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BEFORE THE BOARD OF ZONING ADJUSTMENT

Revised Pre-hearing statement of Mei and Stephen Greer
Application for a Special Exception

I.

Nature of Relief Sought

The relief sought in this application is as follows:

1. Special Exception under Section 223.1 for side-yard relief to allow the construction a one and a half story, attached garage to an existing single family detached house in the Wesley Heights Overlay R-1A District.

Please note:

Since the filing of the application we have had a chance to review the project with the adjoining neighbor to the east Mrs. Robert Eckel and have come to agreement on modifications to the design. These modifications outlined in the attached letter (Supplemental Exhibit 1) include:

- The owner Stephen Greer has agreed not to exert his property rights over the portion of Mrs. Eckel's driveway that is currently on his property.
- Set the east wall of the garage 6" back further west
- Set the north wall of the garage 6" back further south
- Install a protective bollard at the NE corner of the garage
- Eliminate the east dormer
- Construction of the east wall of the garage as a retaining wall
- Provide and maintain soil and plant material to extend the grade of Mrs. Eckel's property over to the east garage wall and to install plant material as screening on the Greer's side yard for the length of the east garage wall

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18356

EXHIBIT NO. 26

Board of Zoning Adjustment
District of Columbia
CASE NO.18356
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II.

Jurisdiction of the Board

This Board has the jurisdiction to grant the relief requested pursuant to Sect. 3104.1 of the Zoning Regulations, 11 DCMR.

III.

Description of the subject site

The property is located at 4626 Garfield St. in the Wesley Heights Overlay R-1-A zone.

This site is generally rectangular in shape and measures approximately 130 ft. wide and 145 ft deep. The house itself is set back approximately 25 ft. from the front (north) property line and was built circa 1936. The house is two stories and has a partial cellar. The property has a slight slope downward from east to west. As is true with most of the houses on this street the house sits well above Garfield Street, which slopes down steeply from east to west.

The lot size at 18, 845 SF is significantly larger than surrounding properties. Behind the main house there is a pool and a small pool house at the SE corner of the property. Because of the large lot size the lot occupancy of the existing house as existing is 18.4% and as proposed at 20.8%, both of these being well under the WH Overlay requirement of 30%.

This house was built in 1936 and was the first house constructed on this block.

Special Note:

Two proposed smaller additions to the existing house been submitted for permit to DCRA. Importantly, for the sake of clarity, the “Existing Conditions” referenced in this application (exhibits and self certification form) are shown as if this addition had already been built. Thus the “Provided by Proposed Construction” category on the Self-Certification form, as we believe to be appropriate, reflects only the construction that is the subject of this application, namely the one and a half story Garage addition to the east of the existing house. The photographs will show the house as it stands now without the initial additions.

IV

Description of the Project

The project consists of a one and a half story to an existing single-family house, The addition is to have parking for two cars on the first floor and a bedroom under the roof on the level above. The addition is designed to be sympathetic with the style and character of the existing house and will match the materials of the existing house predominantly red brick walls, painted wood windows and gray slate roof. The roof of the garage has three engaged dormers facing north, east and south, which are similar to the engaged dormers of the existing house. There are windows only in the north and south dormers.

The proposed garage addition, is approximately 20'-1" wide and 22'-11" deep and 22'-2" high at its highest point above the driveway.

The front of the proposed Garage will be set back 54'-2" from the front property line.

V

Relief Requested – Special Exception - Additions to one-family dwellings or flats

The Garage addition requires Special Exception relief pursuant to Section 223.1 of the Zoning Regulations for side yard relief.

With respect to the side yard relief, subject to conditions stated in Section 223.2 (see Description of Project), which we believe are met by the proposed design, Section 223.1 permits additions to one-family dwellings even though the addition does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3.

Per section 405, the required side yard is 8 feet on each side. Currently the side yard on the west side is 23'-6" and on the east is 19'-10" at the front. With the proposed addition the side yard on the east side will be reduced to 1'-10" at the front. (Note: Because the property line is at an angle, the width of the side yard increases to 5'-8" at the rear corner of the addition). Thus side yard relief of 6'-2" is required for this addition. The combined side yard width for the property would be 25'-4" ft far greater than most other neighboring properties.

With respect to issue of front yard setback, per Section 1543.4 and the referenced "Required Front Yard Setbacks," map the front yard set back for this property is 44 ft. The setback to the front of the existing house is approx, 25 ft. and thus is non-conforming. The setback for the proposed addition is 54'-2" and is conforming. Thus Per Section 2000.3 relief is not required for the proposed addition.

Section 2001.3 permits additions to non-conforming structure provided:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13;
- (b) The addition or enlargement itself shall:
 - (1) Conform to use and structure requirements; and
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

Special Exception relief is therefore permitted for this addition.

It is worth noting that several properties in this square and across the street, including the house directly adjacent to the east, have non-conforming side yards that are generally located on the "uphill" side of the property as is the proposed non-conforming side yard in this application. This pattern may be due to the mitigating factor of the terrain where the houses on the uphill side are less impacted since they are at a higher elevation.

VI

The Application Meets the Requirements for Special Exception Relief Under Section 223 of the Zoning Regulations

The criteria established for Special Exception are clearly sated in the Zoning regulations, Section 223.2 – 223.4, which read as follows:

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;

Comment: Because of the sloping terrain in the neighborhood, the first floor and much of the rear yard of the house to the east at 4616 Garfield Street is a full story above the Garage addition floor level; the rear part of the west façade of the adjacent house has few windows looking out over the area of the proposed addition furthermore the adjacent side yard of the neighbor house is also used for parking and garage access. All of these factors combine to mitigate any impact from proposed Garage addition on the light and air available to the neighboring property.

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

Comment: In addition to the reasons stated above under Comments to "a", the proposed addition does not have any windows on the east side overlooking the adjacent property that might compromise its privacy. These factors combine to mitigate any impact from proposed Garage addition on the privacy of use and enjoyment of the neighboring property.

- (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

Comment: We believe that as designed, the addition, together with the original building, as viewed from the street, will harmonize with 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.

Comment: Drawings and photographs are attached

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

Comment: This section is superceded by the WH Overlay requirement of maximum of 30% lot occupancy. The proposed lot occupancy is 20.8%.

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.

Comment: We look forward to the Board's input and are open to suggestions for screening, etc.

VII

Supplemental Exhibits in Support of the Application

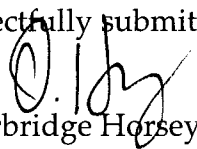
1. Architectural drawings (showing revisions)
 1. May 1, 2012 Letter from Mr. Greer to Mrs. Eckel
 2. Site plan
 3. Proposed first and second floor plan
 4. Detail plan at addition
 5. Proposed north elevation
 6. Proposed south elevation
 7. Proposed east elevation

VIII

Conclusion

For all of the above reasons the Applicants are entitled to Special Exception relief in this case.

Respectfully submitted,


Outerbridge Horsey, AIA LEED AP

Stephen H. Greer
4626 Garfield Street, NW
Washington, DC 20016

May 1, 2012

Dear Mrs. Eckel,

Thank you for taking time to discuss the garage project today. I appreciate your concerns and as mentioned am pleased to work with you to try to give you various comforts that the project will not be offensive or cause problems for you.

Per our discussion, I can hereby confirm that if you are willing to withhold your objection, I will give you whatever legal assurance you need that we will not reassert our rights related to the property line and will respect the current location of the west side of your driveway.

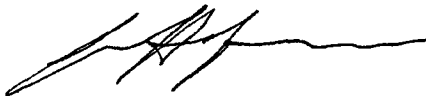
As we discussed Outerbridge Horsey will deliver along with this letter a revised drawing showing the garage corner moved south by 6" and east by 6" with a protective bollard at the corner. We will also place an 8" wall along your driveway to act as a low (18" or so) retaining wall to accommodate the grade differential of our two driveways and the buffer plants separating our driveways will be planted on our side of the wall. The top of this wall would be no more than 8" above the top of your driveway.

Also, as we mentioned, we have removed the dormer from the east wall of the proposed garage facing your property. And finally, we agree to make the east wall a retaining wall so that the existing bank on your property can be extended over our property against the garage wall and we will supply and maintain the soil and plants in this area to help buffer the view of the garage roof from your property.

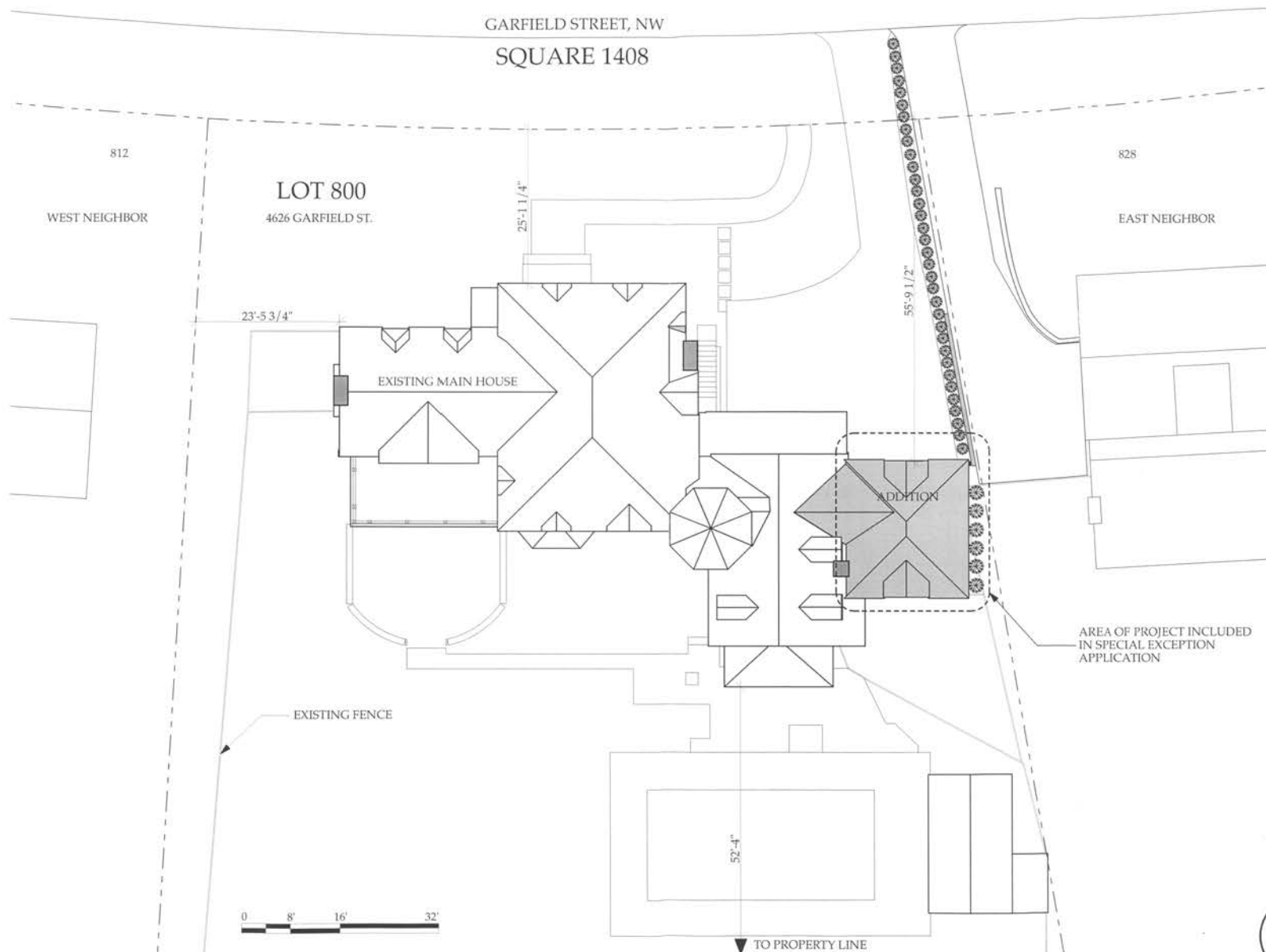
We really want to make an attractive property border that will be user friendly and safe for all concerned while achieving our goal, which seems to be a common goal throughout the neighborhood, to have a two car garage.

Thank you for your consideration.

Best regards,

A handwritten signature in black ink, appearing to be 'S. Greer', with a long horizontal flourish extending to the right.

Stephen Greer



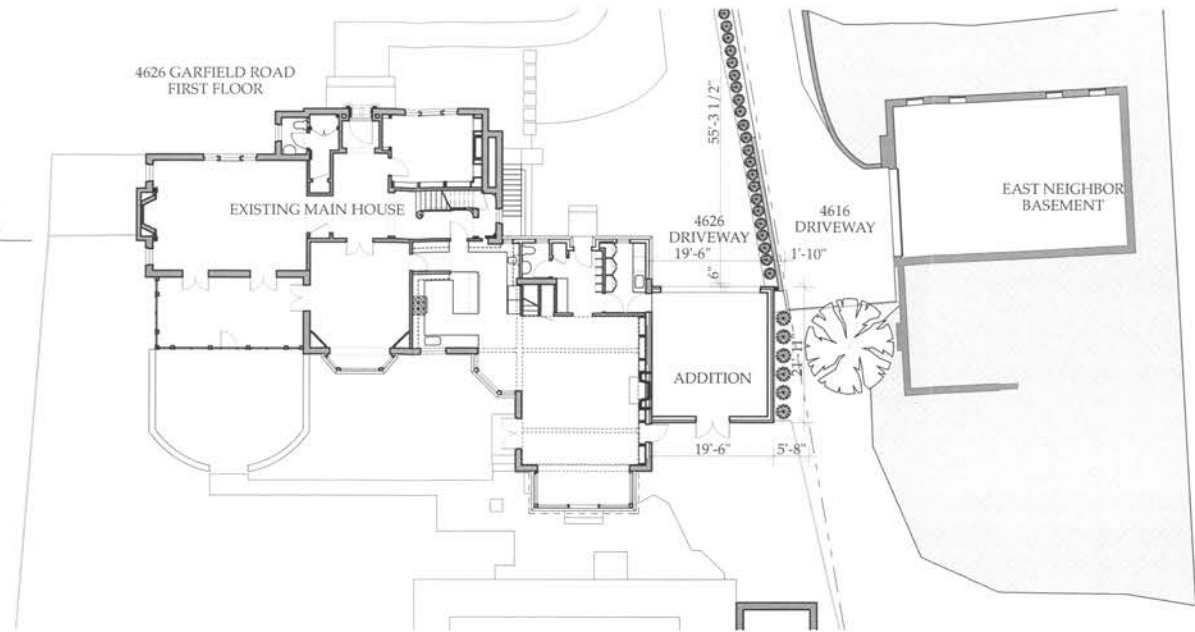
1 PROPOSED ROOF PLAN

SCALE: 1/16" = 1'-0"

1

PROPOSED FIRST FLOOR

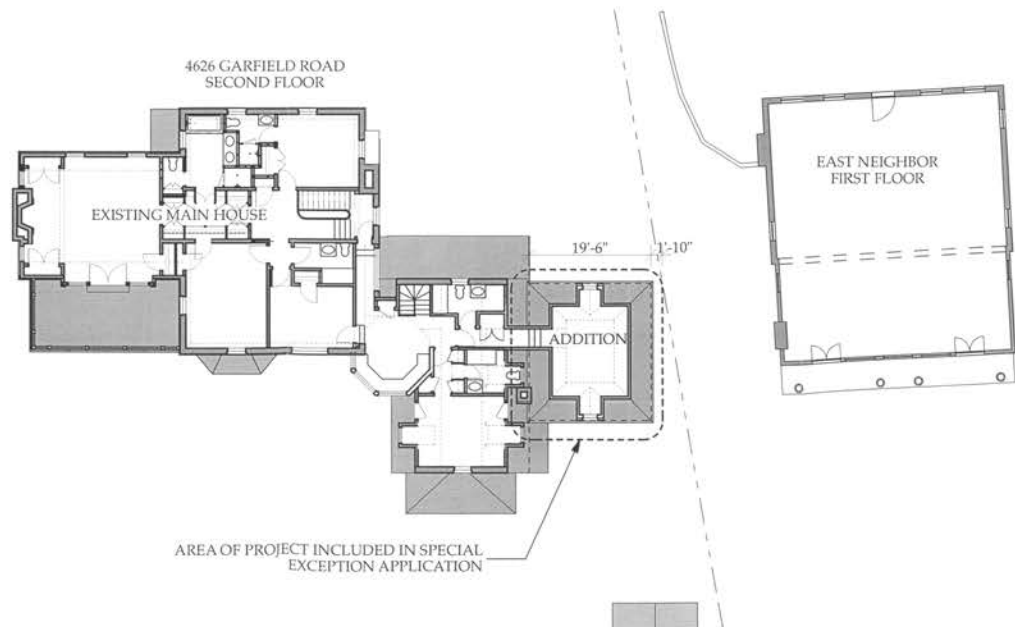
SCALE: 1" = 20'

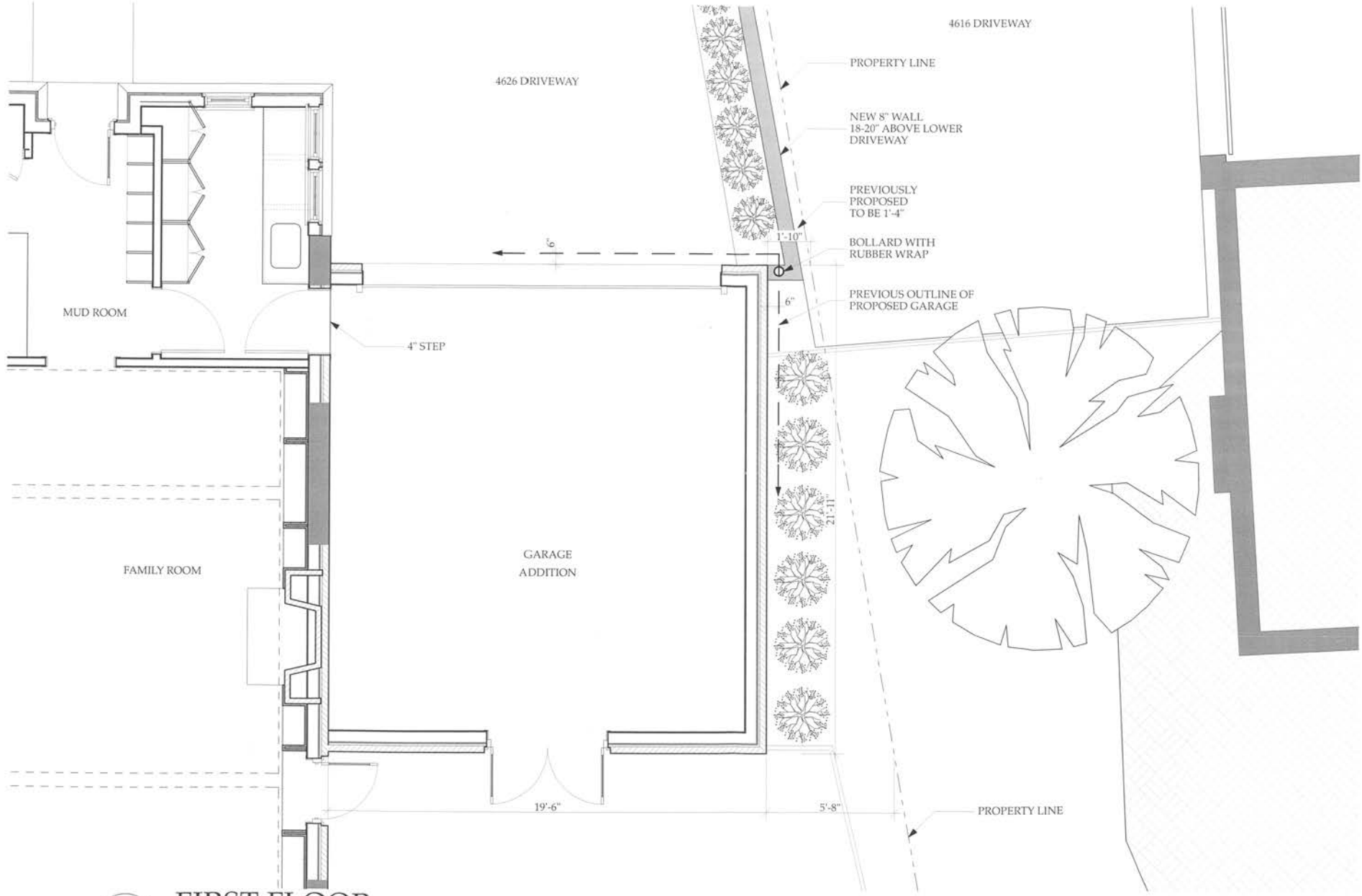


2

PROPOSED SECOND FLOOR

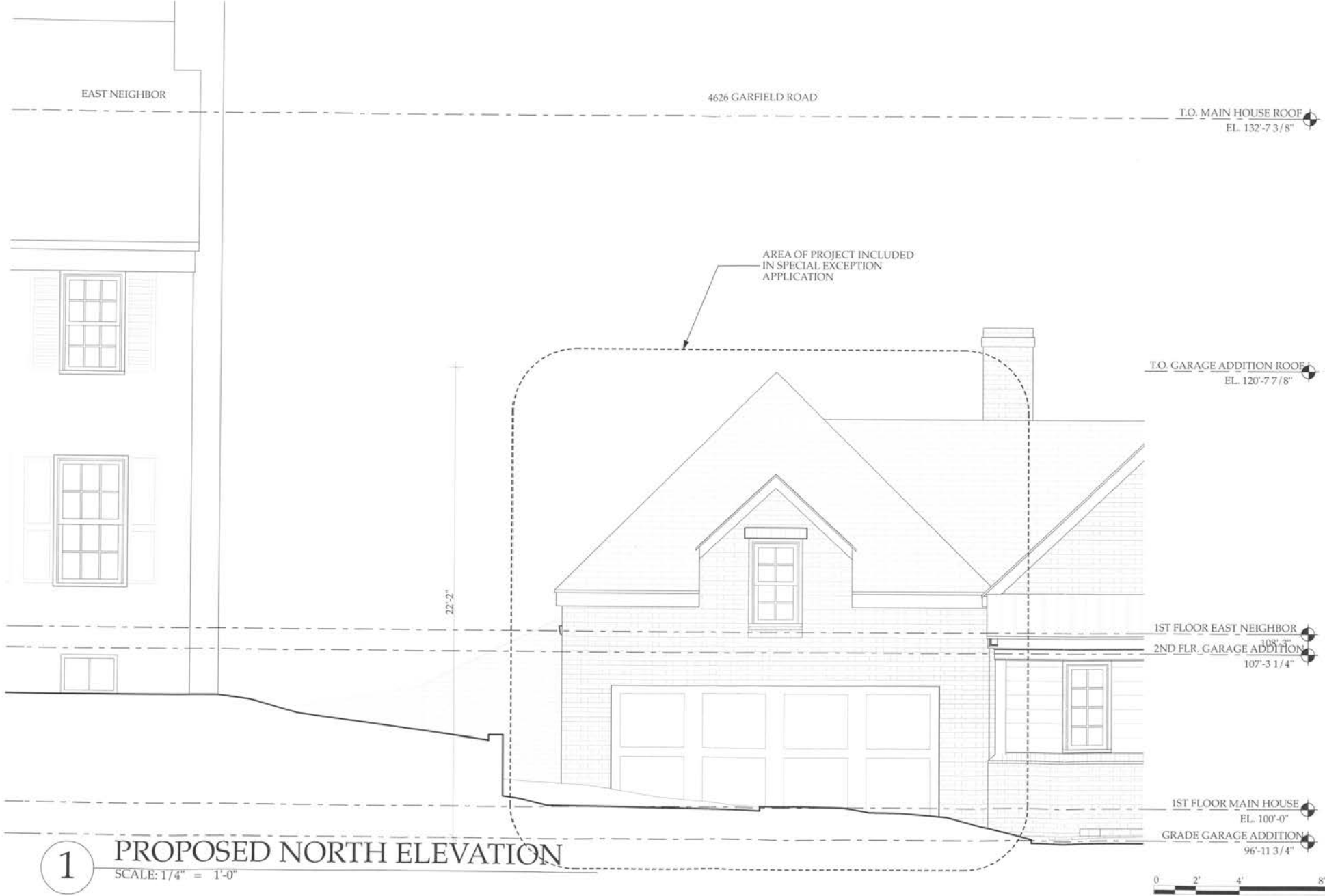
SCALE: 1" = 20'





1 FIRST FLOOR

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



1 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



4626 GARFIELD ROAD

EAST NEIGHBOR

T.O. MAIN HOUSE ROOF
EL. 132'-7 3/8"

AREA OF PROJECT
INCLUDED IN SPECIAL
EXCEPTION APPLICATION

T.O. GARAGE ADDITION ROOF
EL. 120'-7 7/8"

22'-2"

1ST FLOOR EAST NEIGHBOR
EL. 108'-3"
2ND FLR. GARAGE ADDITION
EL. 107'-3 1/4"

1ST FLOOR MAIN HOUSE
EL. 100'-0"

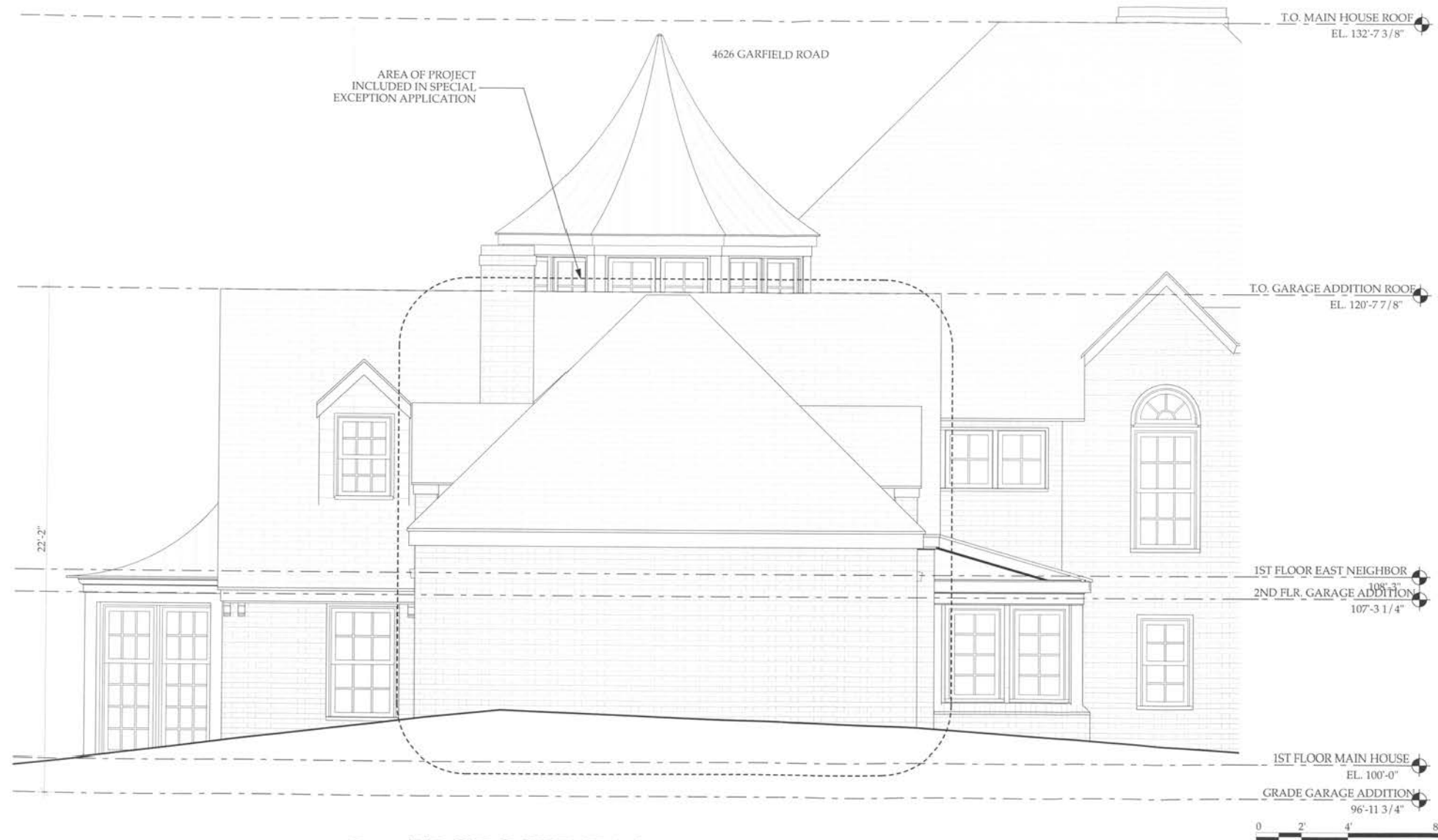
GRADE GARAGE ADDITION
EL. 96'-11 3/4"

1

PROPOSED SOUTH ELEVATION

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

0 2' 4' 8'



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"