



CAPITOL HILL RESTORATION SOCIETY

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October 24, 2011

Richard S. Nero, Jr.
Acting Director of the Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA #18263

Dear Director Nero,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on October 13, 2011 considered the above case. John Lester and his architect, Jennifer Cox Fowler, made a presentation at the meeting and the committee voted unanimously to oppose the application. The application that was filed concerns the request of Stephanie and John Lester for a special exception to allow a two story addition to an existing one-family row dwelling and to construct a two story accessory garage not meeting the lot occupancy requirements, a special exception from the accessory building one-story height limitation, and a variance from the building lot control restrictions to allow apartment use of the second story of the proposed two story accessory garage in the CAP/R-4 District at 117 C Street, S.E.

On October 11, 2011, the applicant amended his application. The applicant now wants a special exception to build a two story garage, a special exception from the rear yard requirements and a special exception from the minimum court width. The only change in the two applications is a trellis that connects the back of the house with the newly constructed garage. The applicant maintains that the trellis makes everything one building instead of two.

The subject property is improved with a three story flat front, brick row house. In the rear of the property there is a walk out basement door and window because there is substantial drop in grade from C Street, SE, to the alley in the rear. There is an open court on the west side of the building and this allows for full length windows in the basement. The building, including the basement has roughly 3,400 square feet of space. The new addition to the main building will add approximately 430 square feet of for a total of 3, 430 square feet. The garage will add 503 square feet of parking and the same number on the second floor for human habitation giving the property nearly 4,000 square feet of space.

OCT 25

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18263

EXHIBIT NO. 34

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As noted above, the applicant is seeking three special exceptions. Section 3104.1 allows for the Board to grant special exceptions "...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..." Section 223.1 allows for the BZA to grant special exceptions under section 3104 subject to additional provisions. We believe a variance is required in the case because a trellis is not a dwelling designed or used for human habitation. Rain and snow can fall to the ground through the roof of the trellis and this stretches the imagination that this meets the definitions of a dwelling. Nor is the trellis a building. The definition requires that the building have a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel (see definitions, section 199.1).

Granting the special exceptions in this case is not in "harmony with the general purposes and intent of the Zoning Regulations and Zoning Maps" and will set a destructive precedent for all of Capitol Hill. The applicant is using a clever trick to harm the general purposes and intent of the Zoning Regulations and the special exceptions must be denied.

For these reason, we urge the Board to approve the application.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary M. Peterson", with a long horizontal flourish extending to the right.

Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

CC: Jennifer Cox Fowler
1742 D Street, SE
Washington, DC 20003