

BEFORE THE BOARD OF ZONING ADJUSTMENT

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.
2. Special Exception relief under Section 2001.3 to make a conforming addition to a Non-conforming structure which does not meet the required front yard set back. The addition will neither extend nor increase the existing non-conforming front yard setback.

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.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18356
EXHIBIT NO. 4

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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%.

Pertinent to the issue of the non-conforming front yard set back is the fact that 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.

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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 existing 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 and 2001.3 of the Zoning Regulations for side yard relief and for an addition to a nonconforming structure.

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 23.5 ft and on the east side varies from approximately 19'-10" feet at the front to 23'-4" feet (as the east property line is at an angle) for an average of 21'-7".

With the proposed addition the side yard on the east side will be reduced to 1.3 ft at the front and 5.1 feet at the rear for an average of 3.2 ft. Thus an average side yard relief of 4.8 is required for this addition.

With respect to relief requested for addition to the nonconforming structure, Section 1543.4 and the referenced "Required Front Yard Setbacks," map the front yard set back for this property is 44 ft. The existing setback is approx, 25 ft. Thus relief is required for any addition to this structure.

Section 2001.3 permits additions to non-conforming structure provided:

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(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.

The existing structure, which will be at 20.8% lot occupancy, conforms to lot occupancy requirements, which is limited to 30% in the Wesley Heights R-1-A zone. Since the proposed garage is set back approximately 54'-2" from the front property line it exceeds the minimum WH Overlay front-yard setback of 44 ft. for this block. Thus the addition does not "increase or extend any existing, nonconforming aspect of the structure" nor does it "create any new nonconformity of structure and addition combined".

Special Exception relief is therefore permitted for this addition.

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; furthermore the adjacent side yard of the neighbor house is also used for parking and

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garage access. Both of these factors combine to mitigate any impact from proposed Garage addition on the light and air available to the neighboring property.

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

Comment: For the reasons stated above under Comments to "a", these same 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

Exhibits in Support of the Application

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1. Form 120 Application
2. Form 135 Zoning Self-Certification Form
3. DC zoning map
4. Plat
5. Architectural drawings
 - a. Existing site plan
 - b. Proposed site plan
 - c. Proposed roof plan
 - d. Existing and proposed first floor plan
 - e. Existing and proposed second floor plan
 - f. Existing and proposed north elevation
 - g. Existing and proposed south and east elevations
 - h. Existing and proposed sections
 - i. Proposed north elevation
 - j. Proposed south elevation
 - k. Proposed east elevation
 - l. Photo – View from front
 - m. Photo – View from rear

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