

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

Application of
William & Catherine Durbin

508 4th St SE
ANC 6B03

STATEMENT OF THE APPLICANT

This statement is submitted on behalf of William and Catherine Durbin (the "Applicant"), owner-occupants of a single-family rowhouse located at 508 4th St SE, Lot 812 in Square 822 (the "Property").

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the "BZA" or the "Board") approve, pursuant to § 1202.1 and § 3104.1 of Title 11 of the District of Columbia Municipal Regulations, special exception relief under § 223, for an addition to an existing one-family row dwelling not meeting the following requirements

- a) Maximum lot occupancy as specified in § 403.2,
- b) Minimum width of an open court as specified in § 406.1
- c) Addition to an existing nonconforming structure as specified in § 2001.3

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to § 3104.1 and § 223.1 of the Zoning Regulations

III. BACKGROUND

A. Existing Use of the Property

The Durbin Residence is a two-story, semi-detached, single-family residence located at 508 4th St SE. It is one half of a brick duplex construction with two, originally mirror image, residences. The existing

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2BR/1 5BA residence occupies 1,326 sf, with a footprint of 920 sf. It sits on a 1,891 sf lot, 18'-0" wide x 105'-1" deep, with a non-conforming open court at the front of the property 3'-9" wide x 38'-6" deep. Toward the rear, the original brick construction narrows to an approximately 12' wide dogleg, also in brick. Both the Property and its matched duplex unit to the north conserve their original wood front porches. There is no basement below the structure, only an inaccessible crawl space.

The original construction of the structure dates to approximately 1875. Several later rear additions, apparently from the second half of the 20th century, converted the original semi-detached residence into a rowhouse, which extends the full 18' width of the lot. A rear accessory structure, apparently constructed in the late 20th century, functions as a garden shed.

Existing lot occupancy, including the residence, rear accessory structure and existing non-conforming open court is 64.1 %.

B. Surrounding Area

The property is zoned R-4/CAP, and lies within both the Capitol Interest Overlay and Capitol Hill Historic District. It is one half block south of Marion Park, on a one-way (southbound) stretch of 4th St SE. Most of the surrounding neighborhood consists of two- or three-story semi-detached or rowhouse residences. Immediately adjacent to the property to the south sits the currently vacant Mt. Joy Baptist Church, set back approximately 15'-0" from the property line. That property is allegedly slated for conversion to multi-family residential use. To the rear, the property abuts two residential properties. There is no public alley on this portion of the block.

C. Proposed Use of the Property

The Property will continue use as an owner-occupied single-family rowhouse. As shown on the submitted architectural plans, the proposed renovation will demolish the rear dogleg and later additions, and replace them with a single volume attached to the rear of the remaining original construction. The

existing accessory structure will be demolished and will not be rebuilt. The existing non-conforming open court at the front of the lot will be reduced in depth, from 38'-6" to 34'-6"

The proposed final configuration of the structure is a 3BR/2 5BA residence occupying 2,099 sf, with a footprint of 1,172 sf. Proposed lot occupancy, including residence and reduced non-conforming open court, is 69%.

IV. SPECIAL EXCEPTION RELIEF

THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF UNDER § 3104.1 AND § 223.1 OF THE ZONING REGULATIONS

The Applicant is seeking special exception relief pursuant to § 3104.1 and § 223.1 from the following requirements on this Property:

- Maximum lot occupancy as specified in § 403.2,
- Minimum width of an open court as specified in § 406.1
- Addition to an existing nonconforming structure as specified in § 2001.3

A. Burden of Proof under § 3104.1

Per § 3104.1, a special exception may be granted where it "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."

i. The Application is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Maps.

Both the existing and proposed uses of the Property are single family residential rowhouse, which the Zoning Regulations identify in § 330.1 as the preferred use: "The R-4 District is designed to include those areas now developed primarily with row dwellings."

The existing lot occupancy on the Property is calculated at 64.1%, non-conforming to the Zoning Regulations maximum of 60% for rowhouse structures in an R-4 district. The proposed rear addition would increase calculated lot occupancy to 69%. These figures are misleading, as the Zoning Regulations require inclusion of an existing non-conforming open court in the calculation. Without inclusion of this open court into the lot occupancy calculation, the actual percentage of lot occupied by the building structure(s) is 56% existing, 61.9% proposed. This is a modest increase above the maximum permitted, entirely at the rear of the lot, which will not unduly affect the character of the neighborhood.

The existing open court, a former side yard, is considered a contributing element to the Capitol Hill Historic District and cannot be enclosed. It will be preserved at its existing width of 3'-9", even though it does not conform to the minimum width required by the Zoning Regulations of 4" per foot of height, which would require a 7'-6" wide court at the existing maximum parapet height of 22'-6" at the front of the structure.

ii. The Application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and the Zoning Maps.

The Applicant has made numerous attempts to personally contact all neighbors adjacent to the Property or with a direct sightline to the rear addition, in order to review the proposed construction and solicit feedback. Attached are letters of support from property owners at #506 4th St (directly adjacent to the north), #504 (two lots to the north), and #519 (across the street, most direct sightline to addition). These letters of support were gathered specifically for the Historic Preservation Review Board, but demonstrate general support for the project, which is also applicable to the BZA relief requested by the Applicant.

B. Burden of Proof under § 223.1

As specified in § 223 1, "an addition to a one-family dwelling . shall be permitted even though the addition does not comply with all of the requirements of §§ 401, 403, 404, 405, 406 and 2001 3 as a special exception if approved by the Board of Zoning Adjustment under § 3104 1, subject to the provisions of this section "

i. **§ 223.2 The addition... shall not have a substantially adverse affect 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;**

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

(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.**

As documented above, the Applicant has personally reviewed the proposed project with three of the most directly affected adjacent neighbors To the north, the adjacent properties at #506 and #504 are those most impacted by issues of light, air, privacy of use and enjoyment Both neighbors have signed letters of support for the project, as attached

To the south, the property is currently vacant, and neither the listed owners nor the potential future owner/developer has responded to numerous contact attempts The south side of the property is not affected by direct sunlight, and the Applicant's proposed construction is lower than the existing church, therefore it would not unduly affect indirect light The church building is set back from the north lot line (common with the Applicant) approximately 15', which would allow ample provision for air circulation

To the rear, the Applicant's proposed construction is at least 29'-9" away from the rear lot line. According to the DC GIS database, the closest neighbor to the rear is 513 5th St SE, with a structure approximately 40'-0" away from the rear property line common with the Applicant. This would leave 69'-9" between the Applicant's new construction and the existing adjacent structure, a decrease from the current 83'-4". This area is heavily landscaped, with an 8' high privacy fence between the properties, and several mature trees. The proposed construction would not unduly affect light, air, privacy of use or enjoyment of these properties. Despite several attempts, neither of the two adjacent rear neighbors has responded to the Applicant's outreach efforts.

From the front, the Applicant's proposed rear addition would protrude 3'-9" to the side of the existing construction. This partial façade would occur 36'-6" back from the front property line, and 61'-6" from the rear curb. The addition would be obliquely visible through the adjacent church property, due to the open side yard. The addition will be clad in painted clapboard siding, a material compatible with the brick construction of the existing structure.

The neighbor most directly affected by this view across the street, at #519, has signed a letter of support for the project. During the Historic Review process, ANC 6B voted unanimously to support the project, and the DC Historic Preservation Office staff report (HPA #13-543) recommends approval of the project. See attached documentation for both. The Applicant's proposed construction is compatible with the character, scale and pattern of houses along the street frontage.

- ii. **§ 223.3 The lot occupancy of all new and existing structures on the lot shall not exceed... seventy percent (70%) in the R-3, R-4, and R-5 Districts**

The proposed construction, including the non-conforming open court at the front of the property, would result in a calculated lot occupancy of 69% It is therefore permissible under the guidelines of § 223.3

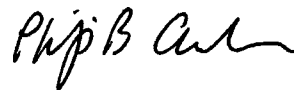
V. CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception. Accordingly, the Applicant respectfully requests that the Board grant the application.

VI. EXHIBITS

- Exhibit A Architectural Plans, Elevations and Photographs of the Property
- Exhibit B Surveyor's Plat
- Exhibit C Zoning Report
- Exhibit D Neighbors' Letters of Support
- Exhibit E ANC 6B Letter of Support for Historic Review
- Exhibit F DC Historic Preservation Office Staff Report

Respectfully submitted,



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