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October 14, 2014

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Application No. 18841 – 1522 8th Street NW (Square 397, Lot 828)
Prehearing Statement of the Applicant

Chairperson Jordan and Honorable Members of the Board:

On behalf of Robert Searle, please find enclosed the Prehearing Statement for the above-referenced application. The application is scheduled to be heard before the Board of Zoning Adjustment on October 28, 2014.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Meredith H. Moldenhauer

Enclosures:

Cc: Advisory Neighborhood Commission 6E
c/o Alex Padro, Chair and SMD 6E01 Representative (via email)
Office of Planning (via email)
Cliff Moy, Board of Zoning Adjustment (via email)

Board of Zoning Adjustment
District of Columbia

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

**APPLICATION OF
ROBERT SEARLE**

**BZA APPLICATION NO. 18841
HEARING DATE: OCTOBER 28, 2014**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Robert Searle (the “Applicant”), the owner of property located at 1522 8th Street, NW, Lot 828 in Square 397 (the “Property”) in support of its application for an area variance from the requirements regarding nonconforming structures with respect to lot occupancy (§2001.3) and courts (§406) to allow the Applicant to rehabilitate and construct an addition to the existing rowhouse in an R-4 District at the Property.

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board” or “BZA”) has jurisdiction to grant the variance requested herein pursuant to §3103.2 of the Zoning Regulations.

III. EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A: Letter of Support from Adjacent Neighbor

IV. APPLICANT MEETS BURDEN OF PROOF FOR VARIANCE RELIEF

The Board is authorized to grant an area variance where it finds that the Applicant fulfills the three-prong area variance standard. As described in the Initial Submission, supplemented in this Prehearing Statement, and as will be further explained at the public hearing, all three prongs of the area variance test are satisfied.

A. The Property is Unusual Because of its Size, Shape or Topography and is Affected by an Exceptional Situation or Condition.

The phrase “exceptional situation or condition” in the variance test applies not only to the land, but also to the property’s history and the configuration of a building on the land. *See Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). As described in the initial submission, the Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the existing nonconforming lot occupancy and court at the Property; (2) the need to reinforce a structurally unsound load bearing wall and other related elements; (3) the dilapidation of the existing structure; and (4) subjection to historic preservation requirements.

B. Strict Application of the Zoning Regulations would Result in Practical Difficulty

Strict application of the zoning regulations regarding nonconforming structures with respect to lot occupancy (§2001.3) and courts (§406) would result in a practical difficulty to the Applicant.

1. Lot Occupancy (§2001.3)

The existing structure is nonconforming as to lot occupancy. While the lot occupancy on the third floor itself will remain below the 60% maximum before and after the addition, going from 31.5% lot occupancy to 53.2% lot occupancy, and the lot occupancy on the first and second story will remain unchanged, area variance relief from §2001.3 is still required. Any addition to the structure would require area variance relief by virtue of the nonconformity of the first and second story with respect to lot occupancy. Removal of the structurally unsound interior division wall on the first and second floors requires extending the third floor to the rear of the structure so it can withstand the designed service load. Keeping the third floor as a ½ floor, once the interior division wall is removed, is not feasible as it is difficult to structurally support the rear wall.

2. Courts (§406)

The Property has an existing nonconforming open court as a result of the L-shape of the existing structure. While the width of the court will remain 5'-10," because of the addition to the third story the nonconforming court will be extended. As described in more detail in the Initial Application, the need for court relief also arises from extending the third floor to the rear wall of the first and second story below it.

For the reasons stated, strict application of the zoning regulations with respect to the parking requirement would result in a practical difficulty to the Applicant.

C. No Substantial Detriment to Public Good or Inconsistency with Zone Plan

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by approving the zoning relief. The Applicant proposes to renovate an existing, dilapidated structure while enhancing the historical accuracy of several features that had been changed previously by prior owners. The light, air, and privacy of neighboring property owners will be unaffected. The build out of the third floor, which must comply with the demands of the Historic Preservation Office, will be at the rear of the structure and will not be visible from the street.

V. COMMUNITY OUTREACH

Following the submission the Initial Application, the Applicant has done considerable community outreach. On August 27, the Applicant presented to the ANC 6E Zoning Committee, which voted unanimously to recommend support of the project. On September 2, the Applicant presented to the full ANC 6E, which voted unanimously to recommend support for the project. The Applicant has also spoken with his neighbors about the project and obtained a letter of support from the adjacent neighbor to the south. *See* Letter of Support from Adjacent Neighbor at Exhibit A.

VI. WITNESSES

The following witnesses will appear on behalf of the Applicant:

1. Robert Searle, on behalf of the Applicant

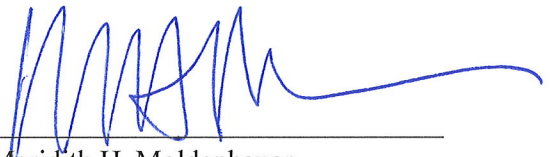
2. Jennifer Fowler, on behalf of Fowler Architects

VII. CONCLUSION

For the reasons stated above, and for the reasons enumerated in the Applicant's prior filings in this case, we hereby submit that the application meets the requirements for area variance relief. We look forward to presenting our case to the Board on October 28, 2014.

Respectfully submitted

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



Meridith H. Moldenhauer

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Exhibit A

Date: 10/10/14

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street N.W.
Suite 210S
Washington, DC 20001

Re: Letter in Support of BZA Application No. 18841- 1522 8th Street, NW

Dear Chairperson Jordan and Members of the Board:

I am writing to express my support for the application for zoning relief at 1522 8th Street, NW submitted by Robert Searle (the "Applicant") to allow the Applicant to rehabilitate an existing house and construct a small rear addition behind the existing third floor. I urge the Board to approve the application as proposed.

The plans for the Applicant's proposed project have been explained to me. The proposed project will not have a substantially adverse effect on the use or enjoyment of my home. Nor will it affect my light, air, or privacy. The project is complimentary to other projects in our immediate vicinity, and will not visually intrude upon the character, scale, or pattern of the houses in our neighborhood.

Thank you for the opportunity to provide feedback.

Sincerely,

Mary A. Sutherland (Signature)

Name: MARY A. SUTHERLAND

Address: 1522-8th St NW
Wash DC 20011