



GREENSTEIN DELORME & LUCHS, P C

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June 3, 2013

BY HAND DELIVERY

Lloyd J Jordan, Esquire
Chairperson
D C Board of Zoning Adjustment
441 Fourth Street, N W
Suite 210
Washington, D C 20001

RECEIVED
D.C. OFFICE OF ZONING
2013 JUN -3 PM 4:41

**Re: BZA Application No. 18586 (Expedited Review)
of Mary G. McGrath
4351 Klingle Street, N.W.
Square 1625, Lot 802 ("Property")**

Dear Chairperson Jordan and Members of the Board

The Applicant, Ms Mary G McGrath, by and through undersigned counsel, respectfully requests the Board to amend the above-referenced application scheduled for Expedited Review on June 25, 2013. Specifically, the Applicant requests additional special exception relief under Section 223 from the front yard setback requirements of the Wesley Heights Overlay District ("WHOD") (Section 1543.4) to allow completion of the previously permitted and partially constructed one-story screened front porch not meeting the requirements of Section 2001.3(b) for a non-conforming structure.

After the original filing of this application, the Zoning Administrator notified the Applicant's counsel that he believed that an additional variance was required from the WHOD front yard setback requirements. The Zoning Administrator and counsel met promptly to discuss the situation based on the following undisputed circumstances: The Property is improved with a pre-1958 structure that had an existing front yard setback of 13 feet (Building Plat showing existing structure and proposed front porch, Exhibit A). In 1990, the WHOD was enacted and established a minimum front yard setback for the Property of 20 feet 11 DCMR §1543.4 and attached "Required Front Yard Setbacks" Map. On March 14, 2013, the Applicant obtained Building Permit No. B1301767 ("Building Permit") which authorized front, rear and side yard additions to the existing single-family structure (Building Permit, Exhibit B). The Building Permit specifically approved the one-story screened porch in the L-shaped area formed by the existing front structure. The approved porch maintained and did not extend beyond the existing

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18586

EXHIBIT NO. 27



GREENSTEIN DELORME & LUCHS, P C

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Lloyd J Jordan, Esquire

June 3, 2013

Page 2

13 foot non-conforming front yard setback running parallel to the front property line (Exhibit A)

Although the Zoning Administrator's Office staff reviewed and approved the Building Permit, including the front porch, the Zoning Administrator now believes that his office "erred" in its original approval. Upon further review, the Zoning Administrator has concluded that the front porch, under 2001 3(b), is an extension of the existing non-conforming front yard setback. In contrast, Applicant's counsel maintains that the approved front porch fully respects the existing non-conforming front yard setback and complies with all the provisions of Section 2001 3 and is permitted as a matter-of-right.

Although counsel respectfully disagrees with the Zoning Administrator's determination, the Applicant has no desire to engage in an unnecessary dispute and believes that the better and more expedient course of action is to amend the current application to include the additional special exception relief under Section 223 for the WHOD front yard setback.¹ The Applicant, with the strong support of her immediate neighbors, is focused on completing this project and occupying her new home at the earliest opportunity.

Amended Application Complies with Sections 223 and 3104.1:

The previously approved and partially constructed screened one-story front porch is a minor addition that will have little or no visibility and no adverse impact on any adjacent property. The porch is entirely contained within the existing 13 foot front yard setback (Exhibit A). Only 7 feet of the porch extends beyond the 20 foot WHOD setback with the first 5 feet of depth of the porch within the setback and clearly permitted as a matter-of-right (Exhibit A). The porch is only one-story tall with the upper floor of the existing house clearly visible behind it. The screens on the front and side of the porch make it visually transparent and minimize any impact (Elevations, Exhibit C). Existing landscaping and trees and the distance to the curb will further buffer the front porch from public view.

In all respects, this project with the requested side yard and front yard relief will not be noticeable and will have no adverse impact on any adjacent property and is entirely consistent with the broader Wesley Heights neighborhood and the WHOD. For the north side of the 4300 block of Klinge Street, the average front yard setback was determined based on only two

¹ The Zoning Administrator and Applicant's counsel agreed that the requested relief is properly a special exception under Section 223 which can be granted by Expedited Review. In Application No. 17686 of Burton H. Finkelstein (2007), the Board determined that WHOD front yard relief could be granted under Section 223, not as a variance from Section 1543.4.



GREENSTEIN DELORME & LUCHS, P C

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June 3, 2013

Page 3

properties, including the Property (4351) and the immediately adjacent Property (4353) As a result of averaging only two properties, the 20 foot setback is misleading and does not accurately reflect the character of similar nearby blocks in the WHOD, especially those in close proximity to New Mexico Avenue which is the eastern boundary of the WHOD (Enlarged "Required Front Yard Setbacks" Map, Exhibit D) This Application is entirely in keeping with the purposes of the WHOD "to preserve and enhance the low density character of Wesley Heights" (§1541.1), while allowing "reasonable opportunities for owners to expand their dwellings" (§1541.3)

Amended Hearing Notice:

Based on the requested amendment to this application, the following revised Hearing Notice will be posted at the Property and provided to all interested parties receiving this letter

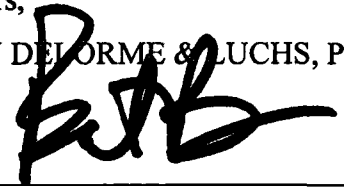
Amended Application No. 18586 of Mary G. McGrath (Expedited Review) pursuant to 11 DCMR § 3104.1, for a special exception to allow completion of a rear and front addition to an existing one-family detached dwelling under section 223, not meeting the side yard requirements (subsection 405.8) and front yard setback requirements (subsection 1543.4) in the WH/R-1-B District at premises 4351 Klingle Street, N.W. (Square 1625, Lot 802).

Thank you for your assistance in this matter If you have any questions, please do not hesitate to contact me

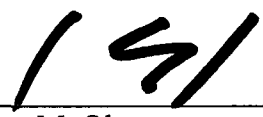
Very truly yours,

GREENSTEIN DELORME & LUCHS, P C

By


John Patrick Brown, Jr

By


Kate M Olson

Enclosures



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June 3, 2013

Page 4

cc Electronically

Ms. Mary G. McGrath
Alicia and Daniel G. Ritchie
Ms. Lynne Seekamp and Mr. Lee Minichiello
Mr. Matthew LeGrant, Zoning Administrator
Ms. Jennifer Steingasser, Office of Planning
Mr. Joel Lawson, Office of Planning
Ms. Brandice Elliott, Office of Planning
Penny Pagano, Chair, ANC 3D
Gayle Trotter, Vice Chair, ANC 3D
Kent Slowinski, ANC 3D01
Thomas Smith, ANC 3D02
Nan Wells, ANC 3D03
Stuart Ross, ANC 3D04
W. Philip Thomas, ANC 3D05
Rory Slatko, ANC 3D07
Michael Gold, ANC 3D08
Joe Wisniewski, ANC 3D10
Mr. George Watson

EXHIBIT A

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., September 28, 2012

Plat for Building Permit of: SQUARE 1625 LOT 802

Scale: 1 inch = 30 feet Recorded in Book A & T Page 1330

Receipt No. 12-06540

Furnished to: GRIZ DWIGHT

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

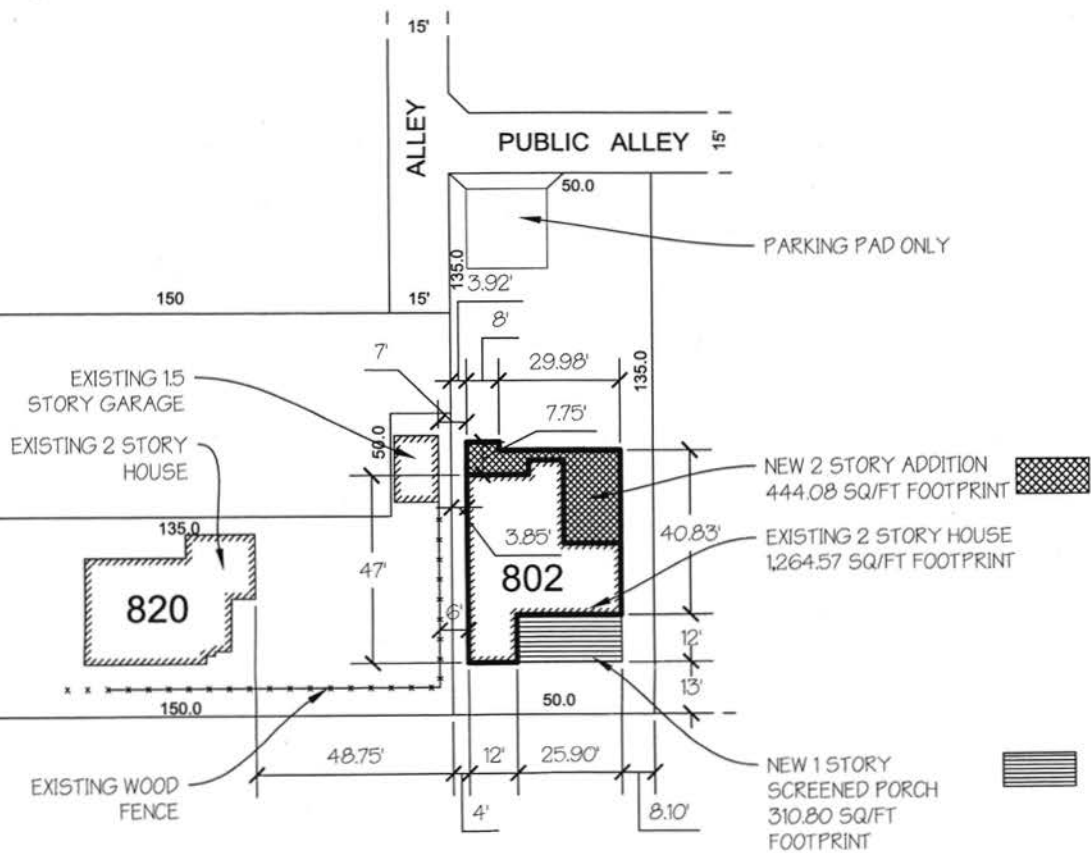
Surveyor, D.C.

Date: _____

By: A.S.

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



KLINGLE STREET, N.W.

EXHIBIT B



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED

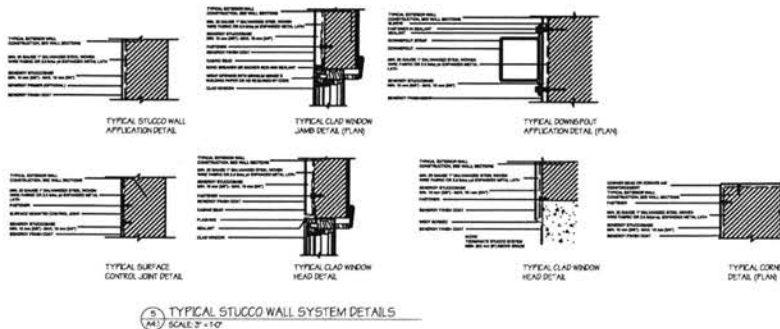
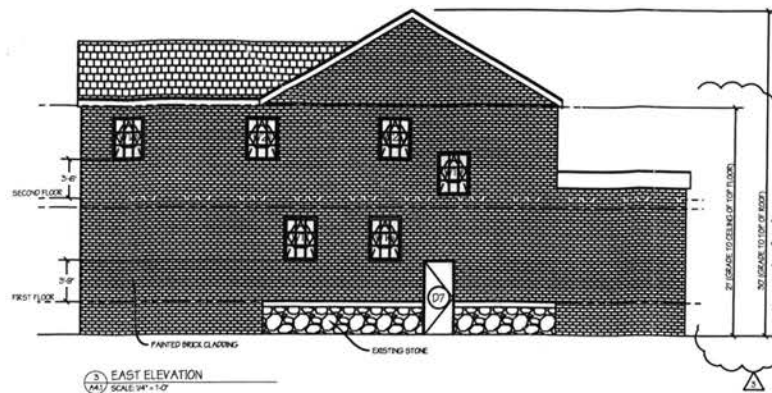
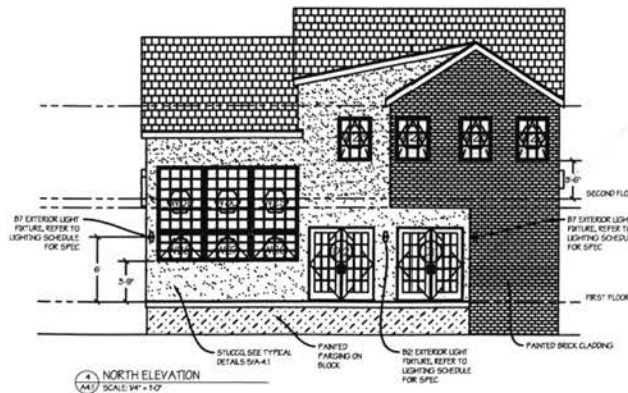
Issue Date: 03/14/2013

PERMIT NO. B1301767

Expiration Date: 03/14/2014

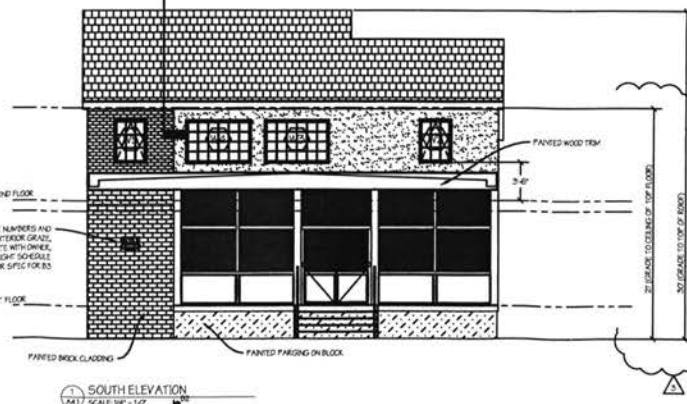
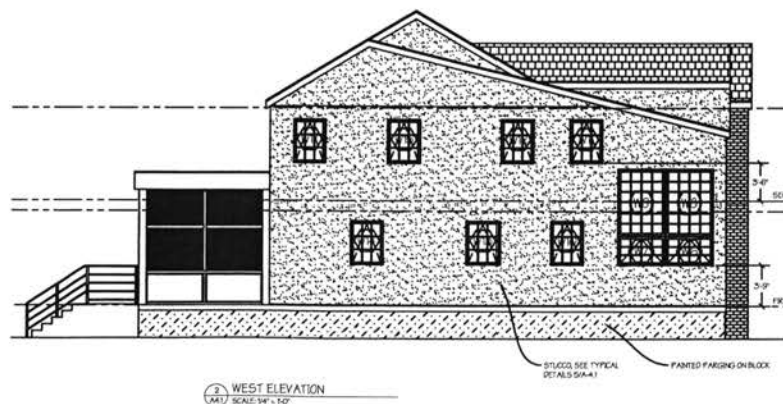
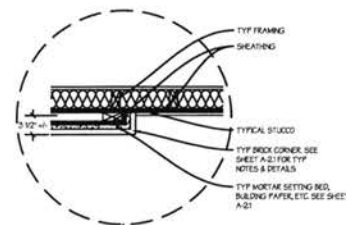
Address of Project: 4351 KLINGLE ST NW		Zone:	Ward: 3	Square: 1625	Suffix:	Lot: 0802
Description Of Work: New rear addition 2 story interior alterations at all levels including new kitchen and bathrooms new lighting and mechanical zones.						
Permission Is Hereby Granted To: Mary Mcgrath		Owner Address: 26 FOXHALL PLACE NASHVILLE, TN 37215			PERMIT FEE: \$1,241.81	
Permit Type: Addition Alteration Repair	Existing Use: Single Family	Proposed Use: Single Family			Plans: Yes	
Agent Name: Justin Ware	Agent Address: 1611 Connecticut Ave Nw 20009	Existing Dwell Units: 1	Proposed Dwell Units: 1	No. of Stories: 2	Floor(s) Involved: All	
Conditions/ Restrictions: This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2006' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.						
Director: Nicholas A. Majett		Permit Clerk: Patrice Derricott				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

EXHIBIT C



GENERAL NOTES:

- SEE WALLS FOR TYPICAL WINDOW SECTION & TYPICAL DETAILS FOR ALL WINDOWS IN BRICK WALLS
- SEE DETAILS FOR TYPICAL WINDOW SECTION & TYPICAL DETAILS FOR ALL WINDOWS IN STUCCO WALLS



MARY'S HOUSE

4351 KINGLE ST. NW
WASHINGTON, DC 20016

GRIZ
GRISTON DESIGN ARCHITECTS

RELEASE

DATE	NO.	DESCRIPTION
11-04-12	1	PERMIT SET
11-26-12	2	PERMIT SET
01-30-13	3	PERMIT SET REVISED
03-12-13	4	PERMIT SET 2
03-05-15	5	PERMIT SET REVISED 2

EXTERIOR ELEVATIONS

© GRISTON DESIGN ARCHITECTS LLC 2012

SCALE:
1/4" = 1'-0"
DRAWN BY:
DATE:
11/26/2012 1:20 PM

A-4.1

EXHIBIT D

Z.C. NOTICE OF FINAL RULEMAKING
CASE NO. 90-5
PAGE NO. 5

