

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

**APPLICATION OF  
532 Taylor LLC**

**532 Taylor St, NW  
ANC 4C**

**STATEMENT OF THE APPLICANT**

**NATURE OF THE RELIEF SOUGHT**

This statement is submitted by Mr. Sima Tessema as Principal for 532 Taylor LLC, (the “Applicant”), the owner of 532 Taylor St, NW, (the “Property”), (Square 3231, Lot 86). The Applicant seeks Special Exemption relief to allow an apartment building in an RF-1 District. The Property is presently permitted as a 3 story two-family flat. The Property meets all the criteria listed in U320.2 for a residential conversion and does not require any additional variances or special exemptions.

The requested relief to title 11 DCMR is:

1. Conversion of an existing residential building (Subtitle U-§320.2) The proposal is to convert from an existing residential flat to an apartment building by the addition of a third unit within the existing structure in the RF-1 District.

**JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the special exception requested herein pursuant to 11 DCMR Subtitle X-§901.2 of the 2016 Zoning Regulations.

**BACKGROUND INFORMATION OF THE PROPERTY**

The property is a mid-block, RF-1 zoned lot of 2708 square feet improved by a two story brick row house with a cellar and a planned third floor addition currently permitted as a flat and originally constructed c.1913. The structure will contain 3078 sq. ft. of livable area covering 1397 sq. ft. of the lot (51.6%). The dwelling is flanked on both sides by identical row houses the length of the block. The permitted structure has a two story deck extending back 4’-0” from the rear wall. The structure to the north extends 6’-0” past the subject property structure. The permitted structure on the property extends 10’-0” back from the structure to the south. The structures sits approximately 10 ft back from the front property line which prohibits any construction to the front. Neither of the

adjacent properties has solar installations. The proposal does not impact any chimney or vent within 10 feet.

The property is within a half-mile of the Georgia Ave-Petworth Metro station. Metro bus service is available at the end of the block on New Hampshire Ave NW.

The property is within the boundaries of ANC 4C, not located within any historic district and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.

### **DESCRIPTION OF IMPROVEMENTS IN THE SURROUNDING AREA**

Square 3231 is located in the Petworth neighborhood. The square is bounded by Taylor Street NW to the north, 5<sup>th</sup> Street NW to the east, Shephard Street NW to the south and New Hampshire Avenue NW to the west. The square is a uniform zoning district containing all residential rowhouses. The lots fronting Taylor Street NW are uniform sizes of +/-2700 sq. ft. Lots on the north side of Shephard Street NW, the alley behind the applicant's lot, are likewise +/-2700 sq ft. Many of the properties in the square have 2 story additions to the original structures. Several lots of the block have garages along the alley.

The surrounding squares have four apartment buildings of between 4 and 10 units. These squares also contain 27 properties with 2-4 units in the rowhouses.

### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The Application is proposing to convert the Property from a two unit flat to a 3 unit apartment building. The footprint and envelope of the structure will not be altered by this conversion, only reconfiguration of the interior layouts will be changed.

Apart from the relief requested, the Project complies with the development standards for the RF-1 zoning district. The Project does not increase the height of the building and will not affect the main façade's existing architectural elements.

### **NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW**

The Board of Zoning Adjustment is authorized under §8 of the Zoning Act, D.C. Official Code §6-641.07(g)(2), to grant special exceptions, as provided in DCRM Chapter 11, Subtitle X §901.2, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

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

(c) Subject in specific cases to the special conditions specified in the Zoning Regulations 11 DCMR Subtitle X §901.2.

The BZA has limited discretion in granting a special exception – once an applicant has made the requisite showing of the requirements under the regulations for the special exception, the Board typically must grant the application. *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973).

The Applicant’s compliance under §901.3 with those requirements is:

**THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS**

Subtitle U, Section 320.2 requires relief for the applicant by special exception when demonstrated that the conversion of an existing residential building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);

*The height of 34.9ft. of the current plans will not be changed, No relief is being sought from this requirement.*

- (b) The fourth (4<sup>th</sup>) 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 § 1003.6;

*This application is for approval to increase the number of units from 2 to a 3 unit building. Therefore, Inclusionary Zoning and the set aside requirements do not apply. No relief is being sought from this requirement.*

- (c) There must be an existing residential building on the property at the time of filing an application for a building permit;

*The property currently is permitted as a residential flat. No relief is being sought from this requirement.*

- (d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;

*The existing lot area of 2708 sq ft meets the 900sq. ft. per area of land for the 3 units proposed. No relief is being sought from this requirement.*

- (e) An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;

*The structure to the north extends 6'-0" past the subject property structure as permitted. The structure as permitted on the property extends 10'-0" back from the structure to the south, thus meeting this requirement. No relief is being sought from this requirement.*

- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;

*There are no chimneys or other external vents within 10 ft of the permitted structure which will not be altered by this application. No relief is being sought from this requirement.*

- (g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:

*There are no proposed additions to the permitted structure as part of this application, nor are there any solar energy systems on the adjacent properties. No relief is being sought from this requirement.*

- (h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;

*The structure as permitted is not being altered or added to so no roof top architectural elements will be affected by this application. No relief is being sought from this requirement.*

- (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
  - (1) The light and air available to neighboring properties shall not be unduly affected;  
*The structure as permitted is not being altered so there will be no change in the light and air available to neighboring properties due to this application.*
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and  
*The structure as permitted is not being altered as part of this application so there will be no change in the use and enjoyment of neighboring properties.*
  - (3) The conversion and any associated additions, 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 or alley;  
*The structure as permitted is not being altered so there will be no change in the visual character, scale and pattern of the houses along the street or alley.*

- (j) In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways;

*Plans, elevations and photographs are provided to depict the relationship of the Project to the neighboring properties and public ways.*

- (k) 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 or nearby properties, or to maintain the general character of a block;

*Special treatment should not be required since the Project will not alter the structure as permitted and maintains the that open space and fencing.*

- (l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and

*The Applicant is not requesting any specified requirements to be waived.*

- (m) An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.

*The dwelling is permitted as a 2 unit flat and was not converted prior to June 26, 2015.*

### **CONCLUSION**

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the Application.

Respectfully submitted

Sima Tessema  
532 Taylor LLC

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**COMMUNITY OUTREACH**

The Owner / Applicant will reach out to ANC 4C as well as any relevant community group(s) to schedule a time to present the project once a case number has been assigned. In addition, the Owner / Applicant will meet with and discuss the project with the owners of 530 & 534 Taylor St NW. The Owner / Applicant will reach out to additional neighbors to solicit letters of support.