



1711 CONNECTICUT AVE. NW, 204B
WASHINGTON, D.C. 20009

202 758 5518

**Burden of Proof
Special Exception Application**

2112 R Street, Northwest

To: Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW

From: Brandon Webster
Owner/Applicants
2112 R Street NW
Washington DC 20008

Date: May 6, 2013, revised Aug 7, 2012

**Re: BZA Application for an Addition at 2112 R Street NW
(Square 66, Lot 56)**

Brandon Webster and Nancy Younan, owners and future residents of 2112 R Street NW, hereby apply for a variance to build a three-story + basement addition on the rear of their townhouse house to replace an existing sleeping porch and storage room. Additionally, they wish to have a gallery space on the main level of the building for which they are seeking a Special Exception from the BZA.

The aspects of the proposal that fall outside the current zoning regulation are as follows:

The proposed building maintains a lot occupancy greater than 60%, a rear yard setback of less than 15 feet and a FAR greater than 1.8.

The proposed gallery in the parlor space on the first floor.

I Summary

- A. Under 11 DCMR 3101 the property owners are burdened by a lot that is exceptionally shallow and a structure that is in need of modernization with bedrooms that are too small to meet residential building code.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18603

EXHIBIT NO. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.18603
EXHIBIT NO.28

- B. Also, there is precedent within the square for extending the nonconforming conditions that applicant is faces. 2106 R street undertook an addition that extended the building footprint to the edge of the property line, beyond what this application proposes.
- C. Because of exceptional conditions that existed at the time of the original adoption of the current regulations, and because the proposed addition causes no detriment to public good and does not impair the intent purpose and integrity of the zone plan, and because of the precedent within the square, the applicant should be considered for a variance.
- D. The proposed three-story + basement addition will extend 3' beyond the rear of the existing building. A deck is also proposed which extends an additional 6'9" from the proposed addition.
- E. The proposed rear yard is 9'-7", the proposed lot occupancy is 85%, and the proposed FAR is 3.2.
- F. Under 11 DCMR 361.1, an art gallery shall be permitted as a special exception in and R-5 District under 3104, subject to the provisions of 361.

II Statement of Existing and Intended Use of Addition

The existing use is a two-unit residential building with a home office and a gallery. ~~There is no use change sought.~~ While the building has been functioning as a two-unit flat with a gallery for several decades, the applicant is seeking BZA approval to maintain the current use.

III Basis for Grant of Variance and Special Exception

The following section will describe the shallowness of the lot and the unique characteristics of the house which lead to practical difficulties and undue hardship for the owners. It will also describe why the proposed use causes no adverse effect on the neighbors.

EXCEPTIONAL SHALLOWNESS

To the immediate rear of the property in question is 9 Hillyer Court. This property is an alley lot, inserted into the heart of the block and it effectively truncates the applicant's lot and the three lots adjacent. Other lots on R Street between 21st St and Connecticut Ave (also in Square 66) have approximately 28 additional feet of rear yard because they are not burdened by the presence of the alley lot. This is also true for the lots immediately outside the square on R St to the west between Florida Ave and 22nd St.. (See drawings coversheet for illustration). The lot is further reduced by the presence of a 5' pedestrian ally. This alley is obsolete. It deadends at the applicants property and can only be accessed from another vehicular alley that branches off of Florida Avenue. The applicant has learned from previous BZA case files that the alley once intersected R Street before the construction of 2104 R Street. As the R street access closed, and it does not accommodate vehicular traffic, the alley serves no purpose.

PRECEDENT WITHIN SQUARE

Of the three additional lots in front of ally lot 9 Hillyer Court, one, 2106 R St, has already extended its footprint to cover virtually 100% of the lot. At grade, the building extend out to the property line and above the grade level the building is set back only 4 feet from the property line.

HARDSHIP OF INTERNAL PLAN

The applicants' building is brick with a decaying wood structure on its rear. The structure, which presumably contained summer bedrooms prior to the advent of air conditioning, has been assessed by a qualified contractor and determined to be beyond repair and hazardous in its current state.

The interior dimensions of this structure are 6'-11" x 9'-1" and the area is 63 sf. International Residential Code requires that no habitable room shall have a floor area of less than 70 sf and shall not be less than 7 feet in any horizontal direction. Compelling the applicant to rebuild in kind a structure that does not meet building code consists of an undue hardship.

While it is technically possible to remove the brick wall between the primary volume of the house and the wood structure to join the spaces, it requires introducing steel structure and adds substantial expense to the effort of making the structure safe and code compliant.

MINIMAL NET CHANGE IN ZONING NONCONFORMITIES

It is the hope of the applicant that the BZA will consider that applicants seeks to maintain the current rear yard and lot occupancy. There is a brick addition and a deck on the rear of the structure that is not original to the building. The applicant seeks to remove this addition and deck and redistribute the occupancy by extending the reconstructed summer bedroom structure and adding a new deck off of the rear of the second level. Thus there will be marginal net change in the lot occupancy, the rear yard and FAR.

The applicant also asks the BZA to consider that there is a non-vehicular, unpaved right-of-way in the rear of the property between the alley lot and the lot in questions. This sliver of land, presumably to allow fire department access, effectively provides an additional 5' of rear yard. While the actual proposed rear yard is 9.5 feet, the effective rear yard would be 15.5 feet.

Finally, the applicant asks that the BZA consider that the ally lot property enjoys 100% occupancy.

EFFECT ON NEIGHBORING PROPERTIES

The proposed work only improves the property and the general environs.

The proposed extension of the house volume is minimal (3') and would not deprive neighbors either on R Street or Florida Ave of light nor air nor privacy. Morning sun is already blocked by 2106 which extends only 4' short of the property line.

There will be no windows along the addition that face neighbors to the east or west.

The proposed gallery space in the main-level parlor does not represent a "real" change of use. The previous owner has been operating a well-known gallery for approximately 30 years. The existing gallery occupies nearly every room in the house. The proposed gallery will occupy only one room and the applicants anticipate correspondingly fewer visitors.

There will be no sign or lighting that will be out of character with the street.

Other than a sign, which will comply with all municipal restrictions, the gallery will not present itself on the exterior of the building.

Most visitations will be by appointment or during limited open hours.

The applicants have obtained letters of support from neighbors for the area variance, which are included in the record. ~~are in the process of seeking letters of support from neighbors and will~~

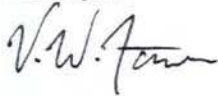
~~submit them to the record as soon as possible.~~ We are in the process of notifying neighbors and obtaining their support about the Special Exception for use.

Along with this application we have included the following items:

1. Photos of the existing house
2. Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
3. Official Plat from the DC Office of the Surveyor
4. Letters from neighbors in support of the project
5. Copy of the notification letter sent to neighboring property owners about the Special Exception for use.

Please do not hesitate to contact the authorized agent VW Fowlkes, and owner Brandon Webster with any questions.

Thank you.

A handwritten signature in black ink, appearing to read "V.W. Fowlkes".

VW Fowlkes
202 / 758-5518



BEFORE THE BOARD OF ZONING ADJUSTMENTS
OF THE DISTRICT OF COLUMBIA



FORM 120 - APPLICATION FOR VARIANCE/SPECIAL EXCEPTION

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

Pursuant to §3103.2 - Area/Use Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations,
an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zone District(s)	Type of Relief Being Sought	
				Area Variance Use Variance Special Exception	Section(s) of Title 11 DCMR - Zoning Regulations from which relief is being sought
2112 R Street NW Washington, DC 20008	66	56	R-5-B	Area Variance ☐	403,404,406
2112 R Street NW Washington, DC 20008	66	56	R-5-B	Special Exception ☐	

Present use(s) of Property: Live/Work Residence Art Gallery

Proposed use(s) of Property: 2 Residential Units, Home Office, Art Gallery

Owner of Property: Brandon Webster

Telephone No:

202-213-9768

Address of Owner: 2112 R Street NW Washington, DC 20008

Single-Member Advisory Neighborhood Commission District(s): ANC 2B/02

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:

Application of Brandon Webster and Nancy Younan, pursuant to 11 DCMR 3103.2, for variance from the floor area ratio requirements under section 402, a variance from the lot occupancy requirements under section 403, a variance from the rear yard requirements under section 404, and a variance from the nonconforming structure provisions under subsection 2001.3, to allow a rear addition to an existing flat in the D/DC/R-5-B District at premises 2112 R Street, NW (Square 66, Lot 56)

AND pursuant to 11 DCMR 361.1 for a Special Exception to allow for an art gallery use.

EXPEDITED REVIEW REQUEST (If interested, please select the appropriate category)

I waive my right to a hearing, agree to the terms in Form 128 - Waiver of Hearing for Expedited Review, and hereby request that this case be placed on the Expedited Review Calendar, pursuant to §3118.2 (CHOOSE ONE):

- ☐ A park, playground, swimming pool, or athletic field pursuant to §209.1, or
☐ An addition to a one-family dwelling or flat or new or enlarged accessory structures pursuant to §223

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date: 08/09/13

Signature*:

To be notified of hearing and decision (Owner or Authorized Agent*):

Name: VW Fowlkes

E-Mail:

vw@fowlkesstudio.com

Address: 1711 Connecticut Avenue NW #204B Washington, DC 20009

Phone No(s): 202-758-5518

Fax No.:

* To be signed by the Owner of the Property for which this application is filed or his/her authorized agent. In the event an authorized agent files this application on behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany this application.

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

FOR OFFICIAL USE ONLY

Exhibit No. 1

Case No. _____