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2012 AUG -9 PM 2:11

June 1st, 2012

Re: Statement of How Application Meets the Specific Tests for a Special Exception for the Building Located at 513 U Street, NW, Washington DC 20001

Section 223.1 An addition to a one-family dwelling . shall be permitted even though the addition does not comply with all of the requirements of sections 401, 403, 404, 405, 406, and 2001 3 shall be permitted as a special exception shall be approved by the Board of Zoning Adjustment subject to the provisions of this section

Response The proposed work is an addition to a one family dwelling and so this section is applicable

Section 223 2 The addition 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 affected,
- (c) The addition together with the original building, as viewed from the street, alley, and other public way, shall not substantially visibly 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 or section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways

Response The proposed structure, a combination of existing and new portions, is consistent in size and location with the adjacent properties on this block

Section 223 3 The lot occupancy of all new and existing structures on the lot shall not exceed . . . seventy percent (70%) in the R-4 District

Response The proposed structure will have 70% lot occupancy

Section 401 3 The minimum lot area for a row dwelling in the R-4 District is 1800 square feet

Response The actual lot area is 2125 square feet The area is larger than the minimum requirement

Section 402 4 The maximum permitted floor area ratio in a Residence District shall be as set forth R-4 District – none prescribed

Response None

Section 403 2 No structure shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table R-4 Row Dwelling – 60%

Response See Section 223 3

Section 404 1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth in the following table R-4 – 20 ft, and

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Section 404 2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure

Response The proposed rear yard is 7 ft from the rear property line. The width of the existing public alley is 15 feet. The distance from the center line of the alley to the rear wall of the proposed structure is 14 feet 6 inches. The rear yard is consistent with the adjacent building to the east. The building located directly across the alley from the proposed structure is a mechanical building for Howard University; the elevation presented to the alley is a windowless brick façade.

Section 405 6 A side yard shall not be required in an R-4 District. However, if the yard is provided, it shall be at least three inches wide per foot of height of building, but not less than eight feet wide.

Response. The space between the side of the building and the side property line could be considered a yard or a closed court. The distance from the side wall to the property line is 33 inches. The height of the building to the roof deck level is 32 feet 8 inches. The height of the building to the highest point on the roof is 42 feet 4 inches. The overall height is consistent with the adjacent buildings.

Section 405 8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft) wide, an extension or addition may be made to the building, provided, that the width of the existing side yard shall not be decreased, and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft).

Response The addition to the rear and top of the building is in line with the existing structure. The yard is consistent with the adjacent buildings.

Section 406 1 Where a court is provided in a Residence District, the court shall have the minimum dimensions set forth in the following table: R-4 One family dwelling.

Width 4 in. per foot of height of court but not less than 5 feet

Area twice the square of the required width of the court dimension based on the height of the court, but not less than 350 feet squared, and

Section 406 2 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of the court niche is less than two to one, and

Section 406 3 No portion of a court niche shall be farther than 3 feet from a point where the court niche is less than three feet wide.

Court - an unoccupied space, not a court niche, open to the sky, on the same lot with a building, which is bounded on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines, or yards. A court may also be bounded by a single curved wall of a building. (28 DCR 4192)

Court, closed - a court surrounded on all sides by the exterior walls of a building, or by exterior walls of a building and side or rear lot lines, or by alley lines where the alley is less than ten feet (10 ft) in width.

Response The court meets the criteria for a closed court, is less than three feet wide, has an area of 211 square feet, has a ratio of length to width of 30:1, and is 32 feet 8 inches high, except at the penthouse, where it is 42 feet 4 inches high. The court does provide required light and natural ventilation for the interior of the building. The design of the court is consistent with the adjacent buildings.

Section 2001.3 Enlargements or additions may be made to the structure, provided

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13, and
- (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

Response Per Section 223, the lot occupancy shall be permitted to be 70%. The addition / enlargement of the structure does not increase any non-conforming aspect of the structure, nor does it create any new non-conformity. The yards, courts, height, and area of the proposed structure are within the limits as set forth by the special exception rules. The extent of the non-conformity is not increased by the addition to the building.

Conclusion The intent of the proposed addition is to allow for the full enjoyment and utilization of the space on the lot. A special condition exists on this lot that prevents the owners from using the open space to rear of the lot in an equal manner and extent as the properties in the surrounding neighborhood, the mechanical building located directly across the alley from the subject property houses the chilling equipment for Howard University Hospital. This equipment is extremely loud and consistent. This noise prevents the occupants from using the lot at ground level outside the walls of the building. In order to be able to use the lot, it would be beneficial to enclose the space at ground level as well as elevate the exterior "recreation" space above the level of the mechanical equipment and in doing so, reduce the noise level to the point that occupants are comfortable.

The proposed expansion of the existing structure allows the occupants to take advantage of the lot in such a way as the adjacent properties and still meets the requirements for a special exception under Section 223.