

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

**3629 T Street, NW (Square 1296, Lot 804)  
Request for Minor Modification of BZA Order No. 19633**

**I. NATURE OF RELIEF**

This Statement is submitted on behalf of VI 3629 T Street LLC (the “Applicant”), owner of the property located at 3629 T Street, N.W. (Square 1296, Lot 804) (the “Property”). On December 13, 2017, the Board of Zoning Adjustment (“BZA” or the “Board”) granted the Applicant special exception relief pursuant to 11-D DCMB § 5201 from the rear addition requirements of 11-D DCMR § 1206.4, to construct a three-story addition to an existing one-family dwelling. After the Applicant obtained approval, it was informed that the front vestibule—which was included in the approved plans—required front setback relief. 11-B DCMR § 315.1 provides, “the building facade of an interior lot attached building shall not be further forward than the building facade of the one (1) of the immediately adjoining buildings.” The Applicant is not proposing to modify the approved plans in any way. It is only requesting that the Board grant the Applicant a minor modification to include front setback relief, as the standard for review is identical to the relief requested for the rear setback requirement (11-D § 5201) and the plans are the same as what the Board already approved, including the subject vestibule.

**II. BACKGROUND**

*Description of the Property*

The Property is located in the R-20 Zone. It is a long rectangular corner lot measuring one hundred and twenty-five feet (125 ft.) in length, eighteen and a half feet (18.5 ft.) in width and 2,300 square feet in land area. The Property is improved with a two-story single-family

rowhouse (the “Building”). Abutting the Property to the east, at 3627 T Street, is a single-family rowhouse. Abutting the Property to the north and west are public alleys. Abutting the Property to the south is T Street, N.W. The area is made up of primarily single-family dwellings.

### **III. MINOR MODIFICATION REQUIREMENTS ARE SATISFIED.**

Subtitle 11-Y DCMR § 703.3 states, “‘minor modifications’ shall mean modifications that do not change the material facts upon which the Board based its original approval of the application.” The requested change meets that standard, as no material facts upon which the Board based its original approval of the Application have changed. The Board approved the plans, which have not changed. It was not until after the BZA hearing that the Applicant learned that the approved plans would require front setback relief.<sup>1</sup>

In Case No. 19633, the Applicant received approval for rear setback relief, which is reviewed according to the same requirements as front setback relief. These requirements were discussed at length during the BZA hearing and subsequent deliberation on December 13, 2017. The Board even requested additional photographic evidence from the Applicant demonstrating how the proposed project meets 11-D DCMR 5201.3(c): “The 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 frontage.” As part of the BZA hearing, the Board specifically reviewed and deliberated on the front façade of the Building and its compatibility with the other houses on the street. The Board also noted that the Applicant’s changes to the original plans helped the

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<sup>1</sup> Interpretations surrounding the front yard setback requirement, including especially provisions within Subtitle B, have recently evolved, and the Applicant was not aware of this requirement during the initial BZA hearing.

proposed project to better fit the criteria: “And the Applicant did make changes from the original plans to mitigate any adverse effects from the front. They changed the third floor from being flush with the second floor to make it a pitched roof and a dormer to make it go more compatible with the street frontage.” (Commissioner Miller, 12/13/17 Transcript, p. 32.)

As the Applicant is not altering the plans approved by the Board, the same determinations can be made about the requested front setback relief. The Applicant has reached out to its ANC and has requested to present the minor modification request at the next ANC 2E meeting.

**IV. CONCLUSION.**

For the reasons outlined in this Statement, the Applicant respectfully requests the minor modification as detailed above and as demonstrated by the attached plans.

Respectfully Submitted,



Martin P. Sullivan  
Sullivan & Barros, LLP  
March 1, 2018