

BEFORE THE BOARD OF ZONING ADJUSTMENT

Pre-hearing statement of Anubha and Lalit Gupta
Application for a Special Exception

I.

Nature of Relief Sought

The relief sought in this application is as follows:

1. Special Exception under Sections 3104 and 202.10 for an Accessory Apartment within an existing one-family detached dwelling.

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 2957 Newark Street, NW in a R-1-B zoning district. It is also within the Cleveland Park Historic District.

This property is generally rectangular in shape and measures approximately 50 ft. wide and 130 ft deep (see Exhibit No. 1 Site Plan). The house itself is set back approximately 15 ft. from the front (south) property line and was built circa 1926. The house is two stories and has a full cellar and a partial attic (See Exhibits Nos. 2-5 - Plans and Elevations). The property is on a hill that slopes downward from west to east, thus making the west side of the house mostly below grade and the east side of the house mostly above grade. As is true with most of the houses on this street the house sits above Newark Street, which slopes down steeply from west to east. On the east side of

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the property, there is a long driveway off of Newark Street that leads to an attached garage at the rear of the house (see Exhibit No. 6 - Photos).

The lot size of 6,860 SF is larger than average in the neighborhood. The surrounding neighborhood is primarily detached single-family dwellings with some duplex-type, semi-detached, single-family dwellings. There is a three-story apartment building located a few properties to the east, just off of Connecticut Avenue.

Newark Street is a two way street, with parking only on one side of the street. However reducing the need for any possible future tenant parking are the following transportation options:

1. The site is located very near to the Cleveland Park C-2-A commercial district with WMATA bus lines and independent taxi service.
2. The Cleveland Park Metro station about 250 yards away.
3. There are several Zip Cars locations within a 500 ft. radius.
4. The area falls with in the Car To Go geographic area
5. There is a Capitol Bikeshare station about 250 feet away at the intersection of Newark Street and Connecticut Avenue

Special Note:

A rear addition to the existing house and several other minor external changes, which have been approved by the HPO staff, have been submitted for permit to DCRA.

Importantly, for the sake of clarity, the “Existing Conditions” referenced in this application (drawing exhibits and self certification form) are shown as if this addition had already been built. The photographs will show the house as it stands now without the rear addition. This rear addition only adds new space to the principal dwelling and not to the apartment. As part of the work to the principle dwelling the existing garage is being enlarged back to its original size.

IV

Description of the Project

The project consists of a proposed accessory apartment on the ground floor or cellar level of the existing house. The apartment will be created completely within the existing ground floor building envelope (See Exhibit No. 2 – Lower Level and First Floor Plans).

The existing ground floor has an existing grade-level entry door on the east side off of the driveway that will become the entrance to the apartment (See Exhibit No. 6 – Photos)

As a relevant point in the history of the property, the prior owner lived on the ground floor for a number of years, effectively in a separate apartment, while renting out the upper floors of the house to a tenant family. While this apartment-like arrangement was not formal or official, it nevertheless replicates the occupancy level proposed by this application.

V

Relief Requested – Special Exception – Accessory apartment addition within a one-family detached dwellings

Section 202.10 permits an accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, if it complies with specific provisions as listed in the following section of this statement.

VI

The Application Meets the Requirements for Special Exception Relief Under Section 202.10 of the Zoning Regulations

The Applicant's comments in bold:

(a) The lot shall have a minimum lot area for the following zone Districts:

- (1) Seven thousand, five hundred square feet (7,500 ft.²) for R-1-A;
- (2) Five thousand square feet (5,000 ft.²) for R-1-B; and
- (3) Four thousand square feet (4,000 ft.²) for R-2 and R-3;

Applicant's comment: This property is located in an R-1-B zoning district and has an existing lot size of 6,860 SF. Thus, the proposal conforms with this provision

(b) The house shall have at least two thousand square feet (2,000 ft.²) of gross floor area, exclusive of garage space;

Applicant's comment: The total Gross Floor Area of the house excluding the garage is 5,357 SF

- (c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;

Applicant's comment: The total Gross Floor Area of the house is 5,357 SF. The total Gross Floor Area of the proposed apartment is 791 SF. The accessory apartment occupies 15% of the gross floor area of the house. Thus, the proposal conforms with this provision

- (d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;

Applicant's comment: The proposed apartment is being created completely within the area of the existing house and no garage space is being converted. Thus, the proposal conforms with this provision.

- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;

Applicant's comment: There is an existing entrance to the ground floor level, off of the driveway, which will be used as the entrance to the apartment. Thus, the proposal conforms with this provision.

- (f) Either the principal dwelling or accessory apartment unit must be owner-occupied;

Applicant's comment: The principal dwelling will be occupied by the Owner. Thus, the proposal conforms with this provision.

- (g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);

Applicant's comment: It is the Owner's intention to occupy the house along with his wife, with their children visiting from time to time. The maximum number persons that can occupy the proposed apartment is two, thus bringing the anticipated aggregate number of persons that will occupy the house to four. Thus, the proposal will conform with this provision.

- (h) An accessory apartment may not be added where a home occupation is already located on the premises; and

Applicant's comment: There is not a home occupation located on the premises. Thus, the proposal conforms with this provision

- (i) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:

- (1) The owner-occupancy requirement of paragraph (f) shall not be waived;
- (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and
- (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.

Applicant's comment: The proposal conforms with all of the provisions specified in paragraphs (a) through (h) of this subsection; thus there is no need for the Board to modify or waive any of the provisions.

VII

Supplemental Exhibits in Support of the Application

- No. 1 - Site plan
- No. 2 - Proposed first and second floor plan
- No. 3 - Proposed north elevation
- No. 4 - Proposed south elevation
- No. 5 - Proposed east elevation
- No. 6 - Photographs

VIII

Conclusion

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Outerbridge Horsey". The signature is fluid and cursive, with the first name "Outerbridge" being more prominent than the last name "Horsey".

Outerbridge Horsey, AIA LEED AP