

## GRIFFIN, MURPHY, MOLDENHAUER &amp; WIGGINS, LLP

MARK G. GRIFFIN (DC, MD)  
 BRIAN P. MURPHY (DC, MD)  
 ASHLEY E. WIGGINS (DC, MD, VA)  
 MERIDITH H. MOLDENHAUER (DC, MD, VA)  
 ERIC M. DANIEL (MD, DC)

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18552  
 EXHIBIT NO. 26

RECEIVED  
 D.C. OFFICE OF ZONING  
 2013 MAY -7 PM 4:16

DIRECT DIAL: 202-503-1482  
 DIRECT EMAIL: mmoldenhauer@washlaw.com

## Executive Summary

Case No. 18552

## Site Description

Address: 939 T Street NW  
Square/Lot: Sq. 361, Lot 814

Lot Area: 1,125 sq. ft.

Zoning: R-4

Existing: Single-Family Dwelling

Historic District: Greater U Street

## Project Description

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant                  | Christopher Scott Fay and Brett DeWitt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Proposal                   | Rear Addition & Conversion to Flat                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Relief Sought              | 223 Special Exception                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Special Exception Standard | <p><b>223.1: Addition to one-family dwelling</b></p> <ul style="list-style-type: none"> <li>70% lot occupancy.</li> <li>Addition to a structure on a lot that is nonconforming as to lot area.</li> </ul> <p><b>223.2: No Substantially Adverse effect on Use/Enjoyment of an Adjacent Dwelling</b></p> <ul style="list-style-type: none"> <li>Light and air unaffected due to limited shared property line and cone-shaped lot.</li> <li>Privacy of neighboring property owners is unaffected because of a new privacy fence and because the lot abuts an alley to the west and a parking lot to the northwest.</li> <li>No visual intrusion to character, scale or pattern of houses because of complimentary materials used and refurbished fence. The rear addition will not be visible from the street due to limited height and screening by parapet wall.</li> </ul> <p><b>223.3: Lot Occupancy</b></p> <ul style="list-style-type: none"> <li>70% lot occupancy, permitted by special exception</li> </ul> |

Comments of District Agencies and Community:

- OP Recommendation of Approval
- Unanimous Support from ANC 1B
- 17 Letters of Support from Neighbors
- HPO Recommendation of Approval

Board of Zoning Adjustment  
 District of Columbia  
 CASE NO. 18552  
 EXHIBIT NO. 26

LAW OFFICES  
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

MARK G GRIFFIN (DC, MD)  
BRIAN P MURPHY (DC, MD)  
ASHLEY E WIGGINS (DC, MD, VA)  
MERIDITH H MOLDENHAUER (DC, MD, VA)  
ERIC M DANIEL (MD, DC)

---  
DIRECT DIAL 202-530-1482  
DIRECT EMAIL MMOLDENHAUER@WASHLAW.COM

May 7, 2013

**VIA HAND DELIVERY**

Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

**Re: Application No. 18552 – 939 T Street NW**  
**Prehearing Statement of the Applicant**

Honorable Members of the Board

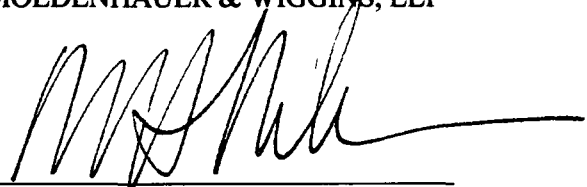
On behalf of the Applicant in the above-referenced case and pursuant to 11 DCMR §3113.8, we hereby supplement the filings made with the initial application and offer the following as the Prehearing Statement of the Applicant. Enclosed you will find one original and 10 copies.

The Prehearing Statement package contains

- 1 Prehearing Statement, and
- 2 Letters of Support

The Applicant has waived its right to a public hearing and selects the BZA Expedited Review process. If you have any questions, please do not hesitate to contact me on behalf of the Applicant. Thank you for your attention to this application.

Sincerely,  
GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS, LLP

  
By: Meredith H. Moldenhauer

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

**APPLICATION OF  
CHRISTOPHER SCOTT FAY &  
BRETT DEWITT**

**939 T STREET NW  
ANC 1B**

**PREHEARING STATEMENT**

**I. REQUEST FOR EXPEDITED REVIEW**

Relief under §223 pursuant to the expedited review process is proper because the Applicant seeks a conversion from a single-family home to a flat that meets the requisite criteria. A flat is permitted in the R-4 District (§330 5) There will be no introduction or expansion of a nonconforming use (§223 5) As demonstrated in this application, lot occupancy does not exceed 70% (§223 3) and the addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property (§223 2)

**II. THE APPLICANT MEETS THE BURDEN OF PROOF FOR ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS**

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings and flats may be permitted within a residential district Each of the criteria was addressed in detail in the Applicant's Initial Application The relief here is necessitated by the existing configuration and triangular shape of the lot The proposed addition in no way impacts the light, air, or use and enjoyment of neighboring property owners of the character of the neighborhood.

**III. COMMUNITY OUTREACH**

The Applicant conducted extensive outreach to the neighboring property owners and received 17 letters of support See Exhibit A The Applicant has attempted to get in touch with the adjacent out-of-state neighbors but has not yet received a response The Applicant presented the project at the ANC 1B Design Review Committee meeting on April 15, 2012, where the Committee unanimously approved a

recommendation of support, and the ANC 1B May 2 meeting where the ANC voted unanimously in support of the application.

#### **IV. CONCLUSION**

For the reasons stated above and in the Initial Application, the requested relief meets the applicable standards for special exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted

GRIFFIN, MURPHY,  
MOLDENHAUER & WIGGINS, LLP

  
By Meredith H Moldenhauer