

BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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2013 MAR -1 PM 12: 24

APPLICATION OF
CHRISTOPHER SCOTT FAY &
BRETT DEWITT

939 T STREET NW
ANC 1B

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Christopher Scott Fay and Brett DeWitt (the "Applicant"), the owners of property located at 939 T Street NW, Lot 814 in Square 361 (the "Property") in support of their application for special exception review pursuant to 11 DCMR §223, for an increase in lot occupancy to 70% (§403) and an addition to a structure that does not conform to the lot area requirement (§2001.3), to allow the construction of a three-story rear addition to an existing single-family residence and conversion to a flat in the R-4 District.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the "Board" or "BZA") has jurisdiction to grant the variance relief requested herein pursuant to §3104.1 of the Zoning Regulations.

III. BACKGROUND

A. Background Information Regarding the Property

The Property, also known as Lot 814 in Square 361, contains approximately 1,125 square feet of land area and is located in northwest Washington D.C (see Baist Atlas Map, attached hereto as Tab 9). The Property is located within the R-4 District (see Zoning Map attached hereto as Tab 10). 939 T Street is an unusually small wedge-shaped lot with approximately 32 feet of frontage along T Street NW. The Property is presently improved with a single-family home. The unusual lot results in the house having a

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wide front façade with two projecting bays and a shallow one-room-deep footprint. The Property is located in the Greater U Street Historic District and is listed on the D.C. Inventory of Historic Sites.

B. Description of the Improvements in the Surrounding Area

Square 361 is split zoned with an R-4 District occupying the southwestern portion of the Square and an ARTS/C-2-B District occupying the northeastern portion along U Street NW. Square 361 is bounded by Vermont Avenue NW on the west, U Street on the north, 9th Street NW on the east, T Street NW on the south (see Baist Atlas plat, attached hereto as **Tab 9**). The properties along T Street are primarily rowhouses and flats. The properties along 9th street are rowhouses and flats at the southern end of the block and commercial uses at the northern end toward U Street NW. U Street NW is primarily commercial uses. Vermont Avenue NW is made up of rowhouses and flats at the very northern end of the block and the remainder of the block is occupied by the African American Civil War Memorial and Museum. Directly abutting the Property to the east is a flat and abutting the property to the west is a public alley.

C. Description of the Traffic Conditions and Mass Transit Options in the Surrounding Area

The Property is well serviced by a number of public transportation facilities and services along U Street/Florida Avenue. Metrobus routes, such as the 63, 90, 92, 93, 96, X3 are available along U Street NW. In addition, Capital Bikeshare Stations are located at 10th & U Street NW (15 docks) and 7th & T Street NW (15 docks). Car-sharing continues to expand in the nearby area. Over 10 Zipcar spaces are located within walking distance, including 2 Zipcar spaces behind 625 Rhode Island Avenue NW and 1 Zipcar space at the Shaw/Howard University Metro. The expansion of Car2Go in the District provides additional car-sharing options in the area. Car2Go, seeing consistent growth in use and membership, recently reported that the use of the company's car-sharing service had reached over 6,000 trips per week and over 10,000 users. Moreover, the Property is located approximately 0.3 miles (roughly 5 blocks) from the U Street Metrorail entrance and 0.3 miles (roughly 4 blocks) from the Shaw Metrorail entrance.

D. Description of the Proposed Development

As shown on the Architectural Plans and Elevations (attached hereto as **Tab 11**), the Applicant proposes to construct a three story plus cellar addition at the rear of the existing two-story plus cellar structure and convert the structure from a single-family rowhouse to a flat. The proposal includes removal of a portion of the rear wall and extending the footprint by approximately 11.5 feet. The height of the addition is 7'-2" greater than the existing structure. The addition would extend above the rear of the existing roof to provide a small roof top room and access to a roof deck. The Applicant will continue to occupy the first, second, and third floor as their primary residence. The existing structure has the kitchen located in the cellar with access down a tight, winding historic staircase. The existing first floor will be converted to a living room, dining room, and kitchen. The second floor will have three bedrooms and two bathrooms. The third floor will have a lounge and deck area. The existing cellar will be converted to a 2-bedroom rental unit.

IV. REQUEST FOR EXPEDITED REVIEW

Relief under §223 under expedited review is proper because 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).

V. NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The Applicant seeks special exception relief pursuant to 11 DCMR §223. Under D.C. Code §6-641.07(g)(2) and 11 DCMR §3104.1, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring

property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified.

VI. 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 is addressed in turn below:

223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The applicant requests special exception relief under §223 for an increase in lot occupancy to 70% (§403) and an addition to a structure that does not conform to the lot area requirement (§2001.3), to allow the construction of a three story rear addition to an existing single-family residence and conversion to a flat. The lot occupancy of the existing structure is roughly 48%. The lot occupancy of the proposed structure is 70%, permitted under §223.3 as a special exception. The lot area is 1,125 square feet. The existing single-family home and flat both require 1800 square feet of lot area. While the degree of nonconformity is not being increased or extended, the Applicant has requested relief in an abundance of caution for an addition to a structure that does not conform to lot area. All other aspects of the proposed project, including the additional height, are permitted as a matter of right.

223.2 The addition or accessory structure shall not have a substantially adverse effect 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;

The proposed addition would not adversely impact light or air available to adjacent properties. The lot at issue is triangle-shaped with roughly 32 feet of frontage along T Street NW and narrowing to a point at the rear. The property to the east, 937 T Street NW, has a limited shared property line due to the

triangular shape of the Applicant's lot. The cone shaped rear of the Applicant's lot reduces the depth into which the Applicant can efficiently build, protecting the neighbor from any adverse impact (see Baist Atlas Map, attached hereto as **Tab 9**). To the west and north, the Property abuts a public alley upon which the addition will have no impact (see Photographs of Property, attached hereto as **Tab 11**). Across the public alley to the northwest is the parking lot for the African American Civil War Memorial and Museum. The addition will have no impact on this parking lot either.

Based on the above, the addition will have no adverse impact on neighboring properties. Moreover, the small, awkwardly shaped lot limits the Applicant's options for development. While within the height and story limit permitted as a matter of right, the Applicant has little option for an addition other than building upwards (see Architectural Plans, attached hereto as **Tab 11**). Because of the triangle shape of the lot, any addition further into the rear would result in limited benefit to the Applicant. As the addition moves further into the rear of the property, the lot becomes narrower and efficient use of any additional space becomes impractical. Furthermore, the Applicant will retain a historic staircase which limits their ability to develop an efficient floor plan.

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

The privacy of neighboring properties would not be duly compromised. The proposed addition will be modest in size (see Architectural Plans, attached hereto as **Tab 11**). A dilapidated fence on the east side of the Property will be replaced by a new fence that will protect the privacy of the neighboring property owners (see Photographs of Property, attached hereto as **Tab 11**). Thus, the rear of the property will have only extremely oblique views onto neighboring properties, much of which is blocked by fencing surrounding the rear of the Property. Moreover, the Property abuts a public alley to the north and west which helps prevent any impact on the privacy of neighboring property owners (see Photographs of Property, attached hereto as **Tab 11**).

- (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*

The addition would not visually intrude upon the character and pattern of the houses along T Street NW or the neighborhood. The proposed addition will use materials similar and complimentary to the existing structure. The refurbished fence will enhance privacy. The addition is subordinate to the house, and is compatible in size, footprint, materials and fenestration. While extending one floor taller than the main block of the house in the rear, the additional floor will not extend above the original portion of the house and, based on a field test mock up with the architect, will not be visible from the street or from the entrance to the alley. By setting the roof deck down within the roof framing, the front parapet wall will effectively screen it from public view (see Line-of-Sight Plan, included in the Architectural Plans attached hereto as **Tab 11**). The proposed addition has been reviewed by the Historic Preservation Office which raised no concerns and recommended that the Review Board find the proposal compatible with the character of the house and historic district and recommended delegation of final approval to the Historic Preservation Staff.

In addition, the Square, with close proximity to U Street NW, is a dense, urban environment. The addition is modest in size. The proposed addition will be constructed with high quality, historically appropriate materials that will keep the structure in line with the character of the surrounding houses (see Historic Preservation Office Staff, attached hereto as **Tab 12**).

- (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.*

In addition to this Statement of the Applicant, the Applicant has provided the following:

1. Plat showing the existing structure on the Property;
2. Baist Atlas Map;
3. Zoning Map;
4. Architectural Plans;
5. Elevation Plans;

6. Line-of-sight Plan
7. Photographs of the Property;

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.*

The lot occupancy will be 70% with the proposed addition, permitted under §223.3 as a special exception. All other aspects of the proposed project are permitted as a matter of right.

VII. CONCLUSION

For the reasons stated above, 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


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