

BOARD OF ZONING ADJUSTMENT

Applicant's Statement

739 Morton Street NW
Washington, DC 20010
Square: 2894 / Lot: 0051

To: **Office of Zoning**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington, DC 20001

From: **Latoya Nelson Kamdang**
531 Madison Street
Unit #3
Brooklyn, NY 11221

Date: March 10, 2022

I. Introduction and Nature of Approval Sought

This Statement is submitted on behalf of Latoya Nelson Kamdang (the "**Applicant**"), owner of the property located at 739 Morton Street NW (Square 2894, Record Lot 0051) (the "**Subject Property**"). The Subject Property is currently a two-story, semi-detached building with one (1) principal dwelling unit (the "**Building**"). The Applicant is proposing a third story addition on the top of the existing Building footprint (the "**Addition**") and convert the Building to three (3) principal dwelling units (the "**Project**"). The Project will require the following area of approval:

A. Special Exception Approval Pursuant to U § 320.2.

The Applicant is proposing to convert the Building to three (3) principal dwelling units. Accordingly, the Applicant is requesting special exception approval pursuant to U § 320.2.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle U § 320.2.

III. Background

A. Description of the Subject Property and Surrounding Area

The Subject Property is located at 739 Morton Street NW and is in the RF-1 zone district. Abutting the Subject Property to the west is a three-story, three unit residential building (741 Morton Street NW). Abutting the Subject Property to the east is a two-story, single-family row dwelling (737 Morton Street NW). Abutting the Subject Property to the north is a public alley. The Subject Property fronts on the north side of Morton Street.

B. Proposed Project

The Applicant is proposing to construct a third-story Addition on top of the existing Building and convert to three (3) principal dwelling units. The Addition will be pushed back north of the existing turret and front gable so as to not be seen from the front. The existing front architectural elements will remain intact with windows and doors to be replaced in historic-kindness. The Addition will have a flat roof that will be aligned with the front gable ridge and will be visible from the side or rear only. The overall Building height will only be increased by ten inches (10 in) and only visible from side or rear. The existing Building footprint will remain with the Addition on a portion of the existing footprint - pushed back approximately 9 feet (9 ft) from the front bay wall and aligned with the dog-leg rear wall.

The Building and proposed Addition are within the height and story limits of the RF-1 zone and comply with the lot occupancy and side and rear yard setback requirements of the zone. The proposed Project also includes two (2) parking spaces located at the rear of the Subject Property.

IV. The Application Meets the Requirements for Special Exception Approval

A. Overview

Pursuant to Subtitle X § 901.2 fo 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 of relief under Subtitle U § 320.2 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.

B. General Special Exception Requirements of Subtitle X § 901.2

In order to obtain special exception approval, an Applicant must meet the general special exception requirements of 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). Pursuant to E § 100.1 “the Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units.” The Zoning Regulations permit three (3) units via special exceptions per E §

302.2 "A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3."

2. Addition will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps

The Addition will not impact the light and air or privacy of the neighboring properties. The Addition will also not adversely affect the use of the neighboring properties as residential properties. Three (3) principal dwelling units are permitted via special exception. The Applicant is proposing to only increase the overall height by the inches (10 in.) but remain within zoning limits. The front historic architectural elements will remain. The Project will remain intune with the character of the Zoning Maps by keeping the original building footprint.

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 approval 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 existing residential structure on the Subject Property at the time of filing the application and will remain.

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 § 1003.10; and;"

The proposed Project will increase the number of units from one (1) unit to three (3) units. Therefore, Inclusionary Zoning and the requirements of C § 1003.10 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."

The proposed Project includes three (3) units, requiring a minimum of 2,700 square feet. The Subject Property currently has 3,563 square feet of land area, therefore satisfying the minimum requirements.

V. Conclusion

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

Respectfully submitted,



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