

5E. BASIS FOR ACTION SOUGHT

Our hardships start with the fact that our house is semi-detached in an R-1-B zone intended for detached homes. Our lot is one of the smallest in the area. While similar in size to our semi-detached neighbor to the east, our rear yard is less deep than theirs and partially occupied by a garage. Our lot predates the existing zoning rules and does not meet minimum zoning requirements for width, area, and rear yard.

Several factors constrain the usable outdoor space in our rear yard. The existing semi-detached garage occupies 24 percent of it. The remainder of the rear yard is divided between a deck (12' x 15') and an L-shaped area that is virtually unusable. Besides being small, the existing deck's use is undermined by being four steep steps below the level of the back door, creating access that is awkward to navigate and hazardous for our small children. The L-shaped area of the rear yard that is left is effectively a narrow, dark hole or depressed area, pinched between a stand of bamboo at least 25' high just over our south property line, our garage to the west, and the decks of our house and our semi-detached neighbor to the east.

In addition, our small front yard is less usable, especially for small children, than those of many of our neighbors further up Newark Street due to our proximity to the major thoroughfare of Connecticut Avenue. Indeed, cars that mistakenly turn onto Newark from Connecticut frequently pull into our driveway to turn around. That, plus the fact that our driveway is shared with our neighbors to the west, gives our front yard area surprising high car traffic and means we could never leave our children there to play, even briefly.

Our goal is simply to make the most of the limited outdoor space our lot affords. The owner of the other half of our semi-detached structure increased her outdoor space some years ago by removing her garage, but this would not be an option for us even if we wanted to because our garage is semi-detached (the garage structure is shared with our neighbor to the west).

We propose a two-level, stepped-down deck to limit mass and be unobtrusive. The upper deck (8'-6" x 18'-6") will be flush with the first floor level and will be used for sitting and dining. The lower deck (14' x 21') will be three steps down from the first (the maximum that we consider safe and practical). This area will be used for children's play and activities. It will effectively fill the L-shaped "hole" described above, creating a space large and attractive enough to be usable.

The upper deck taken by itself would require only a special exception since lot occupancy would not exceed 50%. We would still need relief from rear yard, side yard, and court requirements, however, due to the peculiarities of our lot and siting.

The lower deck is 5 foot 1 inch above grade and hence counts as lot occupancy, making our lot occupancy 59%. This triggers the need for a variance.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18480
EXHIBIT NO. 5

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Our neighbor to the east already has a deck level with and deeper than the upper deck we propose. A wooden fence on the property line maintains privacy between the two properties despite their semi-detached nature. Our garage to the west effectively blocks any view of our project from the neighbor on that side. The tall stand of bamboo and an existing neighbor's garage block the view from the south. In addition, we plan to plant a tree in the southeast corner of our lot to further protect privacy.

In short, the project should be virtually invisible to all of our neighbors. Nor would it be visible from the street. It would not affect anybody's light or ventilation. There will be no substantial detriment to the public good and it will not be inconsistent with the general intent of the zoning regulations.

Further, we will not be decreasing any existing green area on our lot. Indeed, the project will actually increase the permeable surface because we will remove some of the existing flagstone that currently covers the majority of the rear yard, including the portion abutting the rear retaining wall. This would be replaced with gravel. The decking is spaced, allowing rainwater to pass through.

We have secured and attached a letter from all nearby property owners – everyone with even a potential sight line towards the rear part of our property, even if obscured – confirming that they have no objection to our proposal. The District HPRB official responsible for Cleveland Park has determined that this project is small and insignificant enough that it can be approved as a “staff sign-off” and does not require submission for board approval.

Nevertheless, we will be showing our plans to the ARC of the CPHS and to the ANC 3C. We anticipate no objections and will solicit letters from them to that effect.

In sum, we believe the effect of our project will be entirely positive. It will enhance the appearance, use and value of our property and have no deleterious effect on any of our neighbors.

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