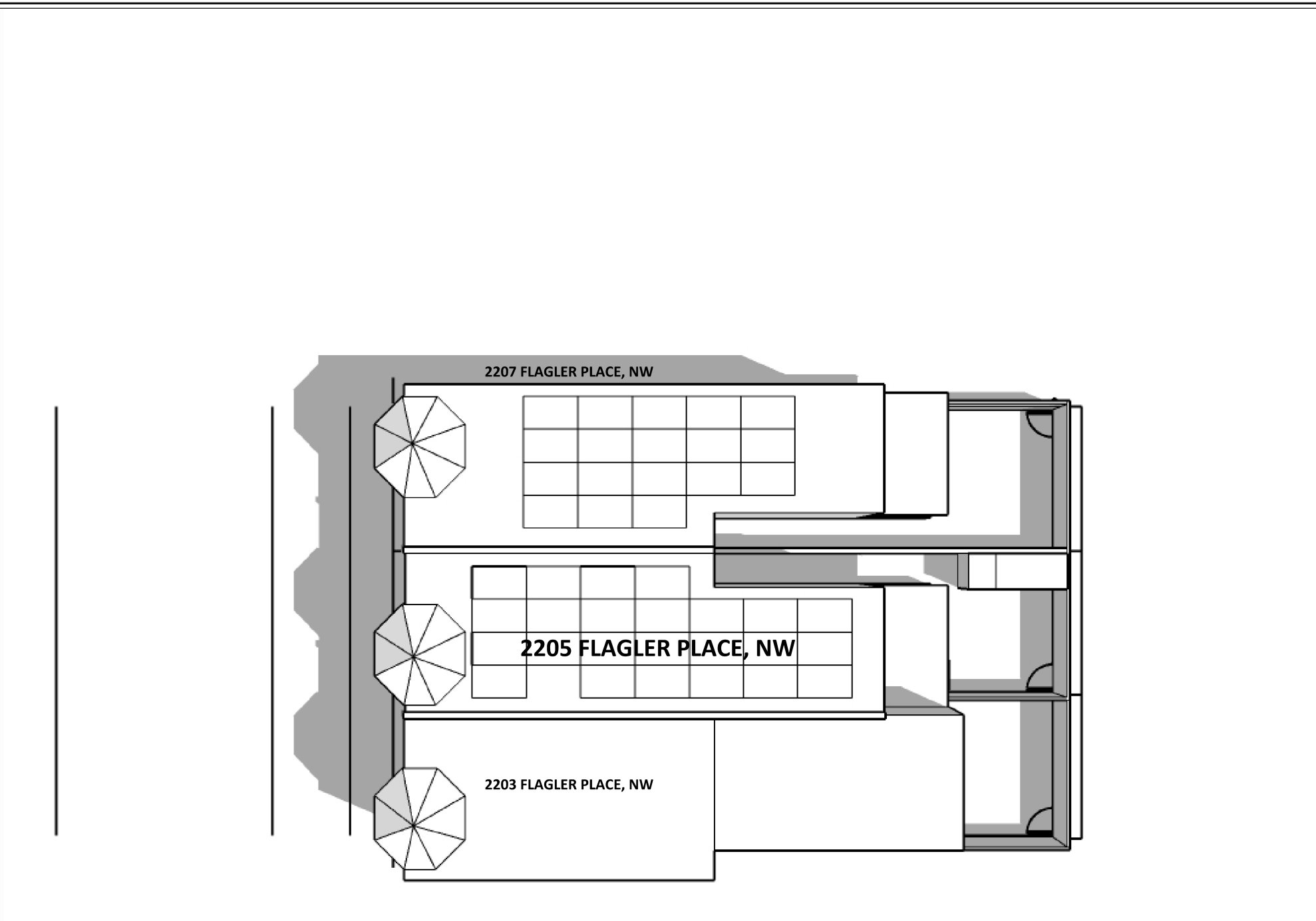
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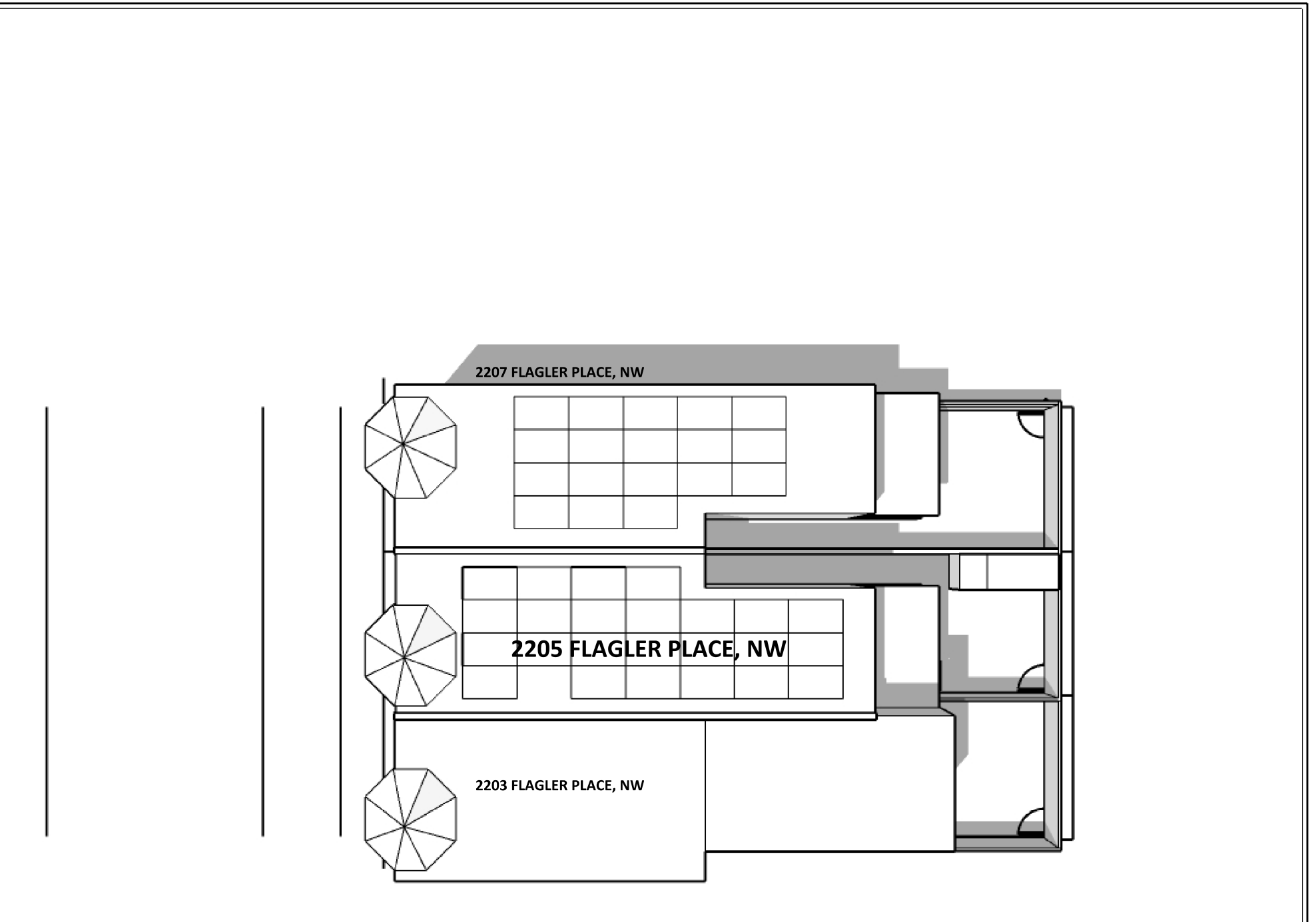
SOLAR STUDY
MARCH



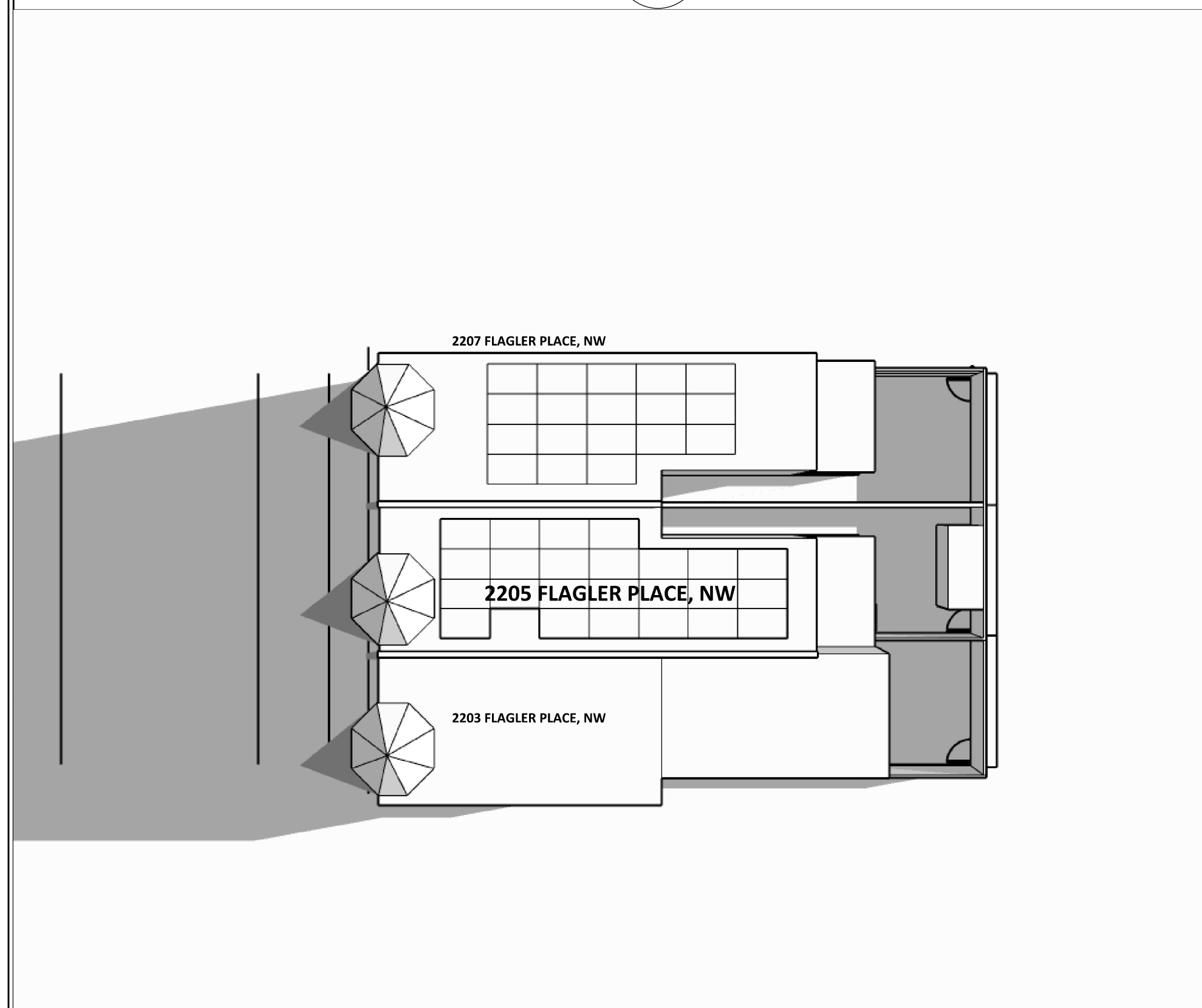
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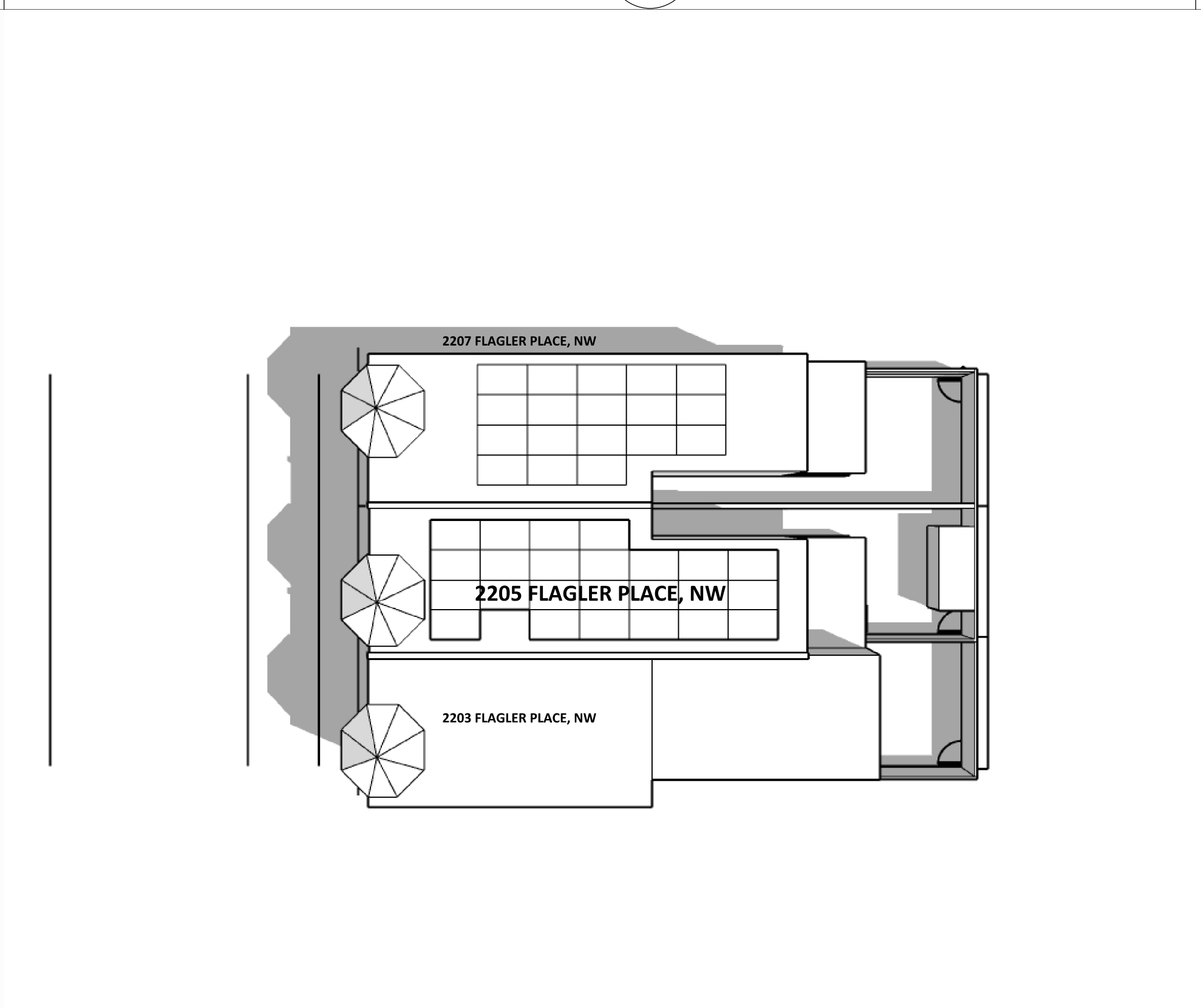
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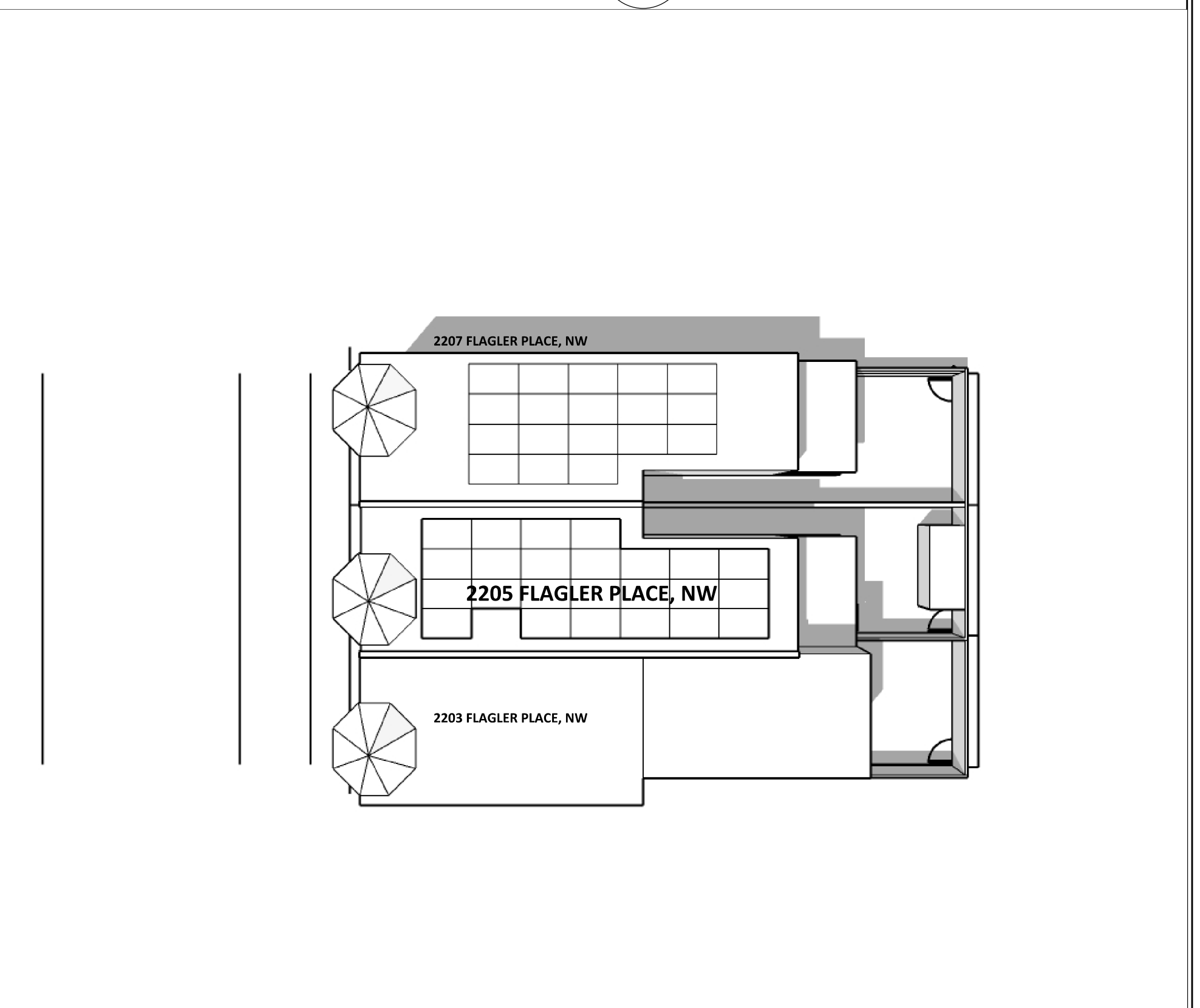
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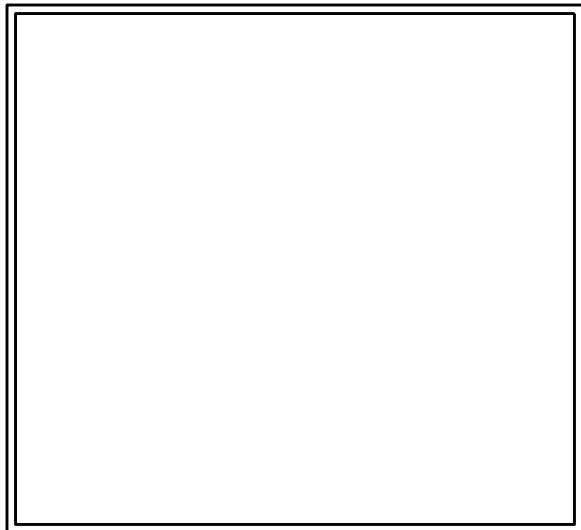
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5 JUNE 21ST - 12 PM - PROPOSED
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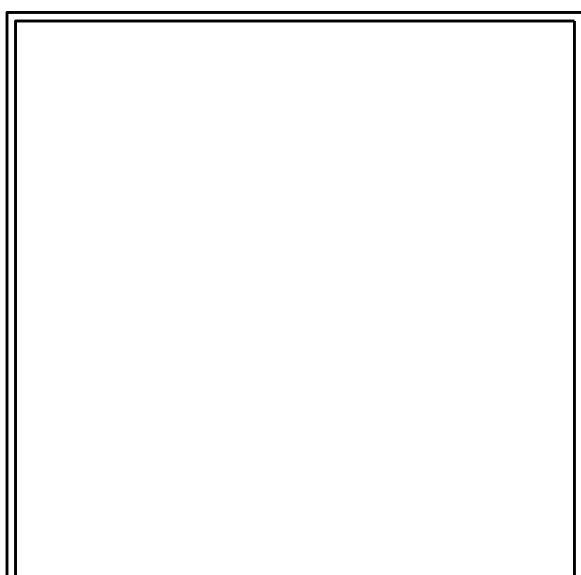
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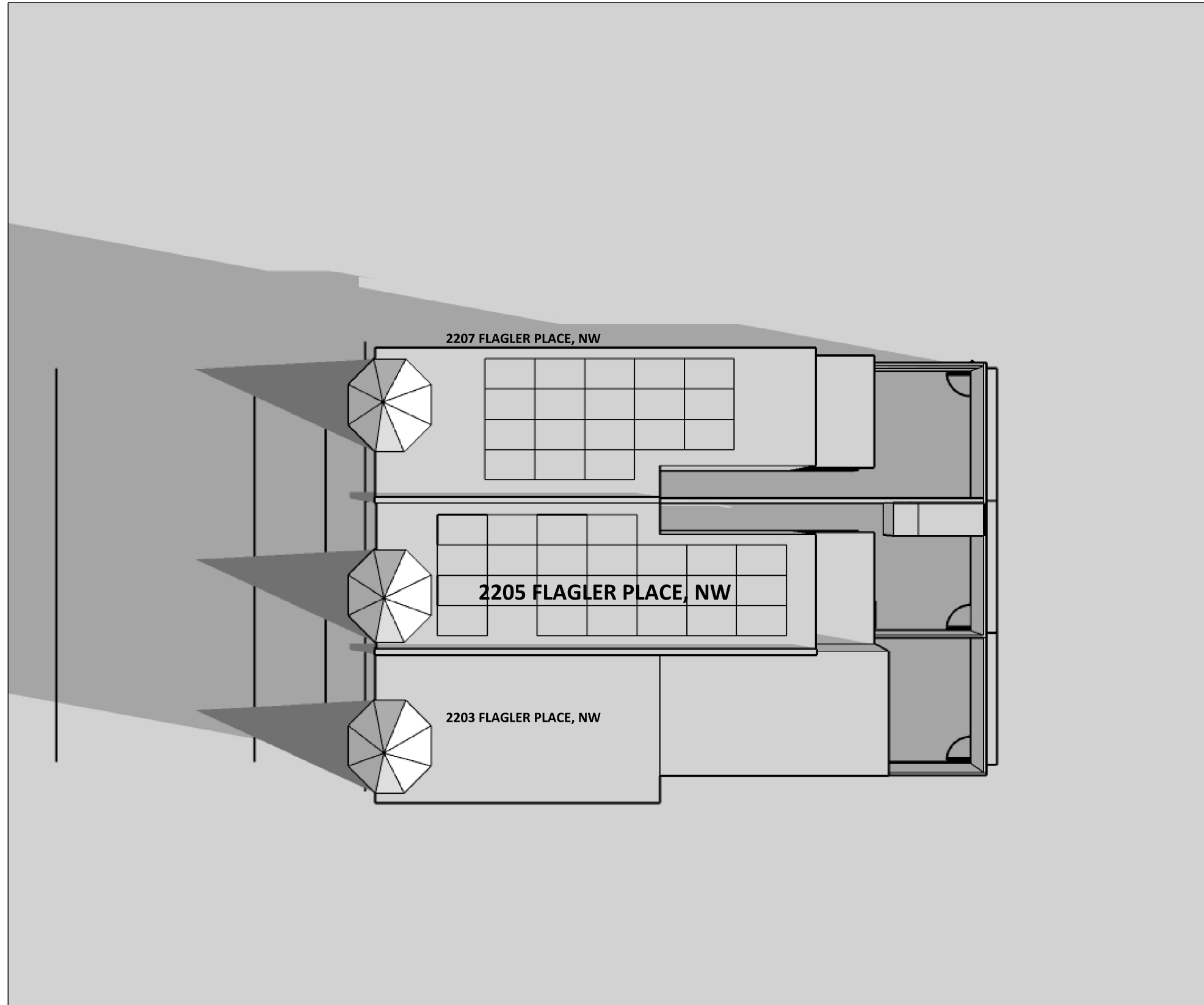
KCI DC STUDIOS
 architecture - design - construction management
 P: 202.220.2437
 C: 312.664.6661
 kc@kcidcstudios.com
 1324 euclid street, nw washington, dc 20004

2205 FLAGLER PL., NW
 2205 FLAGLER PLACE, NW
 WASHINGTON, DC 20001
 SQ: 3122 LOT: 0060

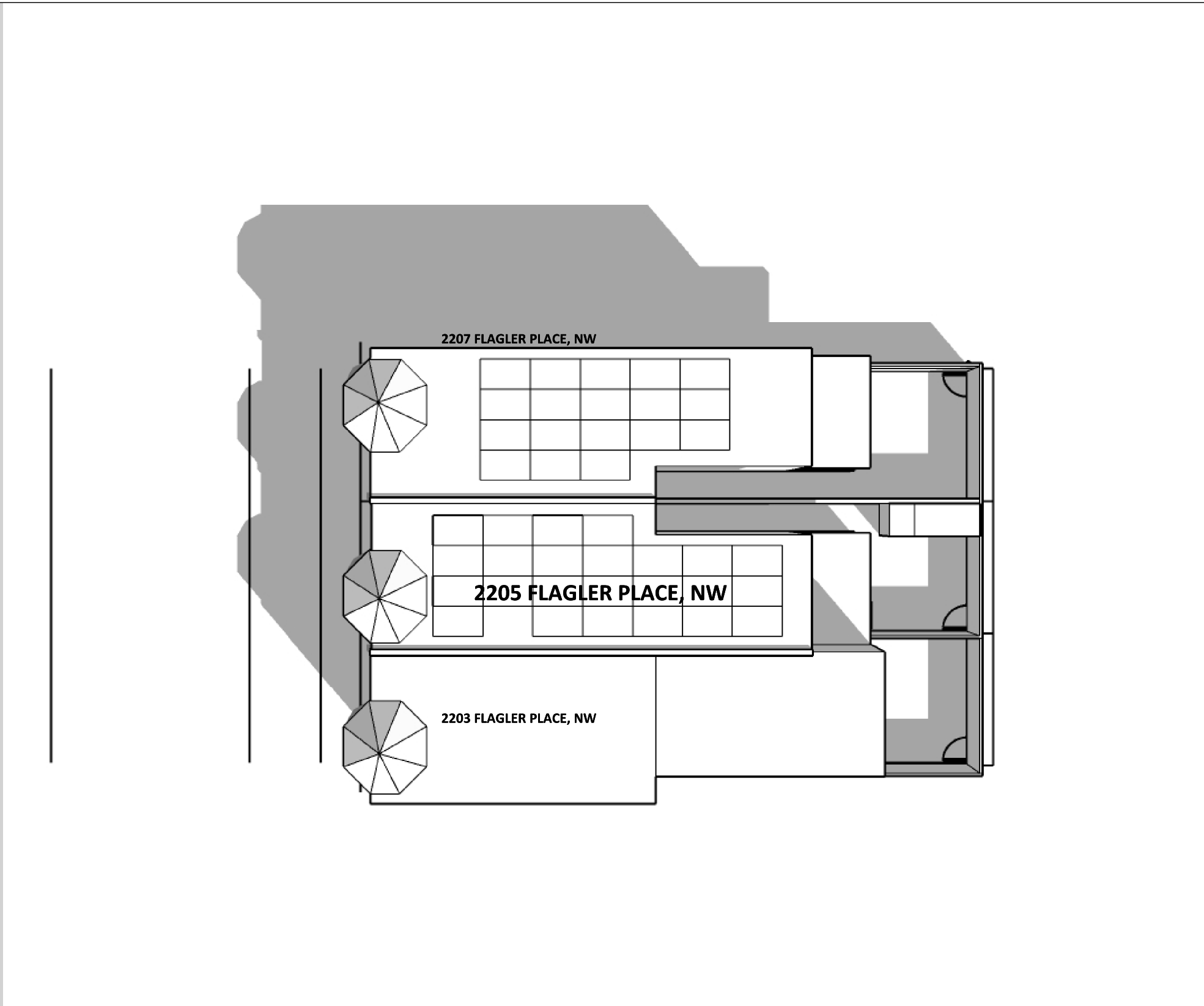
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 DATE: 11/23/2021
 PROJECT NUMBER: 2205



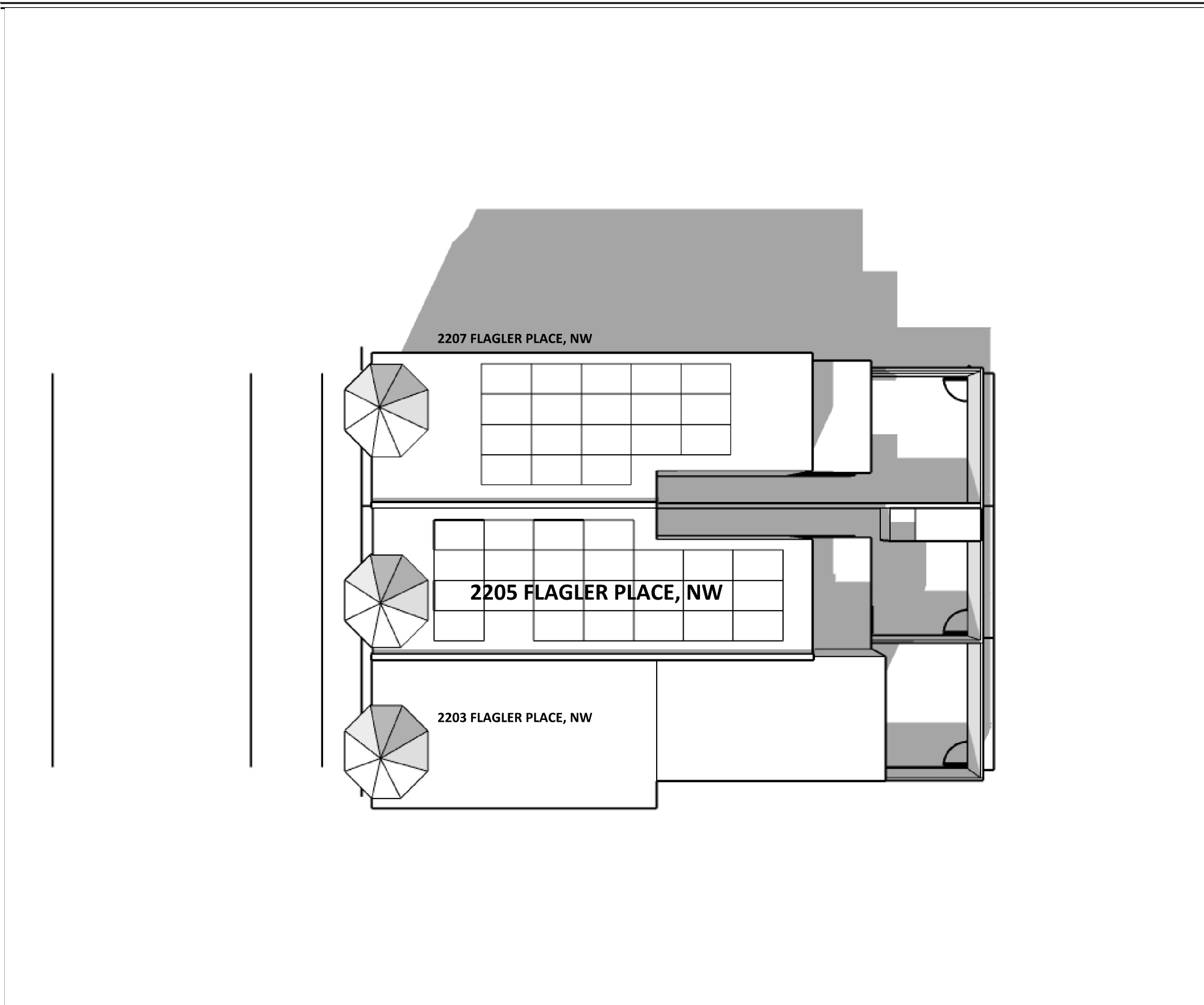
SOLAR STUDY
JUNE



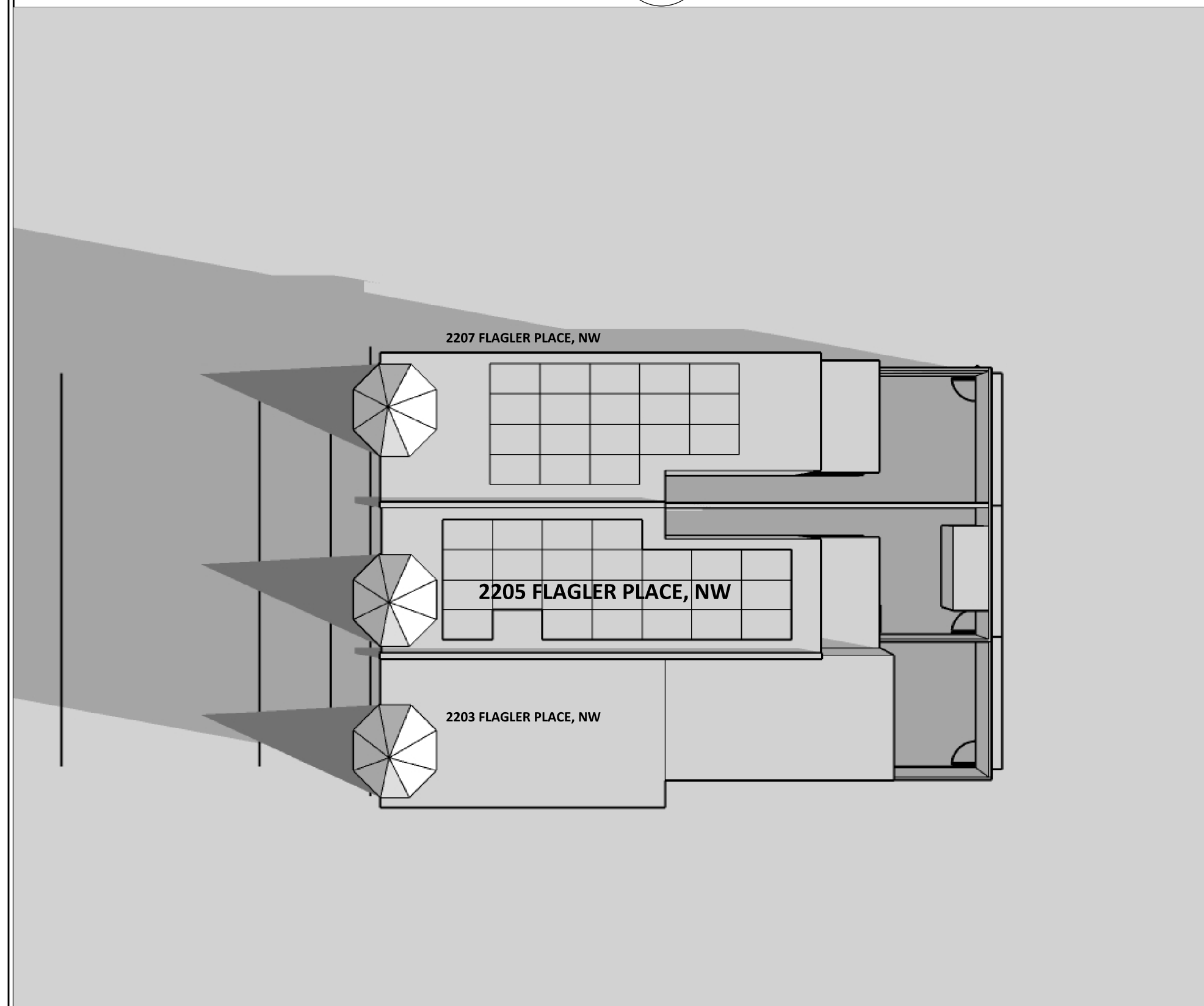
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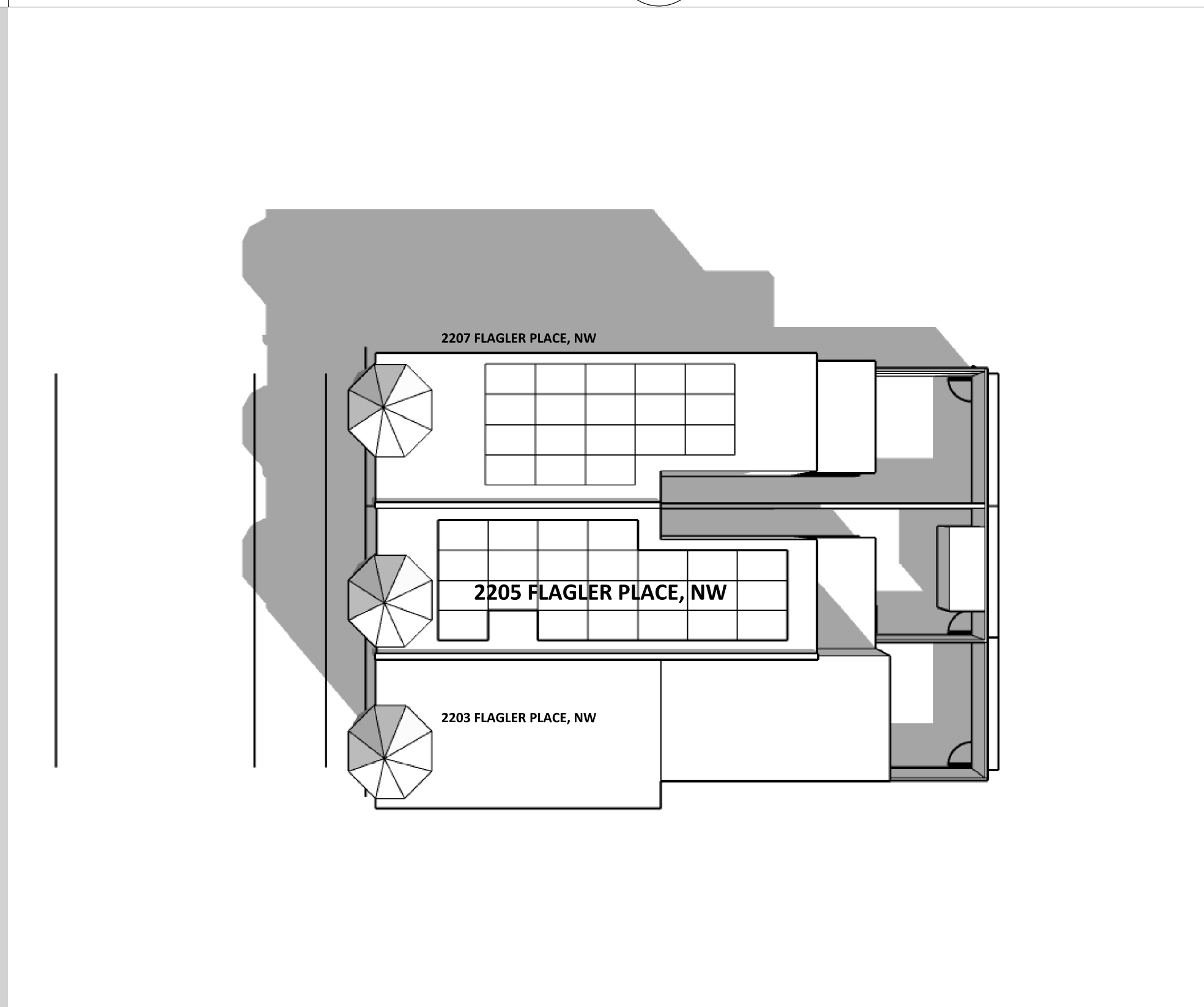
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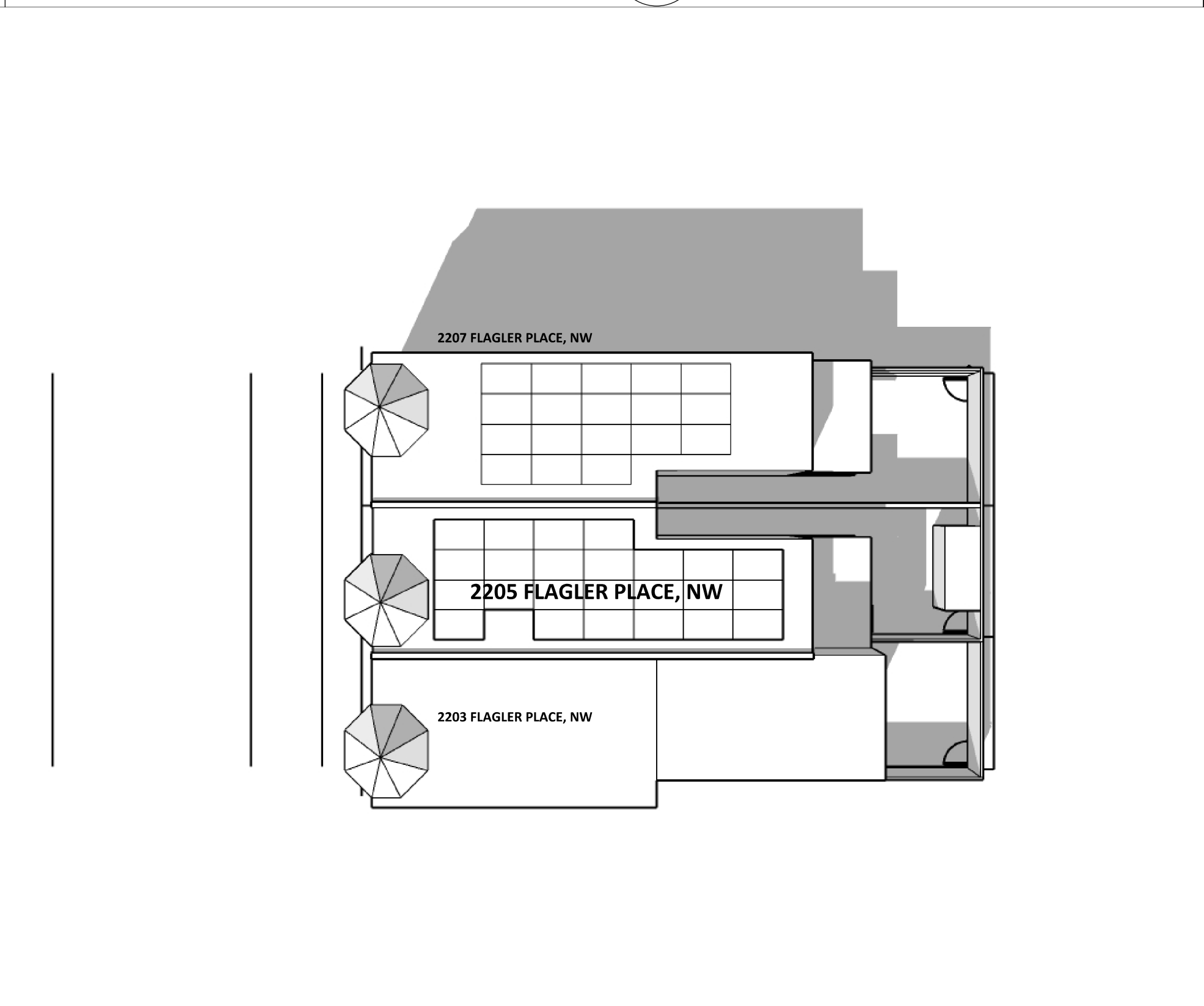
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NTS



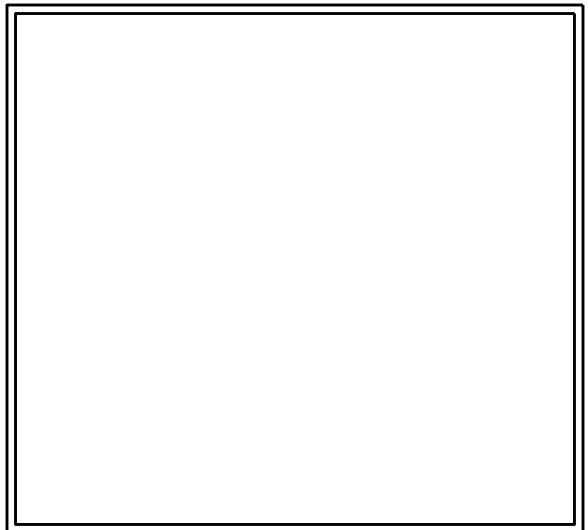
4 SEPT. 21ST - 9AM - PROPOSED
NTS



5 SEPT. 21ST - 12 PM - PROPOSED
NTS



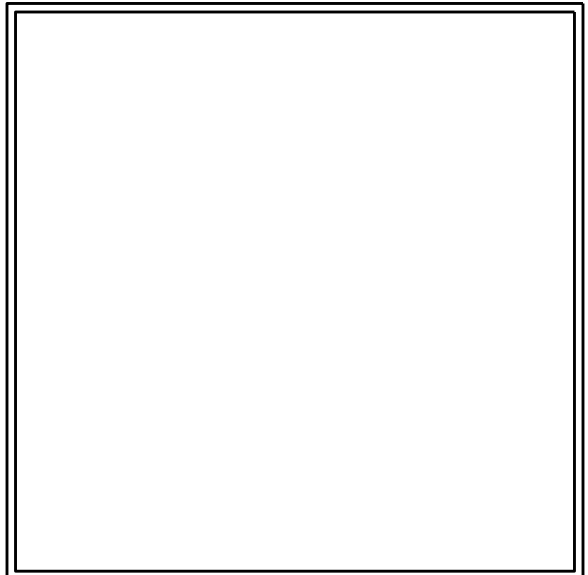
6 SEPT. 21ST - 3PM - PROPOSED
NTS



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 P: 202-220-6437
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 kc@kcidcstudios.com
 1324 euclid street, nw washington, dc 20004

2205 FLAGLER PL., NW
 2205 FLAGLER PLACE, NW
 WASHINGTON, DC 20001
 SQ: 3122 LOT: 0060

SCALE: AS NOTED
 DATE: 11/23/2021
 PROJECT NUMBER: 2205



**SOLAR STUDY
 SEPTEMBER**

Tab D

Board of Zoning Adjustment
Frederick L. Hill, Chairperson
441 4th St NW, Suite 200S
Washington, DC 20001

Re: Letter of Support for 2205 Flagler Pl NW

Dear Chairperson Hill and Members of the Board,

I own the property at 125 W St NW and have spoken with Jay Lurie about his plans to replace his deck in the rear of his home. I have reviewed his plans and understand the zoning relief request from the requirements for lot occupancy and rear yard measurements.

I am writing to offer my full support for this application. I am familiar with the property and specifically the rear yard, as the western exposure of my house faces the yard at 2205 Flagler Pl NW. Jay has made himself available to answer my questions, and he is up-front with me on construction plans related to his property. The proposed deck is of reasonable size, and I do not believe it will cause any adverse impact to my property or neighboring properties. The deck is also compatible with the homes on Flagler Pl NW, many of which have back decks facing the alley with limited visibility from W St NW. Several homes on the block have rear additions or decks that extend to an equal or greater lot occupancy than what Jay is proposing at 2205 Flagler Pl NW.

As a Member of the Bloomingdale Civic Association (BCA) Board, I note that Jay has been in touch with our Board and intends to present this case at the next possible BCA meeting after receiving a BZA case number.

Overall, the proposed project will serve as a great addition to the neighborhood. I therefore recommend the Board approve the zoning relief and allow the building process to move forward. Thank you for your consideration and service.

Sincerely,

Signature: Scott G. Roberts

Date: 12/09/2021

Name (printed): SCOTT G. ROBERTS

Address: 125 W ST NW, WASHINGTON DC 20001

Board of Zoning Adjustment
Frederick L. Hill, Chairperson
441 4th St NW, Suite 200S
Washington, DC 20001

Re: Letter of Support for 2205 Flagler PI NW

Dear Chairperson Hill and Members of the Board,

I own the property at 2203 Flagler PI NW, an abutting property to 2205 Flagler PI NW and have spoken with Jay Lurie about his plans to replace his deck in the rear of his home. I have reviewed his plans and also discussed the zoning relief request from the requirements for lot occupancy and rear yard measurements.

I am writing to offer my full support for this application. Jay has made himself available to answer my questions, and he is always up-front with me on construction plans related to his property. The proposed deck is of reasonable size, and I do not believe it will cause any adverse impact to my property or neighboring properties. The deck is also compatible with the homes on Flagler PI NW, many of which have back decks facing the alley with limited visibility from W St NW. Several homes on the block have rear additions or decks that extend to an equal or greater lot occupancy than what Jay is proposing at 2205 Flagler PI NW.

Overall, the proposed project will serve as a great addition to the neighborhood. I know that Jay intends to contract out the work to quality-driven, experience, and licensed contractors. I therefore recommend the Board approve the zoning relief and allow the building process to move forward. Thank you for your consideration and service.


Sincerely,

Signature: _____

Date: _____

Name (printed): _____

Address: _____


Theodore Pentzer
2203 Flagler PI NW
Washington DC 20001

12/11/2021

Board of Zoning Adjustment
Frederick L. Hill, Chairperson
441 4th St NW, Suite 200S
Washington, DC 20001

Re: Letter of Support for 2205 Flagler PI NW

Dear Chairperson Hill and Members of the Board,

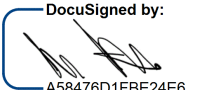
I own the property at 2207 Flagler PI NW, an abutting property to 2205 Flagler PI NW and have spoken with Jay Lurie about his plans to replace his deck in the rear of his home. I have reviewed his plans and understand the zoning relief request from the requirements for lot occupancy and rear yard measurements.

I am writing to offer my full support for this application. Jay has made himself available to answer my questions, and he is up-front with me on construction plans related to his property. The proposed deck is of reasonable size, and I do not believe it will cause any adverse impact to my property or neighboring properties. The deck is also compatible with the homes on Flagler PI NW, many of which have back decks facing the alley with limited visibility from W St NW. Several homes on the block have rear additions or decks that extend to an equal or greater lot occupancy than what Jay is proposing at 2205 Flagler PI NW.

Finally, I have reviewed the solar shading assessment that demonstrates that this construction will not have an effect on the solar production from the roof of either of our two properties.

Overall, the proposed project will serve as a great addition to the neighborhood. I therefore recommend the Board approve the zoning relief and allow the building process to move forward. Thank you for your consideration and service.

Sincerely,

Signature:  _____
A58476D1FBE24E6...

Date: 12/21/2021

Name (printed): Erin (Stevens) Larcher

Address: 2207 Flagler PI NW DC 20001