

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

Application of Louis W. Bell & Florence Jaumotte

BZA Case No. 18329

APPLICANT'S HEARING STATEMENT

May 22, 2012

This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property and the manner in which the application ("Application") complies with the specific tests and burden of proof for the variance sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3103.2 for a variance under § 400.1 to allow the construction of a two-story addition on an existing two-story single family detached dwelling at the subject premises.

The nature of relief sought is variance relief from the maximum number of stories allowed in the underlying R-1-B Zone District of the subject property. The four stories resulting from the proposed addition to the existing building will comply with all other applicable requirements of the Zoning Regulations.

SUMMARY OF APPLICATION

The applicant seeks an area variance pursuant to 11 DCMR § 3103.2 to allow the construction of the aforementioned addition which will result in a fourth story which is essentially partial use of an attic for purposes of habitable space by way of the construction of a dormer, to allow compliance with the minimum headroom provisions of the construction codes.

The existing two-story detached one family dwelling is modest and affords the applicant limited habitable or living space, a burden imposed on the structure by the natural topography of the site which consigns the entire first floor to utility space, because the lack of adequate natural light and floor-to-ceiling headroom renders said space unsuitable for living space.

The proposed addition affords for the owner a better architecturally apportioned floor layout and converts what was a restrictive two bedroom house to a four bedroom house, including a master bedroom suite for the owner and an attic guest room.

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JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested variances under § 8 of the Zoning Act, DC Official Code §.6-641.07 (g) (3) (2001), as further set forth in 11 DCMR § 3103.2

PROPERTY LOCATION AND DESCRIPTION

The property is located in the North East neighborhood of Brookland. An interior lot by definition, the subject property is rectangular and fronts on Otis Street and at approximately 9,430 square feet and 69 feet of lot width, is in compliance the minimum lot area and lot width requirement set forth in § 401.3 respectively.

The existing building occupies approximately 18% of its lot, and the proposed one and one half story addition will not alter the existing percentage of lot occupancy.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Board is authorized to grant an area variance where a property demonstrates three characteristic elements:

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exists exceptional topographical conditions or other extraordinary or exceptional situation or condition of property;
2. That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property makes the strict application of the Zoning Regulations result in a peculiar and exceptional practical difficulties to the owner of the property;
3. That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

EXTRAORDINARY OR EXCEPTIONAL SITUATION OR CONDITION OF PROPERTY

The Subject Property clearly exhibits an exceptional topographical condition by virtue of steep topography, such that the grade change renders the first floor a completely below grade structure at its rear. In other words, what by zoning definition is a story at the front

elevation, and by extension a two-story building, becomes totally subterranean and a cellar at its rear; thereby a single story building. The topographical condition results in peculiar and practical difficulties upon the owner because it is directly related to the necessity for a comparative analysis between a vertical and horizontal expansion, as expounded upon below and will be presented in testimony at the hearing.

PECULIAR AND PRACTICAL DIFFICULTIES TO OWNER OF PROPERTY

The owner is constrained as a result of the exceptional topographical condition of the property to compare the practicality of vertical or horizontal expansion from a cost benefit analysis and environmental impact perspective.

The home improvement and general contractor for the project submits in writing and will testify to same, that in his professional opinion, a horizontal addition will result in additional construction cost of an approximate \$60,000.00 as compared to the vertical expansion proposed, which is the subject of the variance application before the Board.

The applicant refers the Board to the written opinion of a professional engineer attesting to the potential negative impact of a horizontal expansion or addition on the natural topography of the site and potential impact on the foundation and basement walls of the existing building based on soil type. The report is incorporated into this statement of burden of proof by reference.

Based on the foregoing, a horizontal addition will result in the peculiar and practical difficulties upon the owner due to the prohibitive cost of excavation, storm water runoff control measures, the necessary retaining walls, all directly related to the exceptional topographical condition of the property.

SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN

The Board is able to grant the variance without substantial detriment to public good and substantial impairment of the intent, purpose and integrity of the zone plan.

The R-1-B zone district within which subject property is located permits as a matter of right, height up to a maximum 40 feet. The proposed addition measured to the ceiling of the attic fourth floor, at approximately 35 feet, will be five feet under that height limit.

The proposed half of an attic floor which is deemed the fourth floor affords the building three-story like profile since the dormer, without which the space will not comply with the minimum floor-to-ceiling headroom requirement of the construction codes for habitable space, is proposed only at the west elevation of the building.

The proposed vertical addition retains the carbon footprint of the existing building and leaves in pristine condition, the environmental condition of the property, including the avoidance of the removal of mature trees.

The proposed building is not incompatible with the character of the neighborhood which features predominantly tow-story buildings with attic space, because the exterior profile of the building is consistent with the prevailing type of buildings described here.

There is general support from the immediate neighbors and beyond. The proposed addition was unanimously supported by Advisory Neighborhood Commission (ANC) resolution

WITNESS

The following witness will testify in support of the Application:

1. Paul Chretien.

CONCLUSION

For all the foregoing reasons the applicant submits that the instant application complies with all conditions for the granting of the requested variance as outlined and as shall be further presented in the course of the hearing, and respectfully requests that the application be granted.