

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Donald S Pashayan
1443 S St., NW (Square 206, Lot 2006, Unit 1)

I. INTRODUCTION.

This Statement is submitted on behalf of Donald S Pashayan (the “**Applicant**”), owner of the property located at 1443 S Street, NW (Square 206, Lot 2006, Unit 1) (the “**Subject Property**”). The Subject Property, located in the RF-2 zone district, and is improved with a three-story plus cellar, two-family row dwelling. The Applicant is proposing to construct a deck addition at the rear of the building (the “**Addition**”). This will result in a lot occupancy of sixty-seven percent (67%) requiring special exception relief from the maximum permitted lot occupancy of sixty percent (60%) pursuant to E-5201.

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-404.1.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Subject Property is located in the RF-2 Zone District. It is an interior lot measuring 2,040 square feet in land area. The Subject Property is improved with a three-story plus cellar, two-family row dwelling. Abutting the Subject Property to the north is a 10-foot alley. Abutting the Subject Property to the east is 1441 S Street, NW. Abutting the Subject Property to the south is S Street. Abutting the Subject Property to the west is 1445 S Street, NW. The area is characterized by a mixture of residential uses, including apartment buildings as well as flats and single-family dwellings.

B. Proposed Addition and Requested Relief.

The Applicant is proposing to construct a rear deck at the rear of the house. The Subject Property has a lot occupancy of fifty-three percent (53%). The Addition is proposed to have a lot occupancy of fourteen percent (14%). The Application is therefore proposing a total lot occupancy of

sixty-seven percent (67%). Accordingly, the Applicant is requesting special exception relief from the maximum permitted lot occupancy of sixty percent (60%) under E-404.1.

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

A. Overview.

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.

1. 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-2 Zone which is intended to, "provide for areas proximate to Dupont Circle predominantly developed with row houses within which no more than two (2) dwellings are permitted" (E-400.1). The Zoning Regulations specifically permit special exception relief from the maximum lot occupancy up to seventy percent (70%). 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 Addition will not tend to adversely affect the use of 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 5201.4: 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 Addition is a one-story deck and will not cause shadowing or unduly impact the air of neighboring properties.

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

The proposed Addition will not have any privacy impacts on the neighboring properties.

(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 Addition will not be visible from S Street. There are similar existing decks along the alley. Therefore, the Addition will not visually intrude upon the character, scale, or pattern as viewed from S Street, NW, or the 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 Addition 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.

The Applicant will comply with special treatment if the Board deems it necessary.

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 requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully Submitted,

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