

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

Application for Expedited Review

by Mary G. McGrath
4351 Klinge Street, N.W.
Square 1625, Lot 802

BZA Application No. _____
Expedited Review Date
ANC 3D

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This application is submitted by Mary G. McGrath ("Applicant"), by her attorneys, Greenstein DeLorme & Luchs, P.C., by John Patrick Brown, Jr. and Kate M. Olson. The Applicant, pursuant to Section 3104.1 of the Zoning Regulations, seeks a special exception to allow completion of a rear addition to a single-family dwelling under Section 223, not meeting the side yard requirements (Section 405.8) in the WH/R-1-B District at premises 4351 Klinge Street, N.W. (Square 1625, Lot 802).

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II. JURISDICTION OF THE BOARD

This Board has jurisdiction to grant the requested special exception relief pursuant to Section 3104.1 and in accordance with Section 223 of the Zoning Regulations. In accordance with Section 3118 of the Board's Rules, the Applicant is eligible for and has requested Expedited Review of this application and has waived her right to a public hearing.

III. BACKGROUND

The property, at 4351 Klinge Street, N.W. (Square 1625, Lot 802) (the "Property") is located in the Wesley Heights neighborhood. The Property is improved with a two-story single-family detached dwelling originally constructed in 1923 and last renovated in 1957. In late 2012, the Applicant purchased the Property to relocate to Washington, D.C. from Nashville, Tennessee in order to be close to her two young grandchildren living in the neighborhood. The

Property required substantial rehabilitation and renovation before it could be reasonably occupied.

In March 2013, the Applicant received Building Permit No. B1301767 authorizing “New rear addition 2 story interior alterations at all levels including new kitchen and bathrooms new lighting and mechanical zones.” (Exhibit A). On the western side of the Property, the rear addition involved extending the existing structure 7.75 feet while maintaining the existing side yard of 6.0 feet as then measured to the adjacent existing property line fence. Pursuant to Section 405.8, the extension or addition to a pre-1958 structure was required to maintain the existing side yard dimension, provided the width of the side yard is not less than 5.0 feet.

Shortly after receiving the building permit, construction was begun. Specifically for the rear addition, extensive demolition of the rear façade and excavation and foundation to grade work was completed. (Construction Photographs, Exhibit B). Once the foundation was at grade, the Applicant ordered the required wall check by a licensed D.C. Surveyor. The wall check completed on April 3, 2013 revealed that the western side yard as measured from the existing structure to the actual property line was only 3.85 feet, not the 6.0 feet originally measured or the minimum 5.0 feet required under Section 405.8. (Revised Surveyor’s Plat, Exhibit C).

The Applicant’s architect immediately consulted and retained this land use law firm. As a result, it was determined that the permitted work complied with all the applicable zoning restrictions, including the special provisions of the Wesley Heights Overlay District, except the side yard requirements for the partially completed addition to the western side of the existing

structure. The Applicant is seeking the required special exception under Section 223 required for the western side yard.

Under these unique and compelling circumstances, the minor relief requested and the strong support from the immediately adjacent and only affected neighbor at 4355 Klinge Street, N.W. (Support Letter from Alicia and Daniel G. Ritchie, Exhibit D), the Applicant believes that Expedited Review pursuant to Section 3118 is appropriate and warranted.

IV. THE APPLICANT IS ENTITLED TO SPECIAL EXCEPTION RELIEF UNDER THE ZONING REGULATIONS

As the Board is aware, uses that are allowed by special exception are deemed compatible with other uses permitted in the applicable zoning district provided certain requirements are met. In reviewing an application for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth therein. If the prerequisites set out in particular regulations are satisfied, the Board must ordinarily grant the application. See e.g. Bakers Local Union. No. 118 v. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth below, approval of special exception relief in this case fully complies with the provisions of Sections 223 and 3104.1 and is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

Under §223, the Applicant fully complies with the specific requirements, including

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§223.1: Addition to Single Family Dwelling.

The Applicant is requesting a special exception to allow completion of a rear addition to an existing single-family dwelling in the R-1-B zone that does not comply with the side yard requirements of Section 405.8.

§223.2: No Adverse Impact on Adjacent Property.

The addition to the rear of the existing structure is minor (only 7.75 feet deep) and maintains the existing side yard dimension. The rear addition faces the side of the house located at 4355 Klinge Street, N.W. ("Adjacent Property"). It is almost forty-nine feet from the side of the Adjacent Property to the common side property line. (Exhibit D). Further, an existing garage on the Adjacent Property and an existing property line fence almost entirely obscures the rear addition (Photograph of Adjacent Property, Exhibit E). There will be no interference with the light and air or privacy and enjoyment by the Adjacent Property owners. The rear addition will not be visible from the public street or public alley and is keeping with the scale and character of the existing structure and the Wesley Heights neighborhood.

The Applicant has discussed this application and reviewed the plans with the owners of the Adjacent Property, Alicia and Daniel Ritchie. The Ritchie's have submitted a letter in "strong support" for this application and expressed great appreciation for the Applicant's "substantial and beneficial investment" to the Property. (Exhibit D).

§223.3: Complies with Lot Occupancy.

The Applicant complies with the more restrictive 30% lot occupancy requirement applicable in the Wesley Heights Overlay District.

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§223.4: No Special Treatment Required.

The minor nature of the rear addition, its long distance and obscured visibility from the Adjacent Property and existing landscaping provide exceptional screening and protection of the only nearby property and limited visibility from the public street and public alley.

§223.5: Conforming Use.

The Applicant will continue use of the Property as a single-family dwelling which is permitted as a matter-of-right in the R-1-B zone.

V. EXHIBITS IN SUPPORT OF THE APPLICATION

Applicant offers the following exhibits in support of the requested relief:

Exhibit A: Building Permit No. B1301767 (March 14, 2013).

Exhibit B: Construction Photographs.

Exhibit C: Revised Surveyor's Plat.

Exhibit D: Letter of "Strong Support" from Alicia and Daniel G. Ritchie.

Exhibit E: Photograph of Adjacent Property.

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VI. CONCLUSION

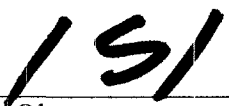
For the reasons stated above, the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring property.

Respectfully Submitted,

GREENSTEIN DELORME & LUCHS, P.C.

By: 

John Patrick Brown, Jr.

By: 

Kate M. Olson

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EXHIBIT A

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