

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

Application of Christopher Schriever and Edward Palmieri BZA No. 18810

**APPLICANT'S HEARING STATEMENT
September 9 2014**

This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property and the manner in which the application ("Application") complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3104.1 for a special exception under § 223.1 to allow a two story addition to an existing structure not in compliance with the lot occupancy limitation for its underlying R-4 Zone District, as further set forth under § 403.

SUMMARY OF APPLICATION

The applicant seeks a special exception pursuant to 11 DCMR § 3104.1 to allow, under § 223.1 an addition located at the rear of the existing structure, which will feature a parking space on the first floor, recreational/multi-purpose space on the second and is connected to the existing structure by a trellis covered walkway/corridor, in order to establish a meaningful connection, and be definition render the building a single building on a lot of record, as prescribed under § 3202.3.

The existing structure and the proposed addition combined will occupy approximately sixty five percent (65%) of the lot area, which is in excess of the maximum sixty percent (60%) permitted for a flat in the underlying R-4 zone district, but will be well within the seventy percent (70%) limit set forth under § 223.3 to allow application for special exception relief under § 223.1

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR § 3104.1

PROPERTY LOCATION AND DESCRIPTION

The property is located at 919 T Street, N.W. in The U Street historic district (HD) neighborhood of the District in Square 0361 Lot 0807 (the “Property” or “Subject Property”). The Subject Property is an interior lot, improved with a two-story, plus cellar row structure to be used and occupied as a two-family flat. The existing building was constructed prior to May 12, 1958

The Subject Property is approximately three thousand three hundred and seventy one and one half square feet (3371.5 ft²) in lot area, almost twice the minimum 1,800 ft² prescribed for similar properties in the underlying R-4 zone district. The lot is 22 feet wide and is unusually deep for property in the R-4 zone at approximately 153 feet depth.

The immediate neighborhood or vicinity consists of row dwellings, preponderantly with accessory structures within their rear yards; two-family flats, row structures that have undertaken conversion to apartment houses, and institutional buildings. Hence neither the existing building nor the proposed addition on Subject Property is incompatible with the prevailing character of the neighborhood.

The Subject Property is abutted at its rear by a twenty feet (20 ft.) private alley which connects 9½ Street (a named public alley), which runs north-southerly as it dissects the square from U Street, and discharges to T Street. 9½ Street is 30 feet wide up to where it connects to the 20 feet wide private alley. The 20 feet private alley is in fact a part of and is within the boundary of the subject property, the totality of which also serves as the vehicular access to the proposed in-door garage which is the first floor of the proposed two-story addition.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant requests approval from the Board of Zoning adjustment (BZA) of a special exception under § 223 to allow an addition to the existing single family dwelling, which will exceed the allowable percentage of lot occupancy, as further set forth under § 403.

The proposed addition will comply with all other applicable provisions of the Zoning Regulations and has been approved by the Historic Preservation Review Board (HPRB).

The property is zoned R-4, wherein § 403.2 restricts buildings or structures to a maximum lot occupancy of 60%.

The Board is authorized to approve additions to a one-family dwelling of a flat under § 223 where such additions may not comply with the requirements set forth in §§ 401, 403,

404, 405, 406, and 2001.3. The subject application seeks deviation from the provisions of §§ 403, 404, and 2001.3.

Approval of an addition under § 223 are subject to the following provisions:

- 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;
 - (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; and
 - (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.
- 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.
- 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.
- 223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

The applicant submits that the proposed addition complies with the standards and requirements of § 223.2 as follows:

- (a) The proposed addition is in the rear of the existing building, is unobtrusive and is only partially visible from a public right of way; a public alley which diagonally abuts the rear property lot line of an adjoining lot to its west. The proposed addition abuts a two-story accessory structure on the adjoining lot, with which it

shares a common division wall. The abutting property to the east also features a one story accessory structure which straddles the common property lot line, therefore neither side of the proposed addition will have any openings as to impact the light and air available to neighboring properties. The adjoining accessory structures on abutting lots west and east are not intended for human habitation, and are in fact expressly prohibited for purposes of human habitation.

- (b) The proposed addition is strategically located on its lot as to ensure privacy of use and enjoyment of neighboring properties by virtue of the meaningful connection which removes it a significant distance from the principal structures on either abutting lots to the west and east. As aforementioned, the proposed addition does not have openings on either abutting common property lines, which it shares common division walls with accessory structures which are restricted by the Zoning Regulations for purposes of human habitation. Therefore the privacy of use and enjoyment of neighboring properties is not unduly compromised.
- (c) The proposed addition is located at the rear of the existing structure and is not visible from the street. As viewed from the alley – in this instance from 9½ Street – the proposed addition is reminiscent of a two-story accessory structure which typically is located within the rear yard. Further, it is only partially visible, and abuts, to its west a similar two story accessory structure visible only from the rear, therefore does not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.
- (d) The architectural plans, renderings, plat and other graphic illustrations, including photographs of neighborhood properties adjacent to the property of application confirm the compatibility of scale and pattern of the proposed addition to the prevailing character of the neighborhood.

Section 223.3 – The Subject Property is located within the R-4 Zone District, and the maximum proposed lot occupancy at approximately 65% is well under the 70% limit set forth under this section for the underlying zone.

Section 223.4 – The Subject Property is located within the U Street HD and the proposed addition has been reviewed and approved in concept by HPRB for compatibility with the prevailing character of nearby properties.

Section 223.5 - The current use of the Subject Property is residential two-family dwelling, a conforming use in the underlying R-4 zone district. No change in use is contemplated or proposed.

CONCLUSION

The Board is authorized to grant a special exception, in excerpt, where in its judgment, the relief 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 properties.....”

The instant application complies with all conditions for the granting of the requested special exception set forth in § 223 as outlined above, therefore inherently is in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to affect adversely, the use of neighboring properties.

The two adjoining property owners, who can be argued to be mostly significantly impacted by the proposed addition are in support of the proposed project. Copies of the signed letters of support are filed as part of the case records.

On August 18, 2014, the applicant presented the project drawings before the Design Review Committee (DRC) of ANC 1B. The DRC unanimously voted to recommend support of the application to the ANC.

The applicant expects that the ANC will act upon the DRC’s recommendation and vote a resolution of support of the application at its scheduled September 4th meeting, and hopes to have the ANC report in hand in time for the September 9th public hearing of this case.

The Applicant therefore respectfully requests that the application be granted.