

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant’s Statement of Michael Segal & Jennifer Mandel
3615 Cumberland Street, NW (Square 1979, Lot 13).

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Michael Segal and Jennifer Mandel (collectively, the “**Applicant**”), owners of the property located at 3615 Cumberland Street, NW (Square 1979, Lot 13) (the “**Property**”), located in the R-1B zone. The Property is improved with a two-story plus cellar detached single-family dwelling (the “**Building**”) with a one-story garage (the “**Accessory Building**”). The Applicant is proposing to construct a one-story addition at the rear of the east side of the building (the “**Addition**”). No work is proposed to the Accessory Building, and while the Accessory Building is already located within the Required Rear Yard, the Addition will not put that Accessory Building any further into the Required Rear Yard. Nevertheless, a DOB zoning reviewer has claimed this requires BZA relief, and the Applicant has been unable to get any clarifying or confirming answer from the Zoning Administrator. According, the Applicant is requesting relief from the accessory building rear yard requirements of D-5004.1(a), pursuant to D-5201.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901 and D-5201. The Board has the authority to review the Application as an expedited review case pursuant to Y-401.2(b).

III. BACKGROUND.

A. Description of the Property and Surrounding Area.

The Property is an interior lot measuring 6,024 square feet in land area. Abutting the Property to the north is the alley. Abutting the Property to the east is 3609 Cumberland Street, NW, which consists of a detached single-family dwelling. Abutting the Property to the south is Cumberland Street, NW. Abutting the Property to the west is 3621 Cumberland Street, NW, which consists of a detached single-family dwelling.

B. Proposed Project.

The Applicant proposes to construct a one-story addition at the rear of the existing house. The Addition will decrease the distance between the principal dwelling and the Accessory Building

to 7 ft. 6.25 in. The Addition will otherwise conform to the development standards, apart from the requested relief.

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

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, subject also, in this case, to the specific requirements for relief under Subtitle D-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 Subtitle X-901.2.

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

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the R-1B zone; the R-1B zone is "intended to provide for areas predominantly developed with detached houses on moderately sized lots." The Property will remain a detached single-family dwelling. Accordingly, the proposed Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

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

The granting of the special exception will also not tend to adversely affect the use of neighboring properties, as more fully described below.

B. Specific Special Exception Requirements of Subtitle D-5201.

5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal 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 fact that the Accessory Building will be located in the Required Rear Yard as a result of this Addition to the Principal Building has no impact on the light and air available to neighboring properties. The effect of the relief is internal to the Property, as it merely allows the existing principal Building to be closer to the existing Accessory Building. The Principal Building itself meets all zoning development standards.

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

The fact that the Accessory Building will be located in the Required Rear Yard as a result of this Addition to the Principal Building will not unduly compromise the privacy of use and enjoyment of neighboring properties. The fact that these two buildings will be in closer proximity to each other has no connection to any possible privacy concerns.

(c)The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage;

The proposed Addition to the Principal Building will not be visible from Cumberland Street. The addition is in line with the character, scale, and pattern of houses along the alley. Accordingly, it will not intrude upon the character, scale, and pattern of the houses along Livingston Street or the alley. There is no addition proposed to the Accessory Building.

V. CONCLUSION.

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

Respectfully submitted,

Martin P Sullivan

Martin Sullivan
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