

Statement in Support of the Application
2018 Hillyer Place, N.W.
Square 93, Lot 97

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We request approval from the Board of Zoning Adjustment for a special exception under §223 to allow an addition to our home, a single family dwelling, which will exceed the normally permitted lot occupancy. The proposed addition would extend the lower level basement/cellar (which is slightly below grade at the rear) to add a guest bedroom and would include a deck above the bedroom just below the level of the main floor of the house.

The property is zoned D/DC/R-5-B. The Diplomatic (D) Overlay District applies to chancery uses and is therefore not relevant to this application. The Dupont Circle (DC) Overlay District applies to applications for planned unit developments and to properties fronting on Connecticut Avenue, neither of which applies here. The relevant zoning is thus R-5-B.

The R-5-B District (§403.2) allows a maximum lot occupancy of 60%. The existing building has a lot occupancy of approximately 60%. With the proposed addition, the lot occupancy would be approximately 67%.

Section 223 of the Zoning Regulations allows the Board to approve an addition to a one-family dwelling even though the addition does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3. The subject application seeks deviation only from the requirements of §403. The Board must consider the following provisions:

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or 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;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

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District of Columbia

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- (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
 - (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.
- 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.
- 223.4 The Board 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.
- 223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

We submit that the application complies with the standards and requirements of §223.2, as follows:

- The light and air available to the neighboring properties is not unduly affected. The adjacent property to the east, 2016 Hillyer Place, has a two story volume of space at the rear, the floor of which is slightly below the grade level of the rear yard. See the plan drawing, attached as Exhibit A. Except for a small piece of the deck area adjacent to the kitchen, the one story addition proposed for the subject property extends no further to the rear than 2016 Hillyer Place, the existing house to the east. Further, there is an existing brick and wood fence on the property line taller than the new deck and the space below, which will shield that house from the addition. The portion of the addition that extends past the edge of the adjoining house that is closest to the adjoining house is the set of stairs which descends to the level of the rear yard. The property to the west, 2020 Hillyer Place, extends to the rear lot line. Our renovation of the house includes construction of a

new kitchen at the first floor level, which is permitted as a matter-of-right by zoning and is not part of this application. The addition proposed in this application is separated from the house to the west by the new kitchen and by an open court on that property.

- The addition cannot be viewed from the street, because the existing dwelling is higher than the proposed addition. The neighborhood plat attached hereto as Exhibit B demonstrates that there is a great variety in the footprints of the houses along both sides of the alley. Some of the houses extend back to the alley and some are considerably further removed. Out of all the houses, there are only two adjoining houses that are identical in term of footprint. A series of photos of the houses along the alley, attached as Exhibit C, shows that the area along the alley has a rather spacious feel to it that will not be downgraded by the construction of the proposed addition..
- The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. There are no windows in the addition that face west and the building addition that is along the east side of the lot is set below the level of the adjoining house and structure. The rear yard requirements of the R-5-B District will continue to be met.
- The graphic information submitted, plats, plans and photos, show the relationship between the existing house and the adjoining houses and the view of the property from the alley.

Accordingly, we believe that we have demonstrated that the proposed addition shall not have a substantially adverse affect on the use or enjoyment of our neighbors' abutting dwellings. That view is substantiated by the fact that the owners of the houses on either side of the subject property are in support of the application.

With respect to §223.3, the plans and computations show that the proposed percentage of lot occupancy will be approximately 67%, therefore not exceeding the maximum permitted of 70%.

With respect to §223.4, the property is located within the Dupont Circle Historic District. The staff of the Historic Preservation Review Board has already indicated its approval of the proposed addition on behalf of the Board, so no formal HPRB review will occur. We believe that there is no special treatment necessary in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

With respect to §223.5, there are no nonconforming uses on the property now and there will be none introduced as a result of the subject application.

Accordingly, we believe that we have met our burden of proof and request that the Board grant the application.

Respectfully submitted,

John and Gloria Ricotta