

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of Scott and Diane Bassett
ANC: 2E06

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BZA Application No.
Hearing Date:

STATEMENT OF THE APPLICANT

This is the application of Scott and Diane Bassett (“**Applicant**”) for special exception relief to construct an addition to the rear of their semi-detached house. The subject property is located at 3127 P Street NW (Square 1270, Lot 12) (“**Property**”). The Property is located in the R-3 Zone District. A Surveyor’s plat attached as Exhibit C, and an excerpt of the D.C. Zoning Map is attached as Exhibit D.

I. Nature of Relief Sought

The Applicant requests that the Board of Zoning Adjustment (“**BZA**” or “**Board**”) grant a special exception pursuant to Sections 223 and 3104.1 (11 DCMR §§ 223 & 3104.1) for relief from Sections 401 (lot dimensions), 403 (lot occupancy), 405 (side yard), and 2001.3 (extending a nonconformance) to allow a modest addition to the rear of a semi-detached dwelling. The Property has a nonconforming lot width of 23 feet and a nonconforming lot area of 2,530 square feet, but the minimum required is 30 feet and 3,000 square feet, respectively. With the proposed addition, the house will increase its nonconforming lot occupancy from 48% to 56.3%; the maximum lot occupancy for this zone is 40%. The house has a nonconforming eastern side yard that ranges from 2.7 feet to five (5) feet. For a house constructed before May 12, 1958, which is the case for this house, an existing side yard of less than eight (8) feet must be at least five (5) feet for an addition to be permitted. The proposed addition will extend the five-foot wide portion of eastern nonconforming side yard, but the nonconforming 2.7-foot wide portion will not be extended.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18288
EXHIBIT NO. 4

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Board of Zoning Adjustment
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II. Jurisdiction of the Board

The Board has jurisdiction to grant the special exception relief requested pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1).

III. Description of the Property and Surrounding Neighborhood

The Property is improved with a red brick Victorian located in the Georgetown neighborhood of Ward 2. According to archives in the District of Columbia Public Library in Georgetown, the Property was “the third of four contiguous rowhouse dwellings to be built between 1881 and 1890,” which span from 3125 – 3131 P Street. The Applicant is the third family to own the Property since it was constructed. Applicant purchased the Property in November 2010 from the family that owned the property since 1925. The general condition of the home is poor due to significant deferred maintenance. As a result, Applicant has been unable to move in and occupy the home unless it is completely renovated.

The Property is bounded to the west by a single family dwelling constructed as a semi-detached residence and later expanded to become a row dwelling by an addition that expanded the residence and connected a portion of the east side of that house to the west adjoining lot line of the Property. The Property is bounded to the east by a detached single-family dwelling, to the north by a detached single family dwelling, and to the south by P Street. The Property has a land area of approximately 2,530 square feet and is currently improved with a two-story semi-detached single family dwelling that was constructed circa 1885. The original house was built with a side yard to the east of 2.7 feet in width. The Applicant believes that due to the lack of a rear alley, the house was constructed with this side yard to enable rear access and access a coal chute to the cellar that still exists on the side yard. An addition at the rear of the house was constructed after the original house that created a side yard of five (5) feet between the addition

and the property to the east. According to a document in the Georgetown Public Library archives, “[a]n addition to the original 21’ x 26’ house was constructed in the first few decades after 1885.” The house is nonconforming with respect to side yard and lot occupancy, and the lot is nonconforming with respect to minimum area and width. The house is conforming in all other respects.

The Property is in a predominantly residential neighborhood of moderate density. The Property is surrounded primarily by single family homes, but some low density commercial uses are about 1 ½ blocks to the west. The neighborhood is characterized mostly by row dwellings, with a few semi-detached and detached dwellings also nearby.

IV. Description of the Project

Immediately after purchase, the Applicant engaged an architect and prepared drawings for submission to the Old Georgetown Board (“**OGB**”). Prior to submitting the OGB application, the Applicant’s architect studied the expansion practices of the immediate neighbors and learned that 3131 P Street expanded to add both a rear addition and a third floor addition and established a building line for the row of four houses. Applicant also learned that its western-adjacent neighbor expanded and added a rear addition that created a non-conforming side yard and adjoined the Property so as to create a rowhouse in the late 1980s or early 1990s. Taken together, the construction and expansions by these neighbors, along with the historical record, establish a clearly identifiable building line running between the rear of 3131 P Street and the rear of the eastern-adjacent neighbor at 3125 P Street.

The Applicant is updating this turn-of-the-Century house in order to provide more living space for their family. As a part of these updates, the Applicant will construct a two-part addition at the rear of the house. Though the addition the Applicant is proposing is modest, it

will be critical for the Applicant's enjoyment of their home: it will enlarge the existing living area of the house and will enhance the space that is currently available. The first part of the proposed addition will be two stories in height and located at the rear of the residence adjacent to the original addition. As shown on the plans in Exhibit E, the addition will provide a family room on the first floor and a master bedroom on the second floor. The basement space of the first-part addition will provide an additional bedroom and areaway for an egress window. The second part of the proposed addition will be a partial third story to be constructed upon the original addition to the house; this addition will provide for an additional bedroom.

Other improvements to the residence include a newly painted metal entrance stair, the widening of the front garage door by eight inches to accommodate modern vehicles, and general restoration of the front façade masonry and original wood windows, stained glass windows, and glazing.

The proposed scope of work was approved for permit by the OGB and the Commission of Fine Arts ("CFA") at the CFA's meeting on June 16, 2011.

V. The Application Meets the Requirements for Special Exception Relief under Section 223 of the Zoning Regulations

The standard for special exception relief is that the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that relief can be granted without adversely affecting neighboring properties. Section 223.2 provides factors to consider in determining whether the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and whether it will adversely affect neighboring properties. As demonstrated below, this application satisfies these standards.

A. The Light and Air Available to Neighboring Properties Shall not be Unduly Affected

The proposed addition will not affect neighboring properties because it merely extends the existing massing of the rear portion of the existing house to the building line established by the immediate neighbors, while not reducing the depth of existing side yard. The third-story addition was specifically redesigned during the OGB review process in order to reduce its possible visual impact upon the eastern-adjacent property. The rear two-story addition is no taller than the existing house and does not change the Property's existing side yard. The property to the north will not receive less light and air as a result of this modest addition, particularly because that property is comprised of a very large lot with the house separated from the Property by a considerable distance. The eastern-adjacent property does not provide any west-facing windows, and since the third story addition is set-back from the rear of the second floor, the third floor addition will be minimally visible from the western neighbor's rear yard. Due to concerns expressed by the eastern-adjacent neighbor that the third floor addition would impact the view from their third floor rear windows, the Applicant created a wood framed mock-up of the third floor addition to enable the neighbors to better evaluate the impact on their lateral view. After discussing the issue at OGB concept approval, the Applicant lowered the ceiling height and roof line so as to lower the overall height of the third floor addition to approximately the mid-point of the eastern-adjacent neighbor's third floor rear windows. The Applicant believes this solution helped reduce and mitigate the impact on the lateral view from the eastern-adjacent neighbor's third floor rear windows. The addition will not cast shadows on the northern-adjacent property, and it will not block airflow to the rear of the northern or eastern adjacent properties. In fact, the owner of the western-adjacent property submitted a letter of support to the OGB, which is attached as Exhibit F.

street, and only when standing at a specific location. From most angles, the addition will not be visible from P Street, so it will not impact the character, scale, or pattern of houses.

An alley to the northeast of the Property extends into the Square, but it does not extend behind the Applicant's property. The addition will be somewhat visible from this alley, but it will not affect the character, scale, or pattern of houses. The Applicant has gone to great lengths to thoughtfully design an addition that blends with and complements the existing house and the neighborhood and has cooperated with OGB staff to fully incorporate suggestions and guidance.

D. The Addition is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

The Applicant's house and original addition were constructed prior to the adoption of the Zoning Regulations. The house was constructed with a lot occupancy of 48% that exceeds the maximum permitted in section 403.2, a side yard of 2.7 feet that does not meet the minimum width required in Section 405.8, and it is on a lot that is smaller in area and width than the minimum required in Section 401.3. When the Zoning Regulations were adopted in 1958, the house became nonconforming because the R-3 Zone District for a semi-detached dwelling limits lot occupancy to 40%, requires a minimum side yard of eight (8) feet, and requires minimum lot dimensions of 3,000 square feet in area and 30 feet in width.

The Applicant carefully reviewed the established prior practices of its immediate neighbors, and the Applicant's consciously limited its plans to conform to the standards established by its immediate neighbors so as to not intrude on the character or scale of houses in the neighborhood. Also, the Applicant set back its third floor addition to less than the established practice of its immediate neighbors. In all cases, Applicant has stayed within the character and scale of its neighbors.

Although the addition will extend the five-foot wide portion of the nonconforming eastern side yard, the addition is very modest in scale and consistent with other dwellings in the zone. Also, the addition will cause the house to further exceed the maximum permitted lot occupancy, but the proposed lot occupancy will be harmonious with the many row dwellings that characterize the neighborhood. Indeed, if the house were a row dwelling, then it would conform to the lot occupancy limitation. This proposed addition is a modest proposal in light of the fact that the lot is deep and the house will be similar in size to others in the neighborhood. Also, the addition must be considered in its context: it is merely extending the width of an existing single-family house, while not reducing the existing side yard. The Applicant cannot change the fact that the lot dimensions and areas are nonconforming. Further, the Applicant is not proposing any new use for the Property; it will remain a single-family house, which comports with the purposes of the R-3 Zone District. Finally, all other structural aspects of the house comply with the Zoning Regulations. Thus, the proposed addition is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

VI. Community Outreach

The Applicant has already established a dialogue with Advisory Neighborhood Commission (“ANC”) 2E and will remain in communication with the ANC about the status of the project. In addition, the Applicant has already spoken with their neighbors about the project and will continue to engage them.

VII. Exhibits

Exhibit A	Application Form, Self-Certification Form, and Authorization Letter
Exhibit B	Applicant's Statement
Exhibit C	Surveyor's Plat
Exhibit D	Excerpt of D.C. Zoning Map
Exhibit E	Architectural Plans and Photographs of Property
Exhibit F	Neighbor's Support Letter
Exhibit G	Property Owners List and Labels

VIII. Conclusion

The Applicant relied on the established prior practice of treating its immediate neighbors as rowhouses, when they were, in fact, semi-detached or detached. Without the requested relief, Applicant will suffer an undue financial hardship caused by reasonable reliance on these established prior practices treating the immediate neighbors as rowhouses. Failure to provide the requested relief will also prevent Applicant from harmonizing its home with its immediate neighbors.

For all of the above reasons, the Applicant is entitled to the requested special exception relief in this case.

Respectfully submitted,
GOULSTON & STORRS, P.C.



Allison Prince



Cary Kadlecek