

BEFORE THE BOARD OF ZONING ADJUSTMENT

Pre-hearing statement of Charles B Mathias
Application for a Special Exception

I.

Nature of Relief Sought

The relief sought in this application is as follows:

1. Special Exception under Section 223.1 for relief from the open court width requirements to allow the construction a second story, rear addition to replace an existing one story open porch on an existing single-family row dwelling in the R-3 Zone District in Georgetown, Washington, DC.

II.

Jurisdiction of the Board

This Board has the jurisdiction to grant the relief requested pursuant to Sect. 3104.1 of the Zoning Regulations, 11 DCMR.

III.

Description of the subject site

The property is located at 2803 Dumbarton Street in the Georgetown Historic District. The square and surrounding areas are zoned R-3 (see Exhibit 3 – Area Plan) and are a mix of row and semidetached dwellings.

This site is generally rectangular in shape, but increases in width by a 4.1 ft. offset to the east, about halfway along on the east property line. The court in question is located at this offset. According to a plat obtained from the Office of the DC Surveyor the property measures 18 ft. wide at the front, 29.50 along the east line, 4.1 ft. at the offset 30.50 ft. farther long the east line, 21.46 ft. wide at the rear of the lot and 60 ft. along the

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west line (See Exhibit 2 – Plat). The rear line dimension apparently does not equal the sum of the offset and the front line dimension and thus it must be assumed, as is often the case in Georgetown, that the east and west property lines are not parallel. The house is three stories including a full basement. It is a row dwelling and there are no front or side yard setbacks. The rear yard is approximately 3.5 ft. higher in elevation than Dumbarton Street. At some point in the early 20th century, the elevation of Dumbarton Street was lowered by several feet, thus explaining the tall stairways leading to the first floor entrances of the older houses along this block.

The lot size is 1,186 SF (according to DC Office of Tax and Revenue, Real Property records). The property together with the house was created in the mid 19th century, well prior to the May 12, 1958 zoning ordinance enactment date and thus the lot size need not conform to the minimum lot requirement in an R-3 district of 2,000. The percentage of lot occupancy including the existing porch is 58.9%, just under the 60% allowable percentage of lot occupancy. The proposed second floor addition will not increase the current percentage of lot occupancy.

The existing nonconforming court is 4.1' wide and is created by the jog in the lot at the east side of the site. The proposed addition extends this non-conforming court as described in detail in Section V below.

IV

Description of the Project

The project consists of replacement of an existing one-story open porch by two-story addition expanding the existing living spaces on both the first and second floors. The addition is designed to be sympathetic with the style and character of the existing house and will match the materials of the existing house. The proposed design has been reviewed and approved by the Old Georgetown Board (see Exhibit 7—Old Georgetown Board Approval Letter).

V

Relief Requested – Special Exception - Additions to one-family dwellings or flats

The proposed two-story addition extends a non-conforming court on the east property line adjacent to the existing open court.

DCMR 11, Section 406, requires that an open court be 4" wide for every foot of height, with a minimum width of 6.0 ft.

The existing court at the 4.1 ft. offset along the east property line is non-conforming, as it is less than the 6.0 ft. minimum. Adjacent to the proposed two-story rear addition, the court width will increase to 4.35 ft. and still will be non-conforming. The addition is approximately 24.0 ft. high and thus the court extension is required to be 8.0 ft. wide. Open court width relief of 3.65 ft, is needed.

Furthermore, DCMR 11, Section 2001.3 states:

Enlargements or additions may be made to the structure; provided:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and
- (b) The addition or enlargement itself shall:
 - (1) Conform to use and structure requirements; and
 - (2) Neither increases or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

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Since the new non-conforming court creates a "new nonconformity of structure and addition combined", relief is not available under DCMR 11, Section 2001.3.

DCMR 11, Section 223.2 does provide for Special Exception relief for one-family dwellings from the Court requirements in DCMR 11, Section 406, subject to conditions stated in Section 223.2, which we believe are met by the proposed design.

Special Exception relief is therefore permitted for this addition.

VI

The Application Meets the Requirements for Special Exception Relief Under Section 223 of the Zoning Regulations

The criteria established for Special Exception are clearly stated in the Zoning regulations, Section 223.2 – 223.4, which read as follows:

223.2 The addition or accessory structure 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;

Applicant's comment: The neighboring house to the east is built to the property line on the first floor and extends farther back than the proposed addition. The owner to the east has been consulted on the project and has no objections to the proposal. The neighboring house to the west extends farther to the rear than the proposed addition and thus there is no impact.

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

Applicant's comment: The proposed addition, with windows in generally similar locations as the existing rear façade, will not unduly compromise the privacy of use or enjoyment of neighboring properties because the proposed addition will capture the same views that the existing house has.

- (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

Applicant's comment: We believe that as designed, the addition, together with the original building, as viewed from the street, will harmonize with the character, scale and pattern of houses along the subject street frontage. The property is subject to the review of the Commission of Fine Arts by way of the Old Georgetown Board, which has reviewed the proposed addition and found it compatible and harmonious (see Exhibit 7 OGB Approval letter).

- (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.

Applicant's comment: Drawings and photographs are included in the attached as Exhibits 3 and 5

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.

Applicant's comment: The existing lot occupancy (58.9%) is not increased by the proposed addition and conforms to the Zoning regulations of 60%.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

Applicant's comment: We look forward to any input from the Board.

VII

Supplemental Exhibits in Support of the Application

- | | |
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| Exhibit 1 | Form 120
Form 135
Letter from Owner of property designating architect as agent |
| Exhibit 2 | Plat |
| Exhibit 3 | Architectural Drawings:
BZA 0-Area Plan
BZA 1-Existing Plans and Elevations
BZA 2-Proposed Plans
BZA 3-Proposed Elevations and Sections |
| Exhibit 4 | Prehearing Statement (includes both a statement of existing and intended use, and the statement explaining how this application meets the specific tests for the relief sought) |
| Exhibit 5 | Photographs (BZA-Photos) |

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Exhibit 6 200 ft. radius map and Lists of neighbors

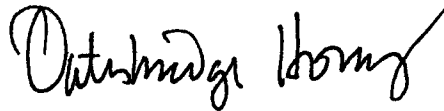
Exhibit 7 Old Georgetown Board Approval letter

VIII

Conclusion

For all of the above reasons the Applicants are entitled to Special Exception relief in this case.

Respectfully submitted,



Outerbridge Horsey, AIA LEED AP

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