

SULLIVAN & BARROS, LLP

Real Estate | Zoning | Business Law

Martin P. Sullivan, Partner
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Fax: (888) 318-2443
msullivan@sullivanbarros.com

April 7, 2015

VIA HAND DELIVERY

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: **BZA Application No. 19019 of Better Living Development, LLC**
1551 3rd Street NW; Square 0552, Lot 60

Dear Chairman Jordan and Members of the Board:

Please accept the following regarding BZA Application No. 19019, which was filed via the IZIS filing system on April 7, 2015:

- Two (2) hard copies of the Application;
- A check for the filing fee in the amount of \$1,560.00; and
- One (1) set of mailing labels for property owners within 200 feet.

Please contact me if you have any questions.

Sincerely,



Martin P. Sullivan

enclosures

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

APPLICANT'S STATEMENT

Better Living Development, LLC
1551 3rd Street NW; Square 0552, Lot 60

I. INTRODUCTION.

Better Living Development, LLC (the "Applicant") is the owner of the property and the improvements located at 1551 3rd Street NW, Square 0552, Lot 60 (the "Property"). The improvements consist of a two (2) story row structure (the "Building"). The Applicant proposes to construct an addition (the "Addition") to the top of the Building, which will result in a third story of habitable space. The Addition amounts to an increase in the height of the existing roof of approximately ten feet and eight inches (10'8"). The resulting roof will be flat, with a maximum height of thirty-four feet and three inches (34'3"), which is well within the permitted height of forty feet (40') for the R-4 zone. After a partial demolition to scale back the existing lot occupancy, the total lot occupancy of the Building will be sixty-nine and nine-tenths percent (69.9%). After the Addition is constructed, the lot occupancy of the Building will remain at sixty-nine and nine-tenths percent (69.9%), which is approximately ten percent (10%) over the maximum lot occupancy of sixty percent (60%) in the R-4 zone. Accordingly, the Applicant requests special exception approval pursuant to §223 for relief from maximum lot occupancy (§403.2) and the prohibition against additions to nonconforming structures (§2001.3).

II. DESCRIPTION OF THE PROPERTY AND THE ADDITION.

The Property is located on a corner lot at 1551 3rd Street NW (Square 0552, Lot 60) in the R-4 zone district (see the Zoning Map attached as Exhibit A), on the corner of Q Street NW and 3rd Street NW. The Building is two stories and has a cellar. Adjacent to the north of the Building is a public street (Q Street), on which Mount Sinai Baptist Church and Second Northwest Cooperative Homes, both zoned R-5-B, are located. Adjacent to the south of the Building on 3rd Street is the adjoining row structure, along with other residential structures, all zoned R-4. Adjacent to the east of the Building are residential structures zoned R-4. Adjacent to the west of

the building is an alley, and across from this alley are residential structures zoned R-4. Photographs of the Building are included separately with this Application.

The Addition will add a third floor to the Building, to be used as habitable space. The height of the Building will be increased to thirty-four feet and three inches (34'3"). There will be no windows on the south side of the Addition, the only direction with an adjacent property. The Building will continue to be used as a flat.

III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF §§3104.1 & 223.

A. Overview. Pursuant to §3104.1 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 §223 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. Requirements of §3104.1.

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..." (11 DCMR § 3104.1). After completion of the Addition, the height of the Building will still be five feet and nine inches (5'9") below the maximum permitted height of forty feet (40'), and the lot occupancy will be less than it currently is. Given the nature of the Addition, the Building's mass and height will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and will neither adversely affect the adjoining flat to the south of the Property or the neighboring properties to the north, east, and west of the Property.

C. Requirements of §223.

The proposal in this Application satisfies the requirements of Sections 223, as follows.

Section 223.2 *"The addition or accessory structure shall not have a substantially adverse affect on the use of enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) The light and air available to neighboring properties shall not be unduly affected;

As the properties adjacent to the Building to the north, east, and west are separated from the Building by either a street or an alley, the light and air available to neighboring properties will not be unduly affected by the proposed addition of one story. Furthermore, as the south wall of the Building that adjoins the building to the south already has no windows, the Addition will not affect the light and air available to this adjoining neighbor. Furthermore, the sun comes from the south and southeast, so the Addition will have no impact on sunlight to the property to the south.

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

As the neighboring properties to the north, west, and east of the Building are separated from the Building by either a street or an alley, the privacy of use and enjoyment of these properties will not be unduly compromised. Furthermore, as the Building is on a corner, and the Addition will not include any windows on the south side, the Addition will not compromise the privacy of use and enjoyment of the neighboring property to the south.

(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; and

The Addition will result in the Building being thirty-four feet and three inches (34'3"), which is five feet and nine inches (5'9") below the maximum permitted height of forty feet (40'). Furthermore, the lot occupancy will be less than it currently is as a result of the Addition. As such, the Addition will not substantially intrude upon the character, scale, and pattern of houses along the subject street frontage.

(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 submitted photographs of the Property and architectural plans along with its Application.

Section 223.3 *"The lot occupancy of all new and existing structures on the lot shall not exceed... seventy percent (70%) in the R-3, R-4, and R-5 Districts."*

The existing and proposed lot occupancy is sixty-nine and nine-tenths percent (69.9%).

IV. 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 relief.

Respectfully submitted,




Martin Sullivan
Sullivan & Barros, LLP
Date: April 7, 2015

Applicant's Statement
1551 3rd Street NW



Dina Munasifi
Sullivan & Barros, LLP
Date: April 7, 2015



THE DISTRICT OF COLUMBIA

ATLAS PLUS

Navigation Layers Property Search Tools Identification Profile Map Clear Selection Clear Map Help

Tools

Buffer by Location

Enter location to view a buffer display

About Buffering

1551 3RD STREET NW

Example: 441 4th St NW

Radius: 225 feet

Buffer

Buffer by Square Suffix Lot (SSL)

Buffer by Point

Measurement Tools

Print Tool

My Maps

Link Tools

Location and Base Map

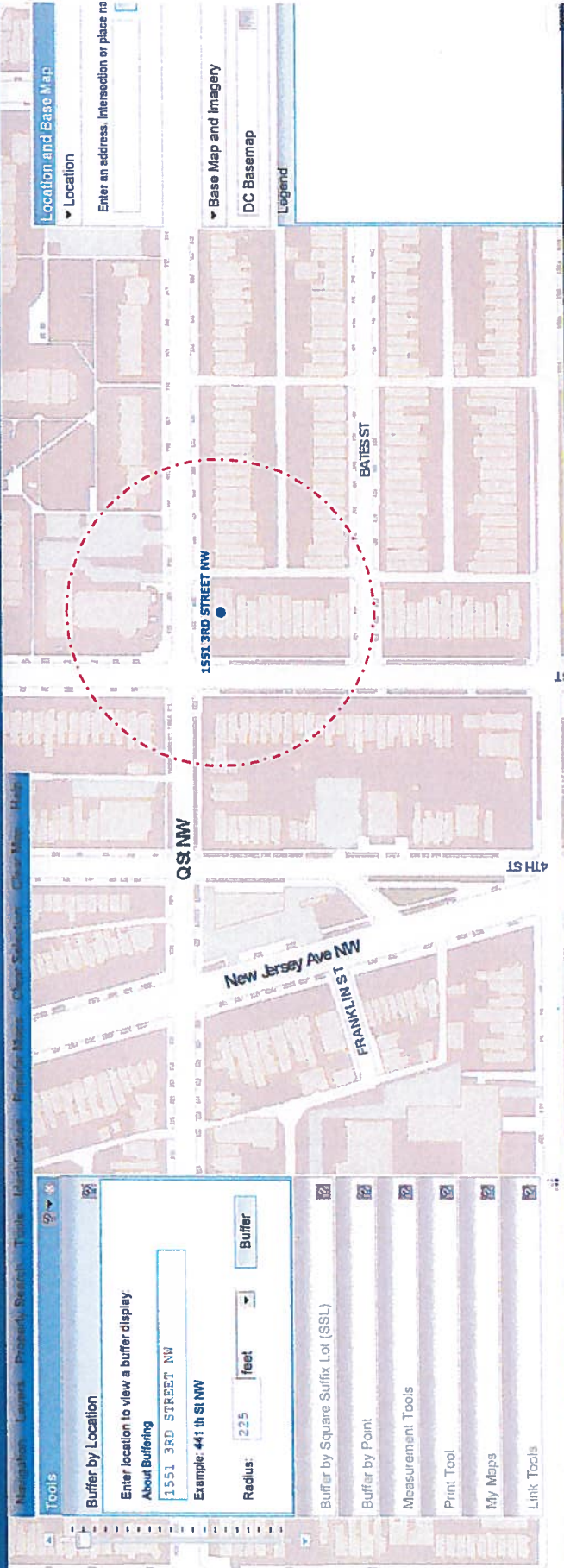
▼ Location

Enter an address, intersection or place name

▼ Base Map and Imagery

DC Basemap

Legend



DC

Office of the Chief Information Officer

[Data Disclaimer](#)

[Questions about data?](#)

- 311 Online
- District Residents
- Businesses
- Visitors
- Media
- Online Services

<http://atlasplus.dcgis.dc.gov/>

3/24/2015

Better Living Development, LLC
1401 Church St NW
Suite 516
Washington, DC

April 2, 2015

Lloyd Jordan, Chairman
Board of Zoning Adjustment
D.C. Office of Zoning
441 4th Street, NW, Suite 200S
Washington, DC 20001

Re: BZA Application; 1551 3rd Street, NW (Square 552; Lot 60)

Dear Chairman Jordan and Members of the Board:

I hereby authorize the law firm of Sullivan & Barros, LLP to represent Better Living Development, LLC, the owner of the above-referenced property, in all proceedings before the D.C. Board of Zoning Adjustment concerning the above-referenced application.

Sincerely,

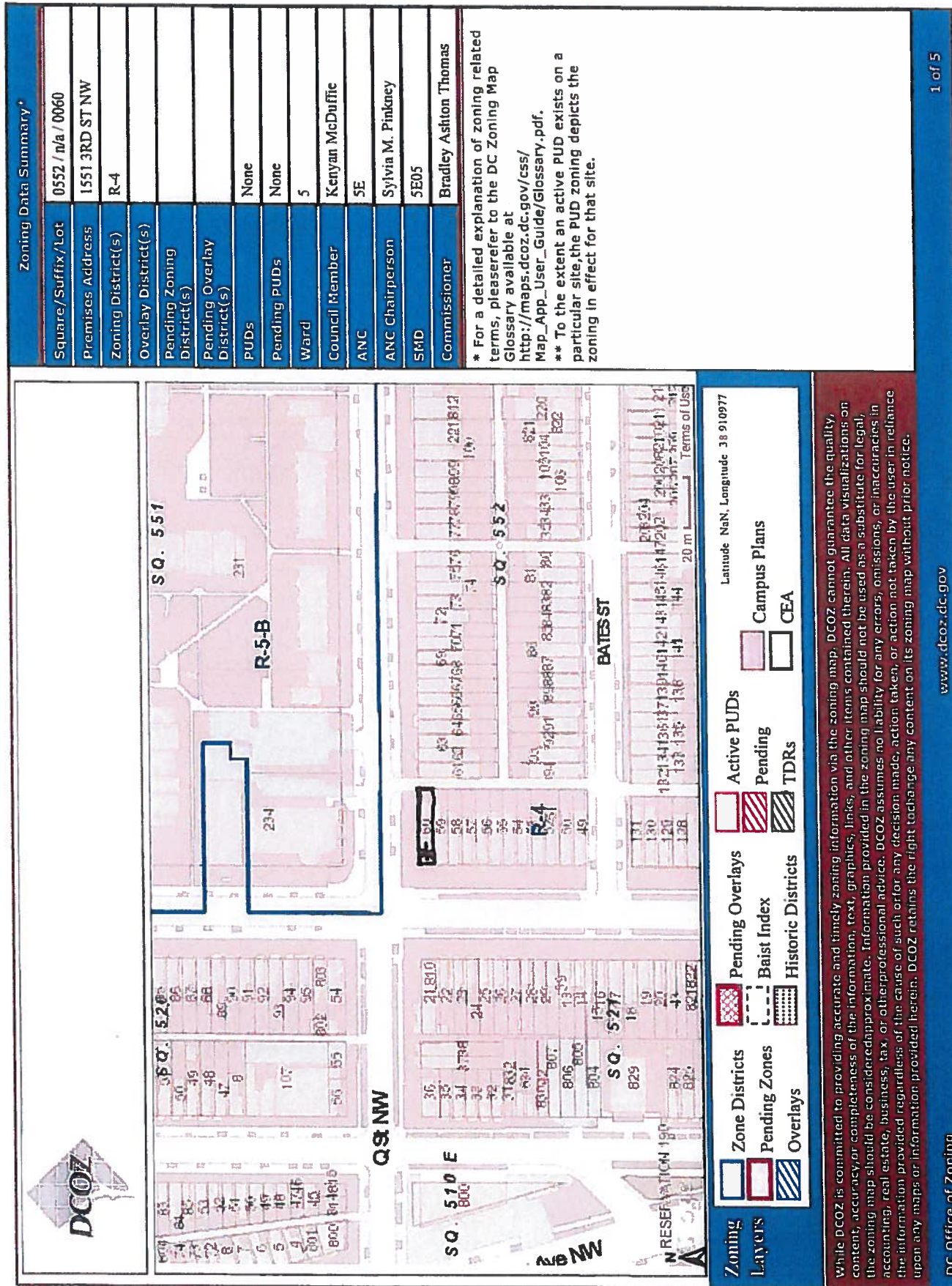
BETTER LIVING DEVELOPMENT LLC

By: Richard B. Green

Name: RICHARD B. GREEN

Title: Partner, CEO

EXHIBIT A



While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such error or any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1551 3rd St NW	552	60	R-4
Single-Member Advisory Neighborhood Commission District(s): 5E-05			

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to

Relief Sought	<input type="checkbox"/> §3103.2 - Use Variance	<input type="checkbox"/> §3103.2 - Area Variance	<input checked="" type="checkbox"/> §3104.1-Special Exception
Pursuant to Subsection			§223 (403, 2001.3)

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

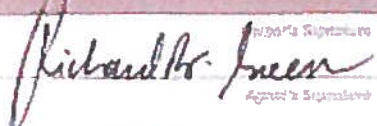

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is set forth in order to obtain, for the above referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a BZA finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/we certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)

 Agent's Signature	Better Living Development, LLC Agent's Name (Please Print)  Agent's Name (Please Print) William L. Feeney		
Date	D.C. Bar No.	or	Architect Registration No.

FOR OFFICIAL USE ONLY

Based upon review of the application and self certification, the Office of Zoning determines, pursuant to 11 DCMR §3113.2, this application is

<input type="checkbox"/>	Accepted for Filing
<input type="checkbox"/>	Referred to the Office of the Zoning Administrator within DCRA, for determination of proper zoning relief required
<input type="checkbox"/>	Rejected for failure to comply with the provisions of <input type="checkbox"/> 11 DCMR §3113.2; or <input type="checkbox"/> 11 DCMR Zoning Regulations.
Explanation	
Signature	Date

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Case No. _____

Revised 11/11

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on this form. All self-certification forms must be completely filled out front and back, and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of 8 1/2" x 11" paper to complete the form.
2. Complete the self-certification form for each application. Present this form with the Form 120 - Application for Variance/Special - Exception to the Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. (All applications must be submitted before 3:00 p.m.)

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	1,530 sf	1,800 sf		1,385 sf	NA per 401.1
Lot Width (ft. to the trench)	17 ft	18 ft		17 ft	NA per 401.1
Lot Occupancy (building area/lot area)	69.9%		60%	69.9%	10%
Floor Area Ratio (FAR) (for a lot area)	NA				-
Parking Spaces (minimum)	0	0		1	-
Loading Berths (number and size in ft.)	NA				-
Front Yard (ft. to the trench)	NA				-
Rear Yard (ft. to the trench)	20 ft	20 ft		24 ft	-
Side Yard (ft. to the trench)	0	0		0	-
Court, Open (width by depth in ft.)	None				-
Court, Closed (width by depth in ft.)	None				-
Height (ft. to the trench)	23 '7"		40 ft/3 Stories	34' 3"	-

If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

OK

District of Columbia Office of Zoning - 441 4th Street, N.W., Ste. 200-S, Washington, D.C. 20001
(202) 727-8311 • (202) 727-0072 fax • www.doc.dc.gov • doc@dc.gov

Statement of Existing and Intended Use
1551 3rd Street, NW

The building on the property located at 1551 3rd Street, NW, is currently used as a flat and will continue to be used as a flat.



Front of Subject Property from 3rd Street, NW



Side of Subject Property from Q Street, NW



Side of Subject Property from Q Street, NW



Side and Rear of Subject Property from Q Street, NW



Rear of Subject Property

1551 3rd Street NW

CODES:

All work to be done based on:
IRC 2012 with DCMR Title 12 Supplement of 2013
MULTI FAMILY RESIDENCE

ZONING

LOT- 60
SQUARE- 0552
LOT- 1530 SF
DISTRICT= R-4

EXISTING

CELLAR- 1105 SF
FIRST FLOOR- 1105 SF
SECOND FLOOR- 1105 SF
BUILDING VOLUME= 26,520 CF
BUILDING AREA= 1105 SF
LOT OCCUPANCY= 72%

PROPOSED NEW

THIRD FLOOR- 1054 SF
NEW ADDITION VOLUME= 8,432 CF

PROPOSED TOTAL

CELLAR- 1070 SF
FIRST FLOOR- 1070 SF
SECOND FLOOR- 1070 SF
THIRD FLOOR- 1054 SF
BUILDING VOLUME = 34,112 CF
BUILDING AREA= 1070 SF
LOT OCCUPANCY= 69.9%
BUILDING HEIGHT = 34'-3"

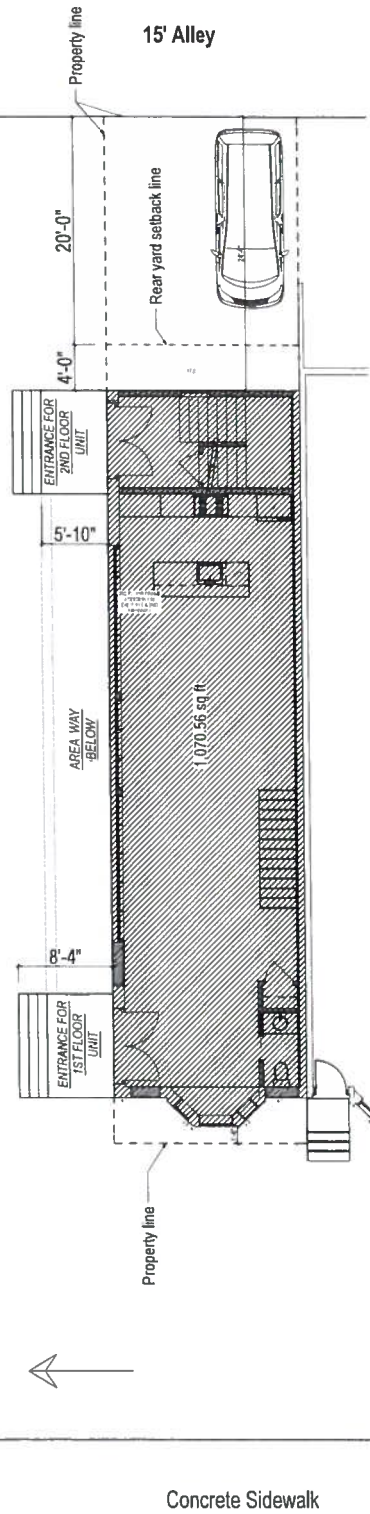
SPRINKLER SYSTEM= Yes
SMOKE DETECTION= Hardwired, interconnected
smoke detectors on separate circuit from main panel
and with battery power backup.

SITE PLAN

1"=10'-0"

Q Street NW

Concrete Sidewalk



1551 3rd Street NW
Washington, DC 20001

William L. Feeney Architect

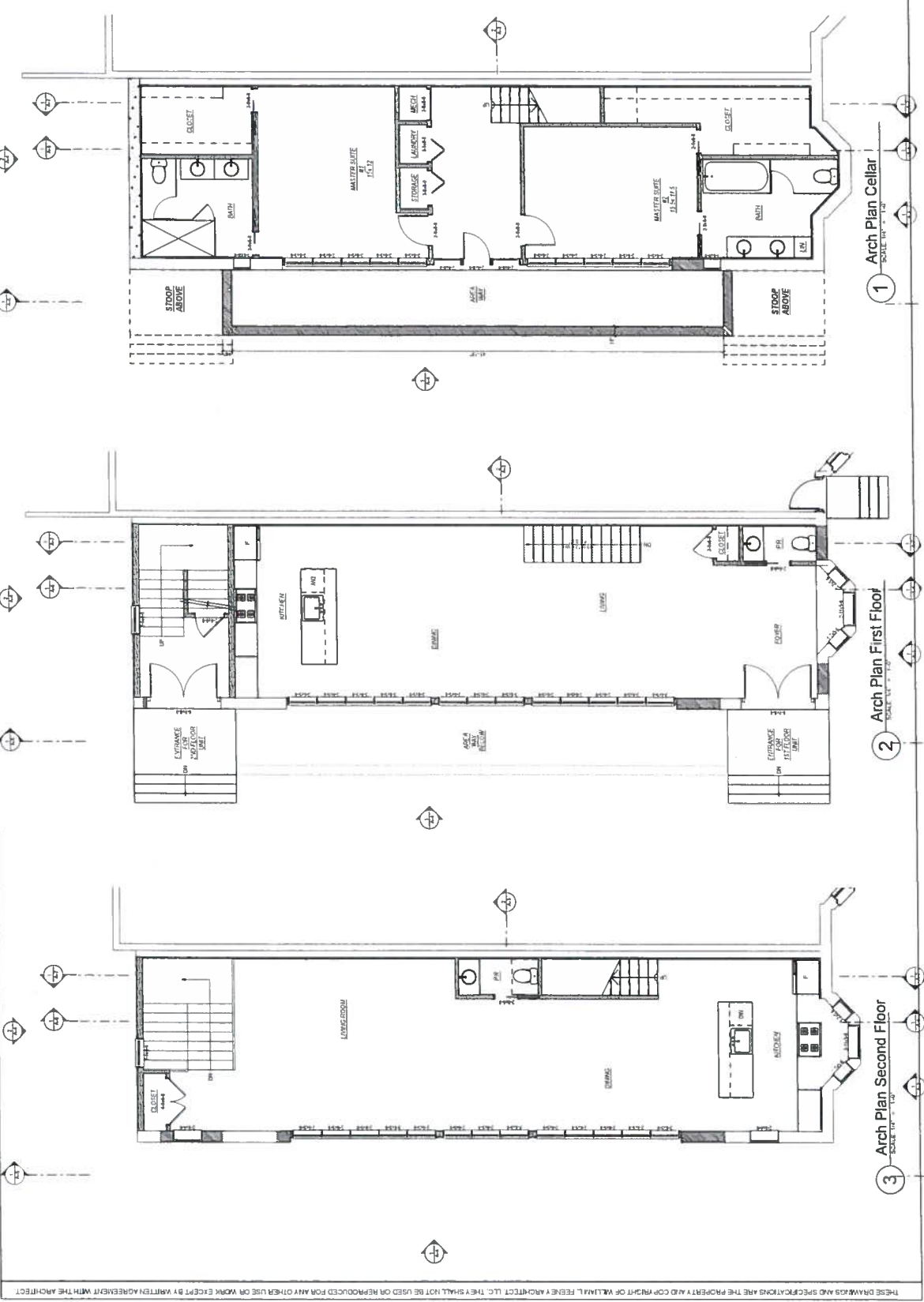
4519 Chesapeake Street NW, Washington D.C. 20016
www.willfeeney.com tel 202 537 0397

William L. Feeney Architect
 4519 Chesapeake Street NW, Washington D.C. 20016
 www.billfeeney.com tel 202 537 0397

1551 3rd Street NW
 Washington, DC 20001

Disc No.	Disc Description	Disc Date	Disc Status
1	Arch Plan First Floor	11/11/11	Final
2	Arch Plan Second Floor	11/11/11	Final
3	Arch Plan Third Floor	11/11/11	Final
4	Arch Plan Fourth Floor	11/11/11	Final
5	Arch Plan Fifth Floor	11/11/11	Final
6	Arch Plan Sixth Floor	11/11/11	Final
7	Arch Plan Seventh Floor	11/11/11	Final
8	Arch Plan Eighth Floor	11/11/11	Final
9	Arch Plan Ninth Floor	11/11/11	Final
10	Arch Plan Tenth Floor	11/11/11	Final

Architectural Plans
 PROGRESS SET
 NOT FOR CONSTRUCTION
 A-1
 Date: 11/11/11
 Drawn: [Name]
 Check: [Name]
 Project No: [Number]



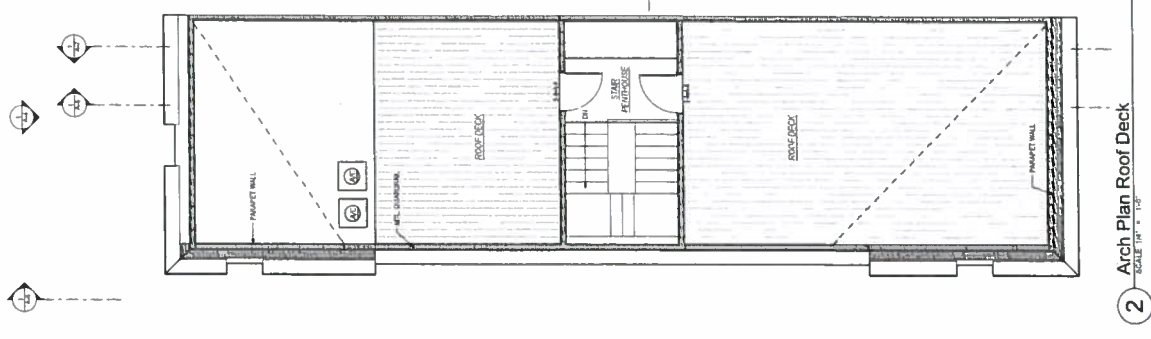
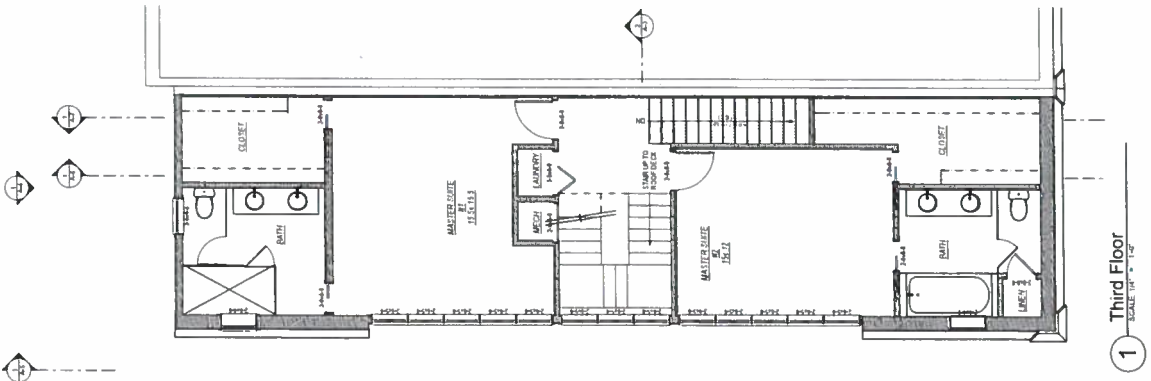
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF WILLIAM L. FEENEY ARCHITECT LLC. THEY SHALL NOT BE USED OR REPRODUCED FOR ANY OTHER USE OR WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

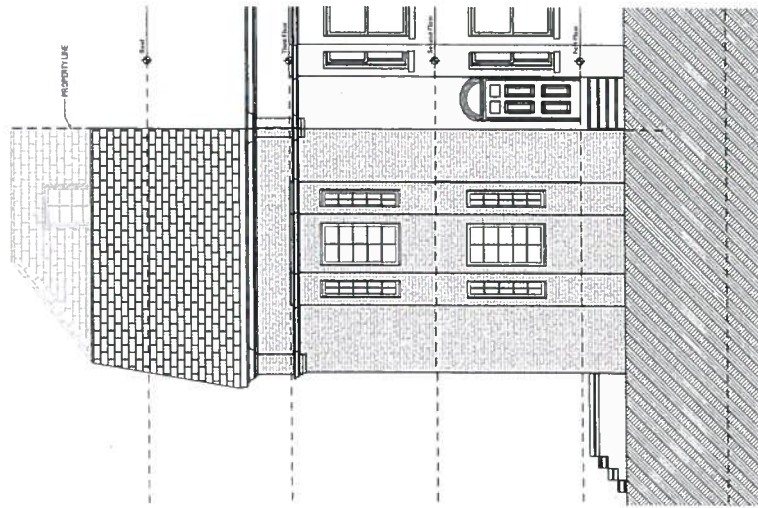
William L. Feeney Architect
 4519 Chesapeake Street NW, Washington D.C. 20016
 www.willfeeney.com tel 202 537 0397

1551 3rd Street NW
 Washington, DC 20001

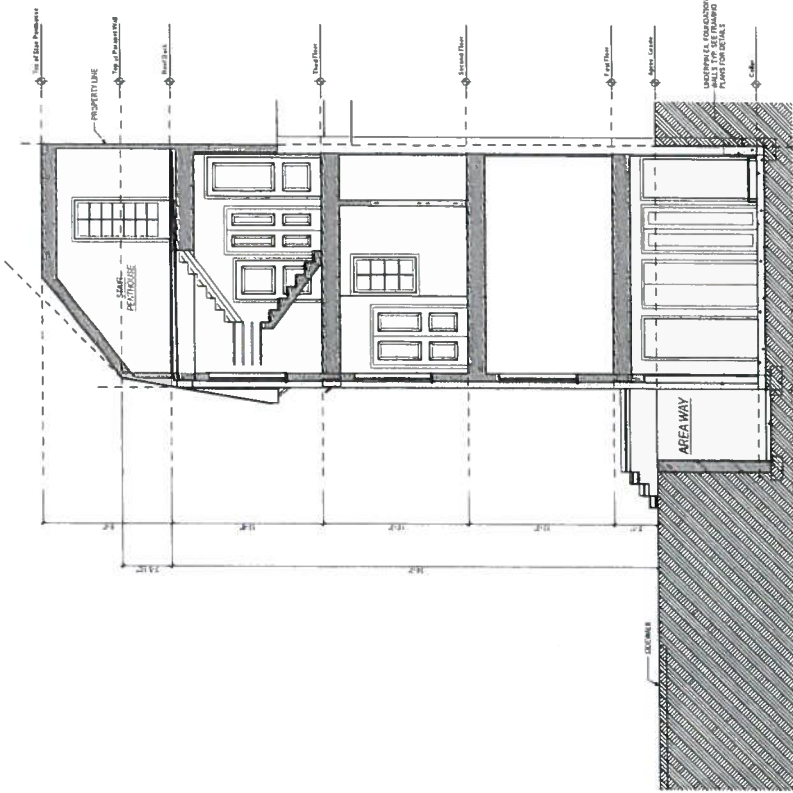
Disc No.	Disc Title	Disc Date	Disc Status
1	Architectural Plans	04-22-15	Final
2	Architectural Plans	04-22-15	Final
3	Architectural Plans	04-22-15	Final
4	Architectural Plans	04-22-15	Final
5	Architectural Plans	04-22-15	Final
6	Architectural Plans	04-22-15	Final
7	Architectural Plans	04-22-15	Final
8	Architectural Plans	04-22-15	Final
9	Architectural Plans	04-22-15	Final
10	Architectural Plans	04-22-15	Final

Architectural Plans
 PROGRESS SET
 NOT FOR CONSTRUCTION
 Title: 04-22-15
 Scale:
 Date:
 Drawn:
 Check:
 Project No.



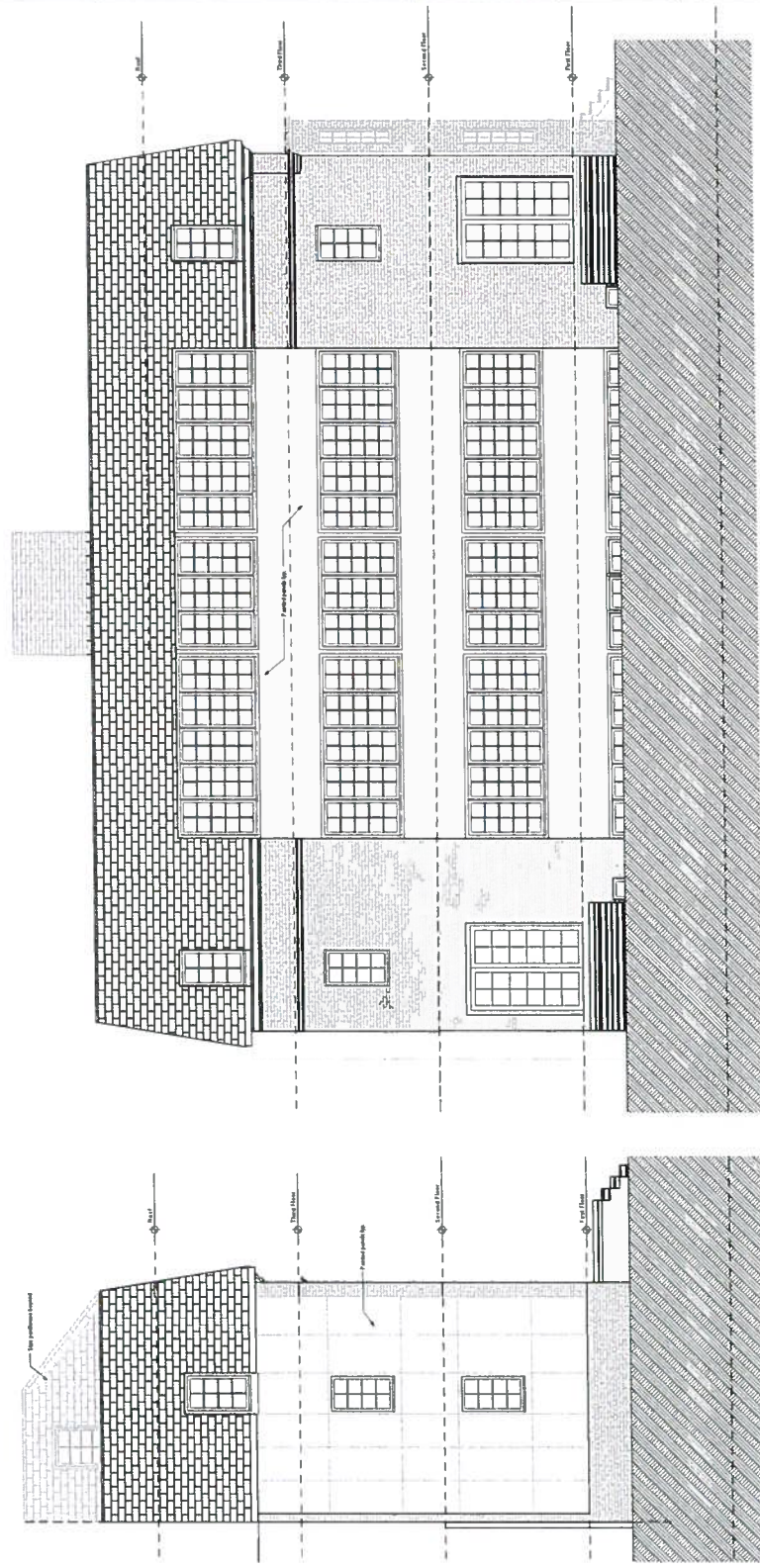


1 Front Elevation



Building Section 3

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2 Rear Elevation
SCALE: 1/4" = 1'-0"

1 Left Elevation
SCALE: 1/4" = 1'-0"

Drawn	04/25/15
Check	
Revised	
Project No.	

A-4

NOT FOR CONSTRUCTION

PROGRESS SET

Elevations

Drawn	04/25/15
Check	
Revised	
Project No.	

1551 3rd Street NW
Washington, DC 20001

William L. Feeney Architect
4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeney.com tel 202 537 0397

William L. Feeney Architect
 4519 Chesapeake Street NW, Washington D.C. 20016
 www.billfeeney.com tel 202 537 0397

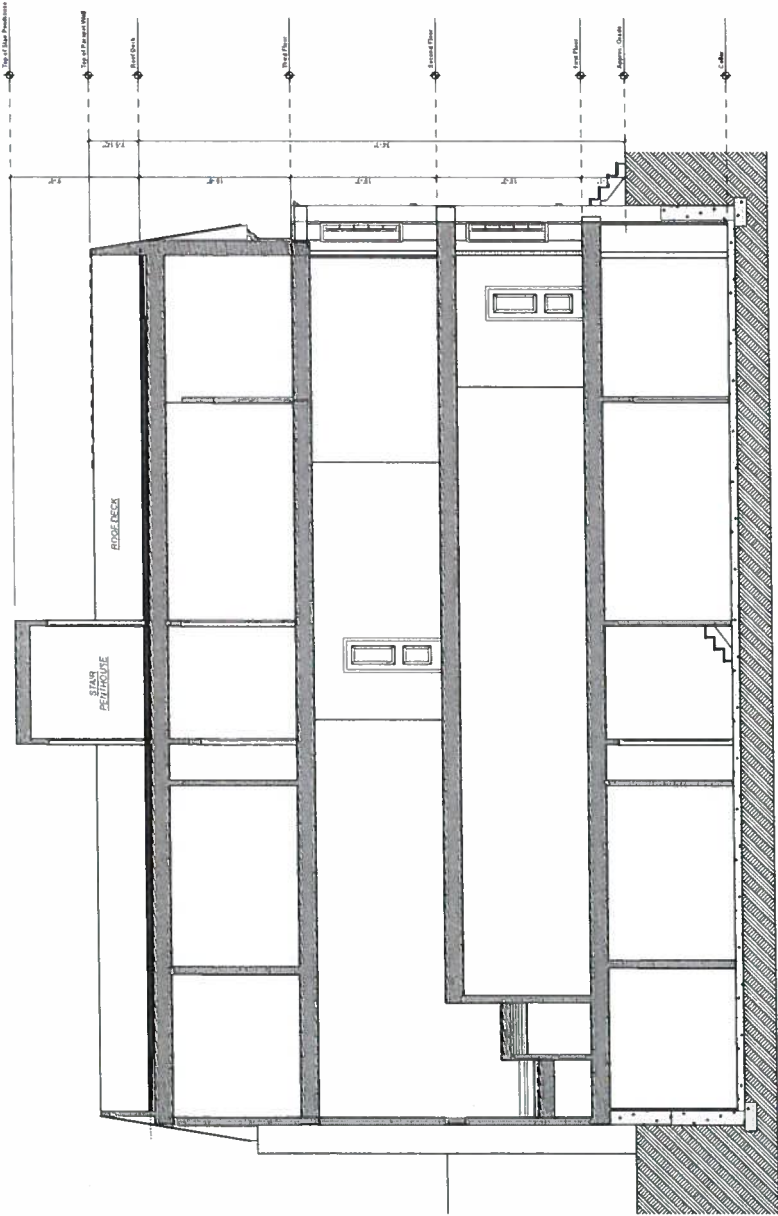
1551 3rd Street NW
 Washington, DC 20001

Drawn By	Check By	Revised By	Revised Date

Section
 Drawing Title

PROGRESS SET
 NOT FOR CONSTRUCTION

Sheet
 Date: 04-22-15
 Scale: A-6
 Project No.



1 Building Section 2
 SCALE: 1/4" = 1'-0"

**DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR**

Washington, D.C., November 25, 2014

Plat for Building Permit of SQUARE 552 LOT 60

Scale: 1 inch = 20 feet Recorded in Book 27 Page 193

Receipt No. 15-01171

Furnished to: FEENEY - TANYA

Surveyor, D.C.

By: A.S.

I hereby certify that all existing improvements shown thereon are completely dimensioned and are correctly platted, that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application, that the foundation plans as shown hereon is drawn and dimensioned accurately to the same scale as the property lines shown on this plat, and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining Lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation, and it is further certified that all Lot divisions or combinations pending at the Office of Tax & Revenue are correctly depicted and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and private restricted property.) Owner/Agent shall indemnify, defend, and hold the District, its officers, employees and agents harmless from and against any and all losses, costs, claims, damages, liabilities, and causes of action (including reasonable attorneys' fees and court costs) arising out of death of or injury to any person or damage to any property occurring on or adjacent to the Property and directly or indirectly caused by any acts done thereon or any acts or omissions of Owner/Agent, provided however, that the foregoing indemnity shall not apply to any losses, costs, claims, damages, liabilities, and causes of action due solely to the gross negligence or willful misconduct of District or its officers, employees or agents.

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

Q STREET, N.W.

3rd STREET, N.W.

