

## **Applicant's Statement in Support of Special Exception Relief**

### **1500 D ST SE, Square 1074, Lot 0040**

#### **I. Introduction**

This Statement is submitted on behalf of Bradley R and Margaret S Gentile (the "Applicant"), owners of the property located at 1500 D ST, SE. (Square 1074, Lot 0040) (the "Subject Property"). The Property is currently used as a one-family row dwelling (the "Building"). The Applicant is proposing to construct a second-story rear addition to an existing, non-conforming, two-story building in the MU-4 Zone. The first floor of the building occupies one hundred percent (100%) of the lot, whereas the second floor currently occupies a much smaller portion. The Applicant is proposing to construct a second story addition to the existing Building, on top of the existing Building footprint (the Addition). The Addition will not increase the overall lot occupancy, but as the existing structure is nonconforming with respect to residential lot occupancy, the Addition requires special exception relief from the residential lot occupancy limit of sixty percent (60%), for the expanded second-story. The Addition is also seeking relief from the minimum rear yard requirement of fifteen feet (15') in the MU-4 Zone as measured from the property line to the rear wall of the building or along a horizontal plane twenty feet (20') above the mean finished grade at the middle of the rear structure.

Accordingly, the Applicant requires relief from lot occupancy limitations of G § 404.1 and from rear yard requirements of G § 405.2 pursuant to G § 1200.1 which states "the Board of Zoning Adjustment may grant special exception relief to the development standards of this subtitle subject to any applicable conditions of this chapter."

## **II. Jurisdiction of the Board**

The Board has jurisdiction to grant the special exception approval request pursuant to Subtitle G §§ 409, 1200 from the requirements of G § 404.1 and G § 405.2.

## **III. Background**

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

The Property is zoned MU-4. It is located in the Capitol Hill neighborhood but it falls outside of the Capitol Hill Historic District. The subject property is a corner, rectangular shaped lot measuring 18.68 feet (18.68 ft.) in width at the front and rear and seventy-five feet in length. The property measures fourteen hundred and one square feet (1401 SF) in land area. The Property is improved with a two-story, one-family row dwelling. The Property fronts D Street SE to the South and 15<sup>th</sup> Street SE to the west and abutting the Property to the east and to the north are other one-family dwellings.

### **B. Proposed Project**

The Applicant is proposing to construct a second-story rear addition to an existing, non-conforming, two-story building in the MU-4 Zone. The first floor of the building occupy one hundred percent (100%) of the lot, whereas the second floor currently occupies a much smaller portion. The Applicant intends to construct a second story addition to the existing Building, on top of the existing Building footprint. The Addition will not increase the overall lot occupancy, but as the existing structure is nonconforming with respect to residential lot occupancy, the Addition requires special exception relief from the residential lot occupancy limit of sixty percent (60%), for the expanded second-story. The Addition is also seeking relief from the minimum rear yard requirement of fifteen

feet (15') in the MU-4 Zone as measured from the property line to the rear wall of the building or along a horizontal plane twenty feet (20') above the mean finished grade at the middle of the rear structure.

The existing building has a height of 28 feet (28 ft.); however, the Proposed Addition will be limited to a height of 27 feet and will be in keeping with the scale of existing buildings in the neighborhood. The addition abuts a brick wall to the north (rear) and a row house to the east (side).

The Green Area Ratio (GAR) in the Mu-4 Zone is 0.3; however, the subject property predates the October 1, 2013 adoption of the GAR standards and Subtitle C, Section 601.3 expressly excludes application to any existing building where the value of the addition is less than one hundred percent of the assessed value of the building.

#### **IV. The Application Satisfies Special Exception Requirements**

##### **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 in accordance with the Zoning Regulations and Zoning Maps; and subject also, in this case, to the specific requirements for relief under G §§ 1200 and 1201.

In reviewing applications for 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.

**B. General Special Exception Requirements of Subtitle X § 901.2 and the Requirements of Subtitle G §§1200 and 1201.**

Subtitle G § 409 states that the Board of Zoning Adjustment may grant special reception relief from the development standards of Subtitle G, subject to any applicable conditions of Subtitle G Chapter 12 and the general special requirements of Subtitle X, Chapter 9. The general special exception requirements are as follows: “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).

The requirements of G § 1200 mirror the general special exception requirements except that G § 1200.4 (a) includes that the special exception be in harmony with the general purpose and intent of the *MU Zone*, as well as the Zoning Regulations and Zoning Maps. The Application meets the requirements of G § 1200 and X § 901.2 as follows:

**(a) will be in harmony with the general purpose and intent of the MU zone, the Zoning Regulations, and Zoning Maps;**

According to Subtitle G § 400.3 the purpose and intent of the MU-4 Zone is to “Permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and to be located in low- and moderate-density residential area with

access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.”

The application is in harmony with the general purpose and intent of the MU-4 Zone, as it proposes an addition to an existing residence. The neighboring properties include low density residential uses, and the Project will complement the surrounding character.

**(b) Will not tend to affect adversely the use of neighboring property, in accordance with the Zoning Regulations and Zoning Maps;**

The Property fronts D Street SE to the South and 15<sup>th</sup> Street SE to the west and abuts adjacent one-family dwellings to the east and north. To the north, the rear wall of the Property abuts a brick side wall (without windows) of 388 15<sup>th</sup> Street SE and to the east the side wall is in line with the property line of 1502 D Street SE. The height of the Addition is well under the fifty-foot (50 ft) height limit of the MU-4 zone. Additionally there is a large ‘Special Tree’ (tree requiring a permit to remove) shade tree in the rear yard of 1504 D Street that currently puts the rear yard of 1504 D and 1502 D in shade during much of the day. There will be no additional undue light and air impacts on the adjacent properties due to the Addition and requested relief.

Subtitle 1201.1 states that the Board of Zoning Adjustment may grant relief to the rear yard requirements of this subtitle as a special exception pursuant to Subtitle X, provided:

**(a) No apartment window shall be located within forty feet (40 ft.) directly in front of another building;**

There will be no new apartment windows added to the building.

**(b) No office window shall be located with thirty (30 ft) directly in front of another office window, nor eighteen feet (18 ft) in front of a blank wall;**

There will be no new office windows added to the building.

**(c) In buildings that are not parallel to the adjacent buildings, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be considered in determining distances between windows and appropriate yards;**

There will be no new windows offering views into adjacent yards.

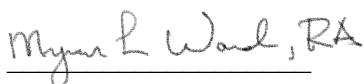
**(d) Provision shall be included for service functions, including parking and loading access and adequate loading ares;**

There will be no changes to the service functions. The existing one-story building abuts adjacent one-family dwellings to the east and to the north and there is currently no rear yard access or area for loading or parking.

## **V. Conclusion**

For the reasons outlined in this Applicant's Statement, the Applicant respectfully request the special exception relief as detailed above.

Respectfully Submitted

  
Myron L Ward, RA

Myron L Ward, RA

Date: November 16, 2021