

LAW OFFICES
GRIFFIN, MURPHY, MOLDENHAUER & WIGGINS, LLP

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BRIAN P. MURPHY (DC, MD)
ASHLEY E. WIGGINS (DC, MD, VA)
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ERIC M. DANIEL (MD, DC)

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DIRECT EMAIL: mmoldenhauer@washlaw.com

November 24, 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)
Supplemental Submission 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 first hearing was held on October 28, 2014. The application is scheduled for a second hearing before the Board of Zoning Adjustment on December 2, 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)
Elisa Vitale, Office of Planning (via email)

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

**APPLICATION OF
ROBERT SEARLE**

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

SUPPLEMENTAL SUBMISSION 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. The Applicant has revised the architectural plans to remove the penthouse structure. See Revised Architectural Plans at Exhibit A.

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: Revised Architectural Plans

Exhibit B: Historic Baist Atlas Maps

Exhibit C: Letter from CAC Consulting, Inc.

Exhibit D: Framing Plan

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 and Prehearing Statement, supplemented in this Supplemental Submission, 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. Due to the existing nonconformities at the structure with respect to lot occupancy and court width, any addition to the structure would require area variance relief. 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. The Property also has an existing nonconforming open court as a result of the L-shape of the existing structure. Again, while the width of the court will remain 5’-10,’ because of the addition to the third story the nonconforming court will be extended.

The relief sought in this case is very limited in scope and degree. As is well established by the DC Court of Appeals in *Gilmartin* , in analyzing a case for variance relief, the Board must consider a number of factors including “the severity of the variance(s) requested,” 579 A.2d at 1171. That being

said, the house itself before and after the Applicant's proposal, excluding the garage, is just 53.2% lot occupancy. Well under the 60% lot occupancy permitted as a matter of right. The proposed extension to the third floor, but for the existence of the garage, would be permitted by a 223 special exception. In fact, the 223 special exception would be required for the sole purpose of the extension of the nonconforming court, not the existing lot occupancy, which could be increased to 70% by special exception. The variance relief is created by the garage structure which pushes the lot occupancy over 70%. Baist Atlas Maps show a garage in the current location since 1907. See Historic Baist Atlas Maps at Exhibit B. Rather than demolish the existing garage, which would be wasteful and would require an additional request from HPRB, to allow the project to proceed by special exception, the Applicant has requested the relief stated in this application. This is not to say that the case should be evaluated under the 223 special exception standard, but rather to highlight the very limited degree of relief being requested in this case.

For structural reasons, and at the recommendation of a licensed structural engineer, the interior load-bearing wall must be demolished. Structural issues include deteriorated and eroded mortar joints, out of plane movement, dry-laid stone at the foundation and deteriorated joints, and horizontal movement at multiple locations. See Letter from CAC Consulting, Inc. at Exhibit C. Keeping the third floor as a ½ floor, would require rebuilding the condemned interior structure wall. Rebuilding the existing wall is practically difficult as it would require taking the load all the way down to the cellar level. The existing wall footer are most likely not viable and at the recommendation of the structural engineer, underpinning would be required. The cellar level is a separate flat that has been renovated recently. Rebuilding the wall would require destruction of a newly designed and renovated cellar floor, which is wasteful with respect to time, materials, and resources; impractical; and unnecessary.

Because the existing framing of the roof structure runs north-south, the rear masonry wall on the third floor bears the weight of the roof. While any new framing could be installed in an east-west direction to utilize the party wall and dog-leg wall, the load cannot be taken off of the rear masonry wall without completely reframing the existing third floor roof. The Applicant has proposed, instead, to spread

the weight of the roof structure by doubling the existing king beam and extending new framing from the reinforced king beam to a viable masonry wall at the rear of the structure. See Framing Plan at **Exhibit D**.

Any enlargement or addition to the structure requires the relief requested by the Applicant. Thus, any alternative, such as an extension to the original rear wall of the house (rather than to the existing rear wall) as shown on **Exhibit D**, would still require the zoning relief requested by the Applicant. Since, relief would be required no matter the size of the third floor addition; we submit that the degree of relief requested is minor and that the facts support the proposed project.

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 removal of the penthouse structure further prevents any impact on light, air or privacy. 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.

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 December 2, 2014.

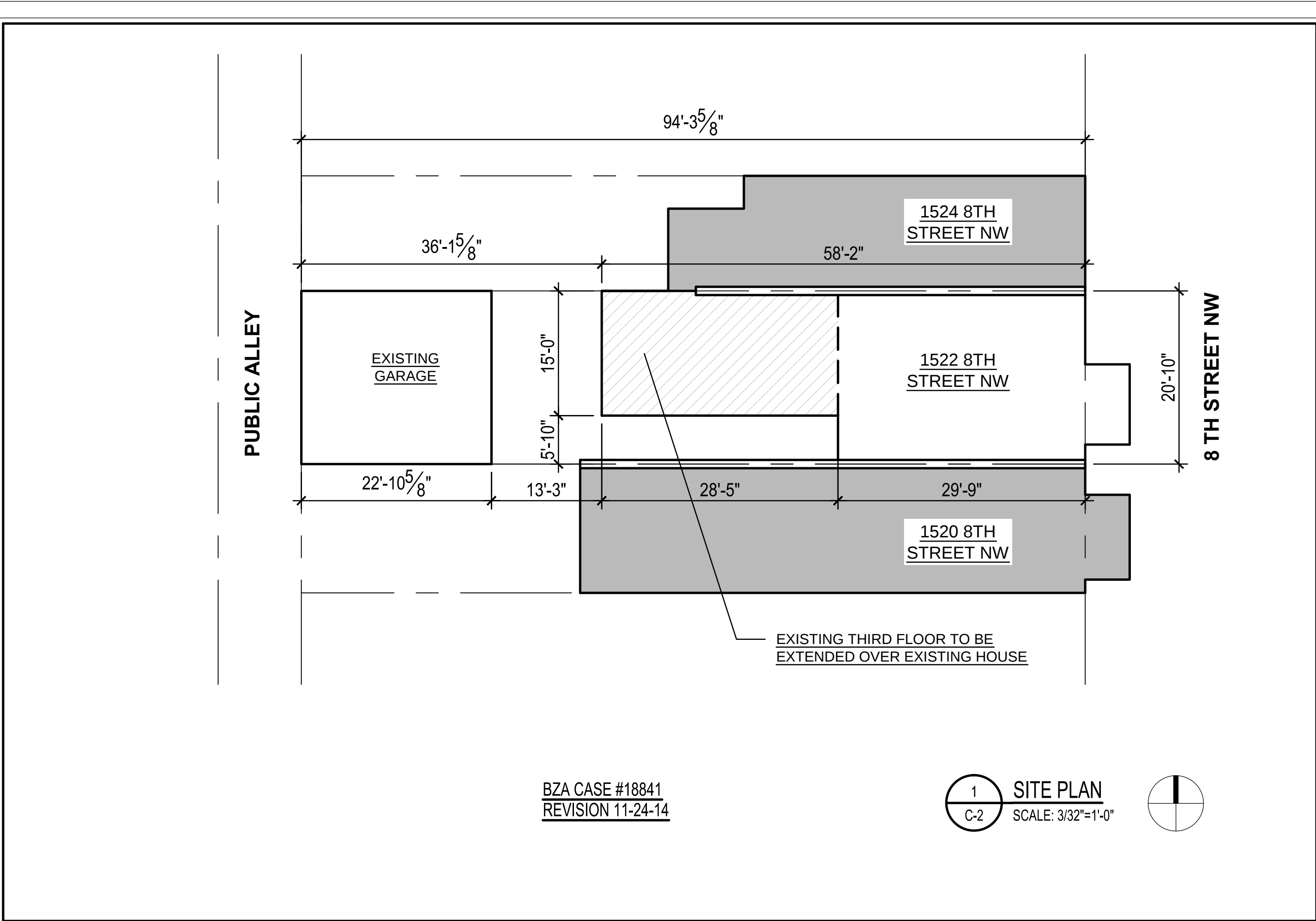
Respectfully submitted

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



Meridith H. Moldenhauer
Eric M. Daniel
1912 Sunderland Place, N.W.
Washington, D.C. 20036
(202) 429-9000

Exhibit A



REVISIONS		
#	DATE	COMMENTS

SEARLE RESIDENCE
1522 8TH STEET NW Washington, DC 20001

FWLER ARCHITECTS
1819 D STREET SE
WASHINGTON, DC 20003
(202) 546-0896
www.fowler-architects.com

SEAL:

VERSION: BZA
DATE: 11-24-14
SCALE: 3/32"=1'-0"

SITE PLAN

C-2

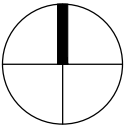
BZA CASE #18841
REVISION 11-24-14

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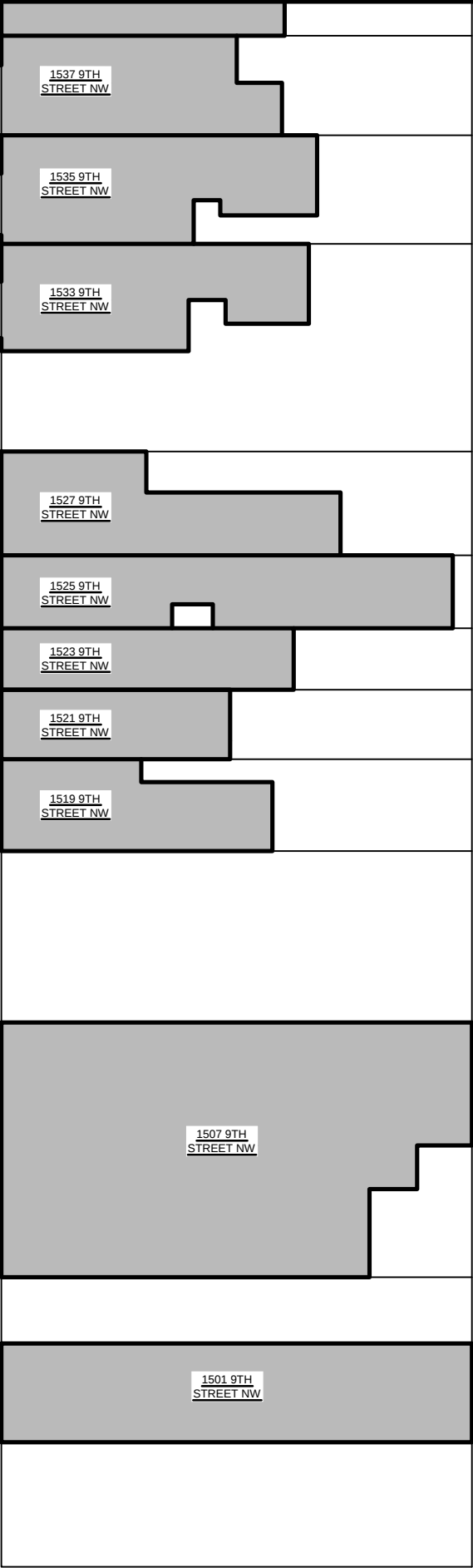
C-2

SITE PLAN

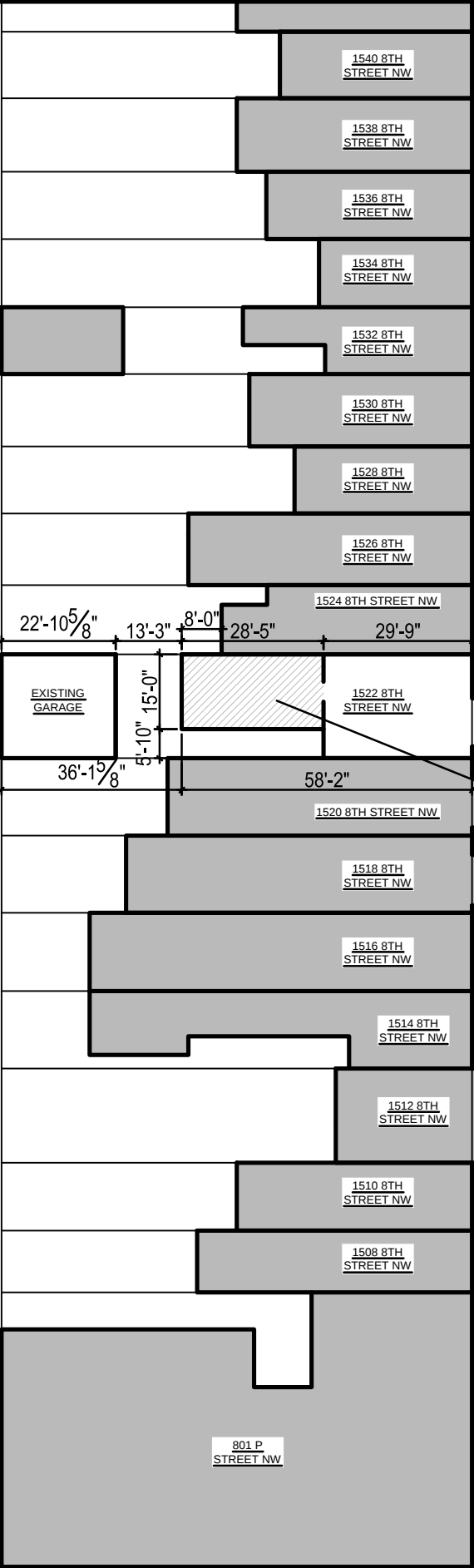
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9TH STREET NW



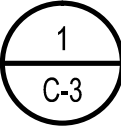
PUBLIC ALLEY



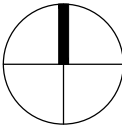
8TH STREET NW

EXISTING THIRD FLOOR TO
BE EXTENDED OVER
EXISTING HOUSE

BZA CASE #18841
REVISION 11-24-14



BLOCK SITE PLAN
SCALE: 1/32"=1'-0"



REVISIONS		
#	DATE	COMMENTS

SEARLE RESIDENCE
1522 8TH STREET NW Washington, DC 20001

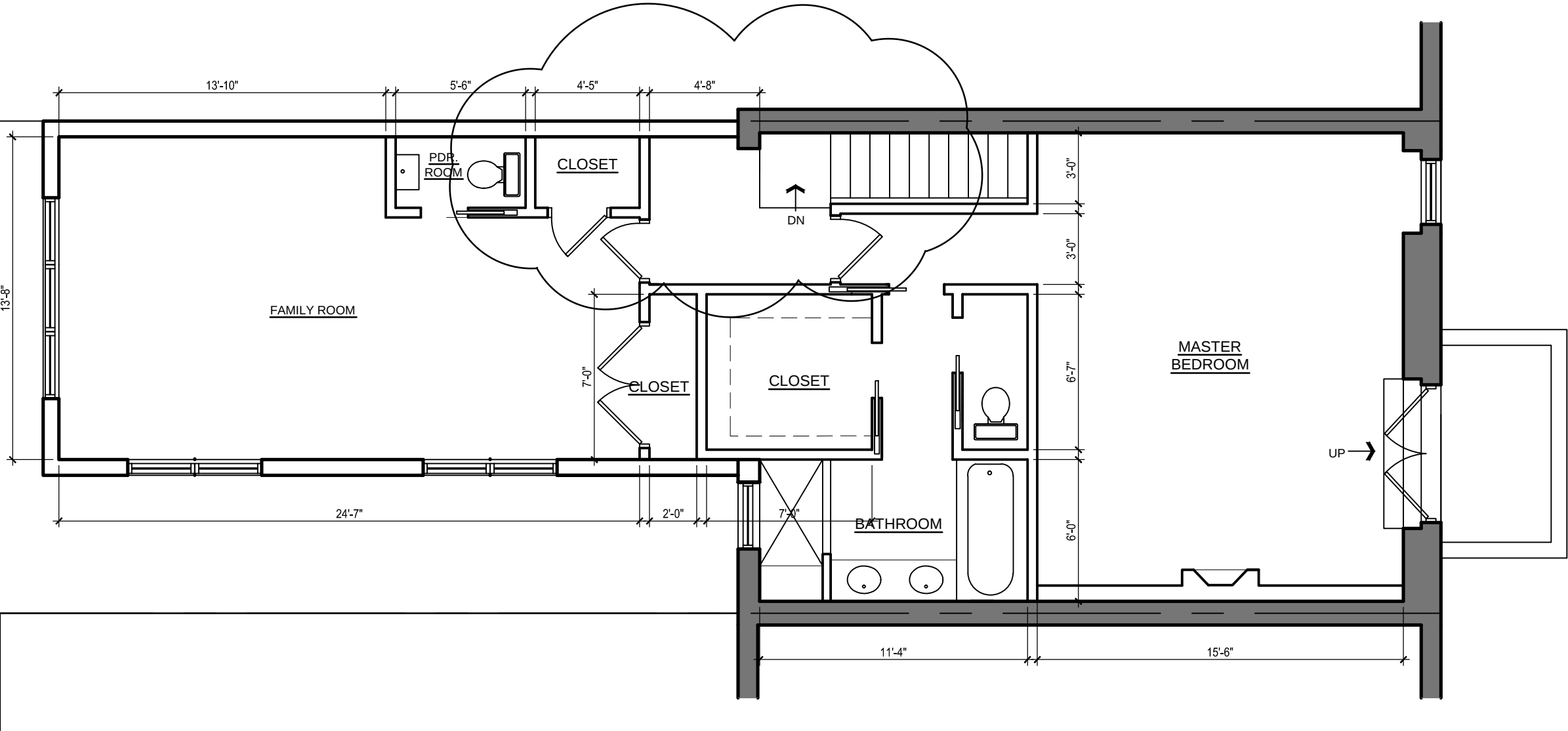
FOWLER ARCHITECTS
1819 D STREET SE
WASHINGTON, DC 20003
(202) 546-0896
www.fowler-architects.com

SEAL:

VERSION: BZA
DATE: 11-24-14
SCALE: 1/32"=1'-0"

BLOCK SITE PLAN

C-3

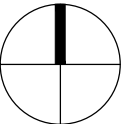
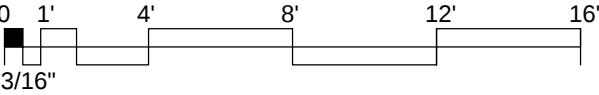


BZA CASE #18841
REVISION 11-24-14

1 THIRD FLOOR PLAN
A-4 SCALE: 3/16"=1'-0"

LEGEND:

- EXISTING PARTITION TO REMAIN
- NEW PARTITION



REVISIONS		
#	DATE	COMMENTS

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1522 8TH STREET NW Washington, DC 20001

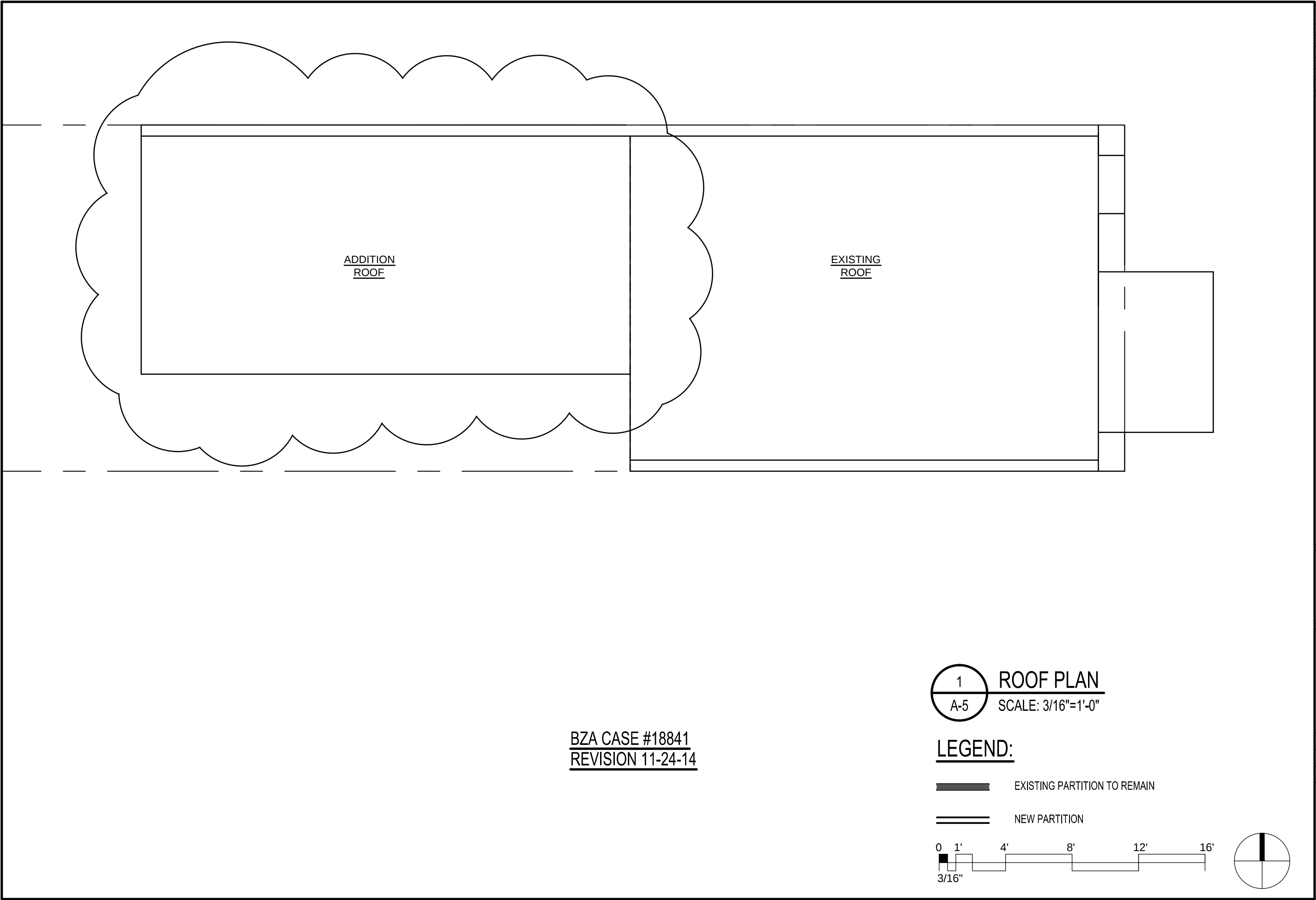
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SCALE: 3/16"=1'-0"

THIRD FLOOR PLAN

A-4



BZA CASE #18841
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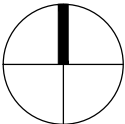
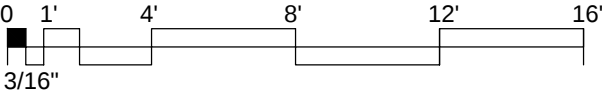
1
A-5

ROOF PLAN
SCALE: 3/16"=1'-0"

LEGEND:

 EXISTING PARTITION TO REMAIN

 NEW PARTITION



REVISIONS		
#	DATE	COMMENTS

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1522 8TH STREET NW Washington, DC 20001

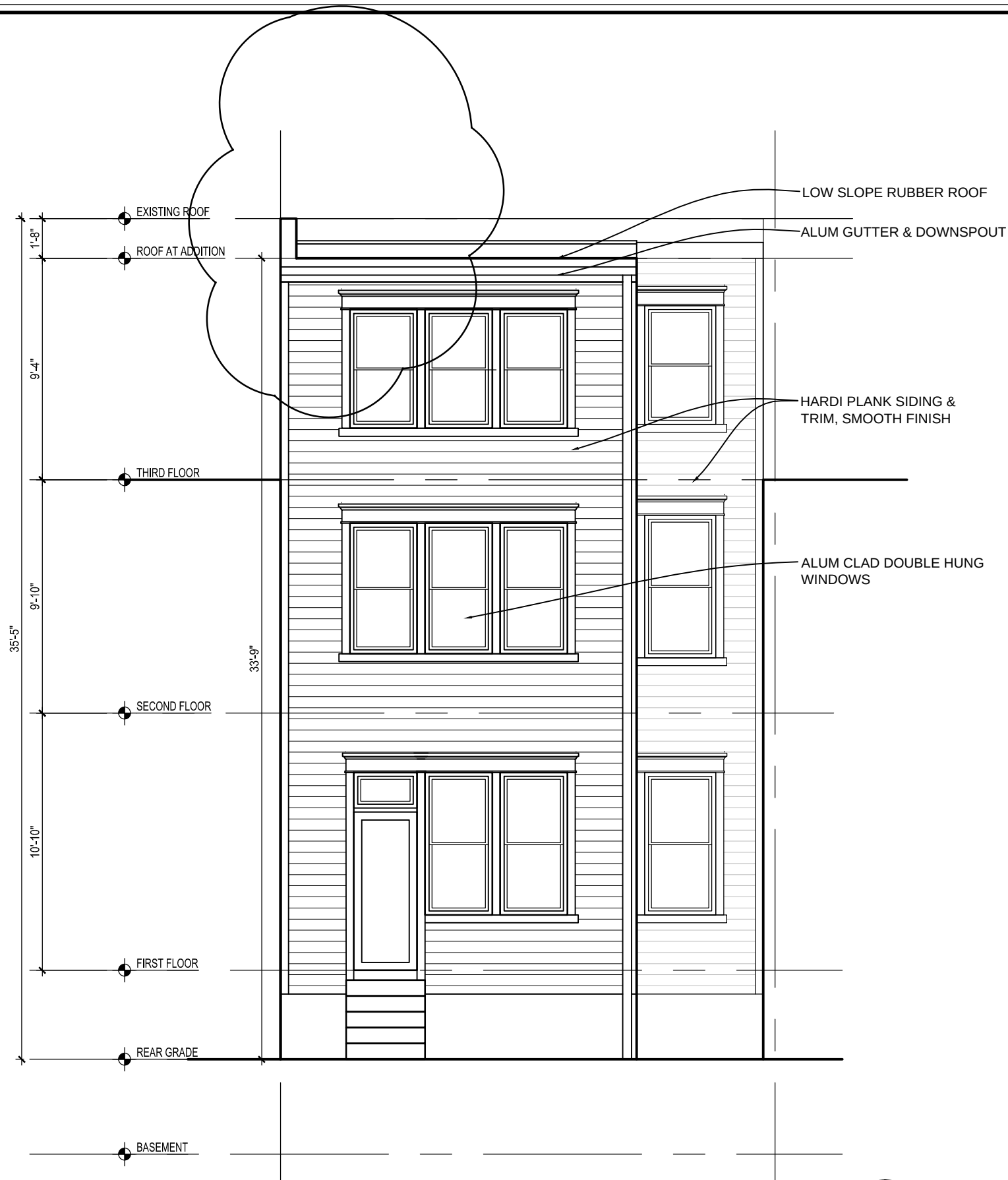
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WASHINGTON, DC 20003
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DATE: 11-24-14
SCALE: 3/16"=1'-0"

ROOF PLAN

A-5



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1
A-6

PROPOSED REAR ELEVATION
SCALE: 3/16"=1'-0"

REVISIONS		
#	DATE	COMMENTS

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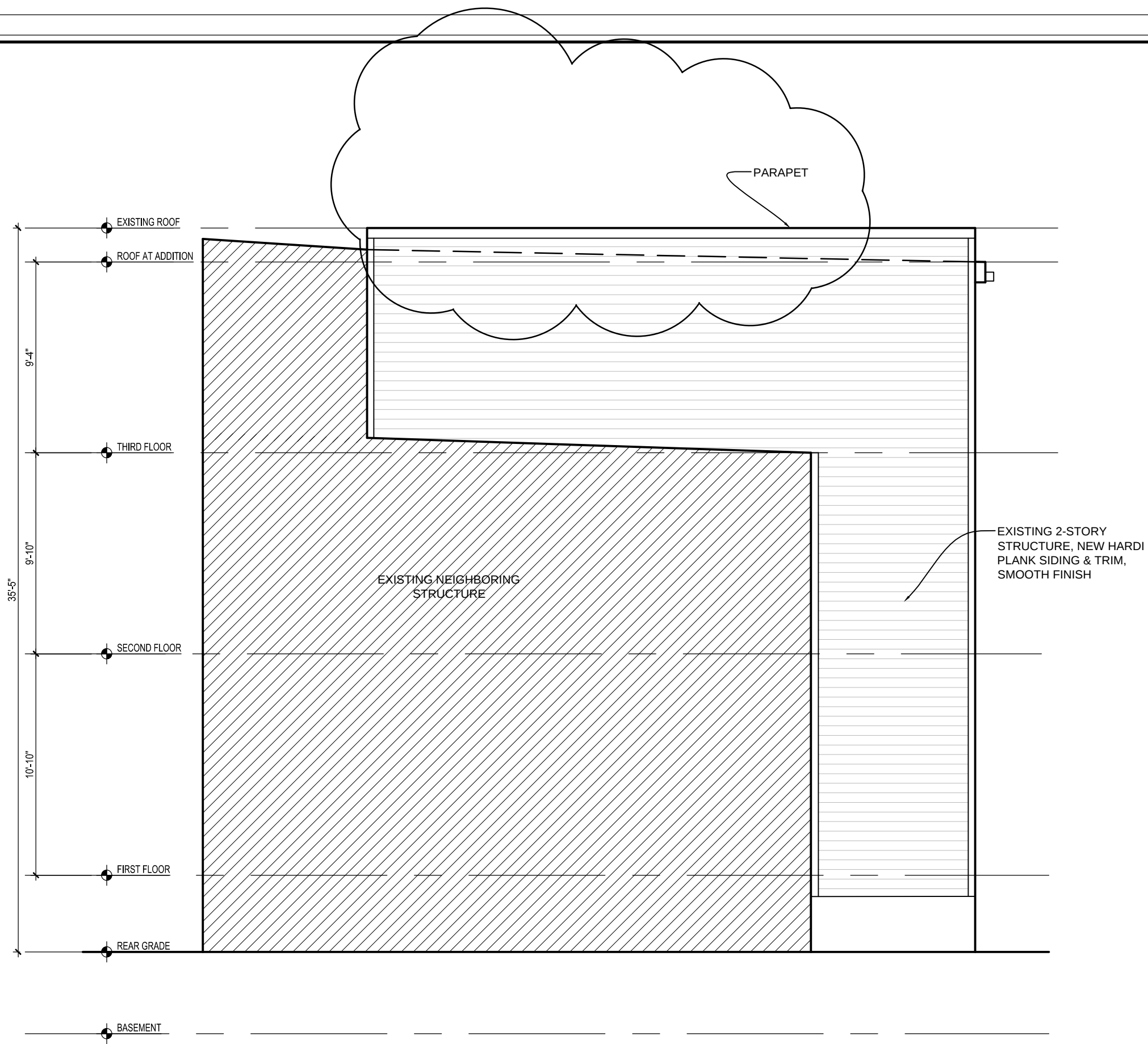
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1819 D STREET SE
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DATE: 11-24-14
SCALE: 3/16"=1'-0"

EXTERIOR ELEVATION

A-6



BZA CASE #18841
REVISION 11-24-14

1
A-7
PROPOSED NORTH ELEVATION
SCALE: 3/16"=1'-0"

REVISIONS		
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SEARLE RESIDENCE
1522 8TH STREET NW Washington, DC 20001

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(202) 546-0896
www.fowler-architects.com

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DATE: 11-24-14
SCALE: 3/16"=1'-0"
EXTERIOR ELEVATION

A-7



REVISIONS		
#	DATE	COMMENTS

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1522 8TH STREET NW Washington, DC 20001

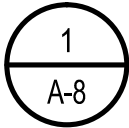
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1819 D STREET SE
WASHINGTON, DC 20003
(202) 546-0896
www.fowler-architects.com

SEAL:

VERSION: BZA
DATE: 11-24-14
SCALE: 3/16"=1'-0"

EXTERIOR ELEVATION

BZA CASE #18841
REVISION 11-24-14

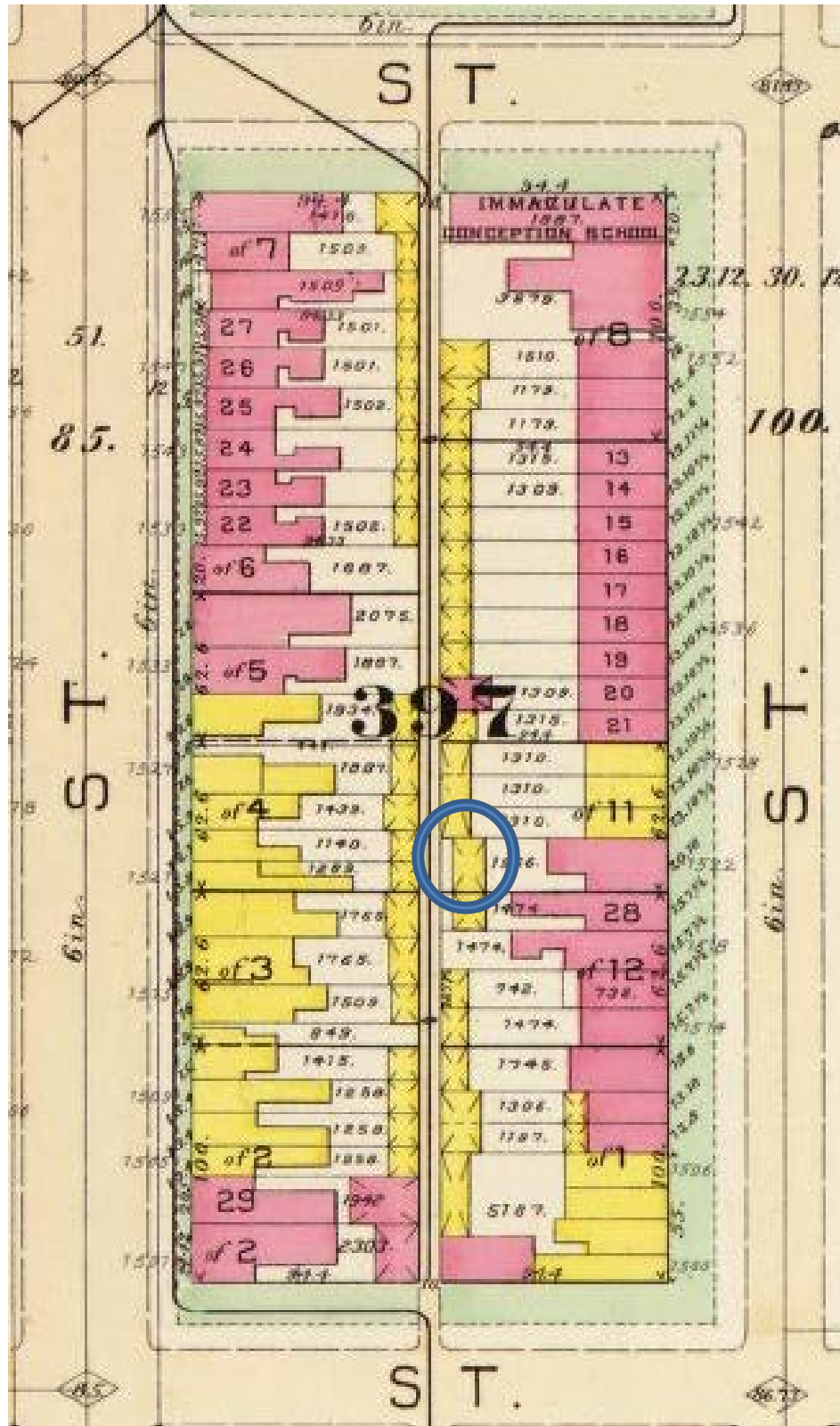


PROPOSED SOUTH ELEVATION
SCALE: 3/16"=1'-0"

A-8

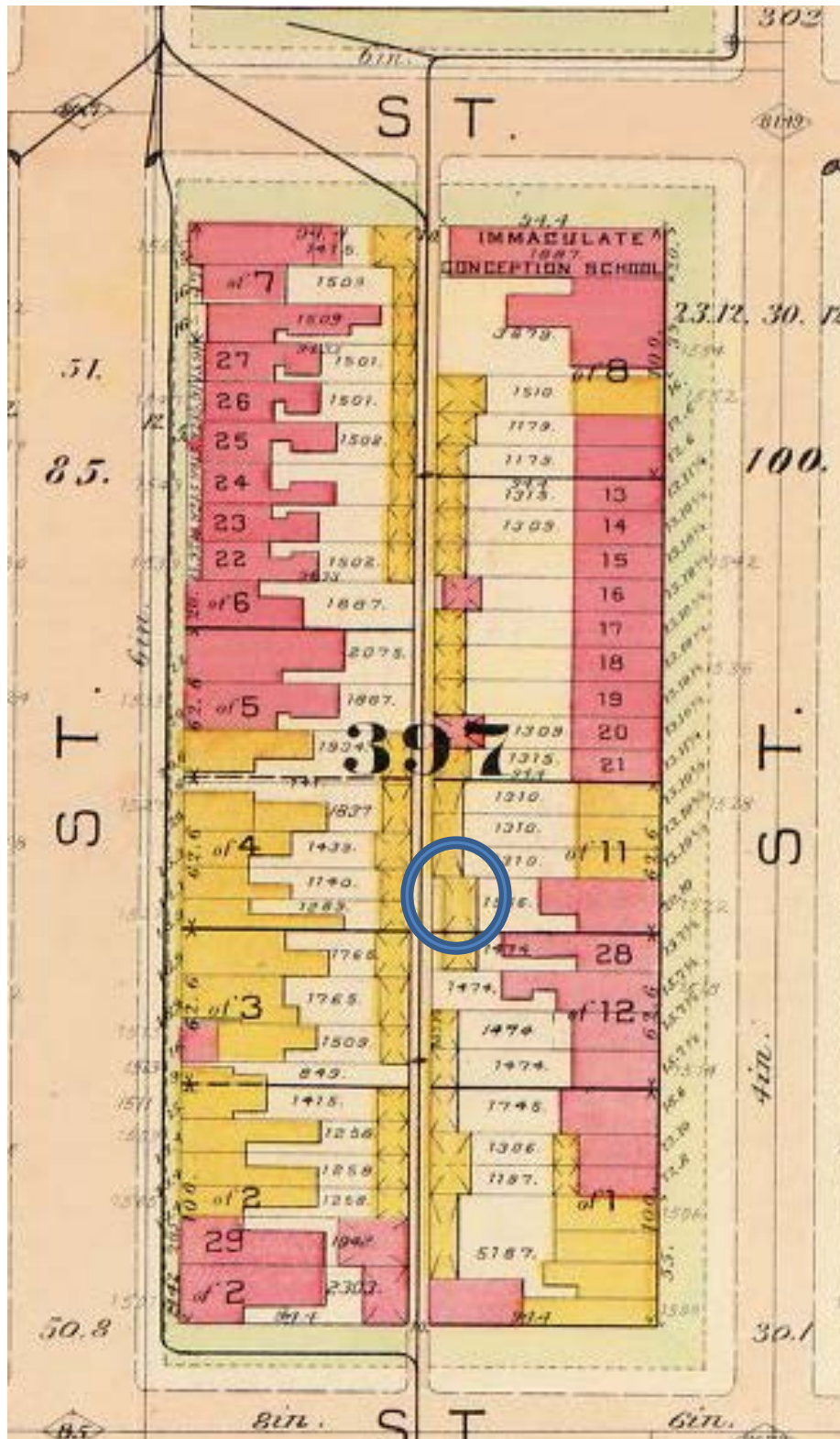
Exhibit B

Baist Atlas Maps



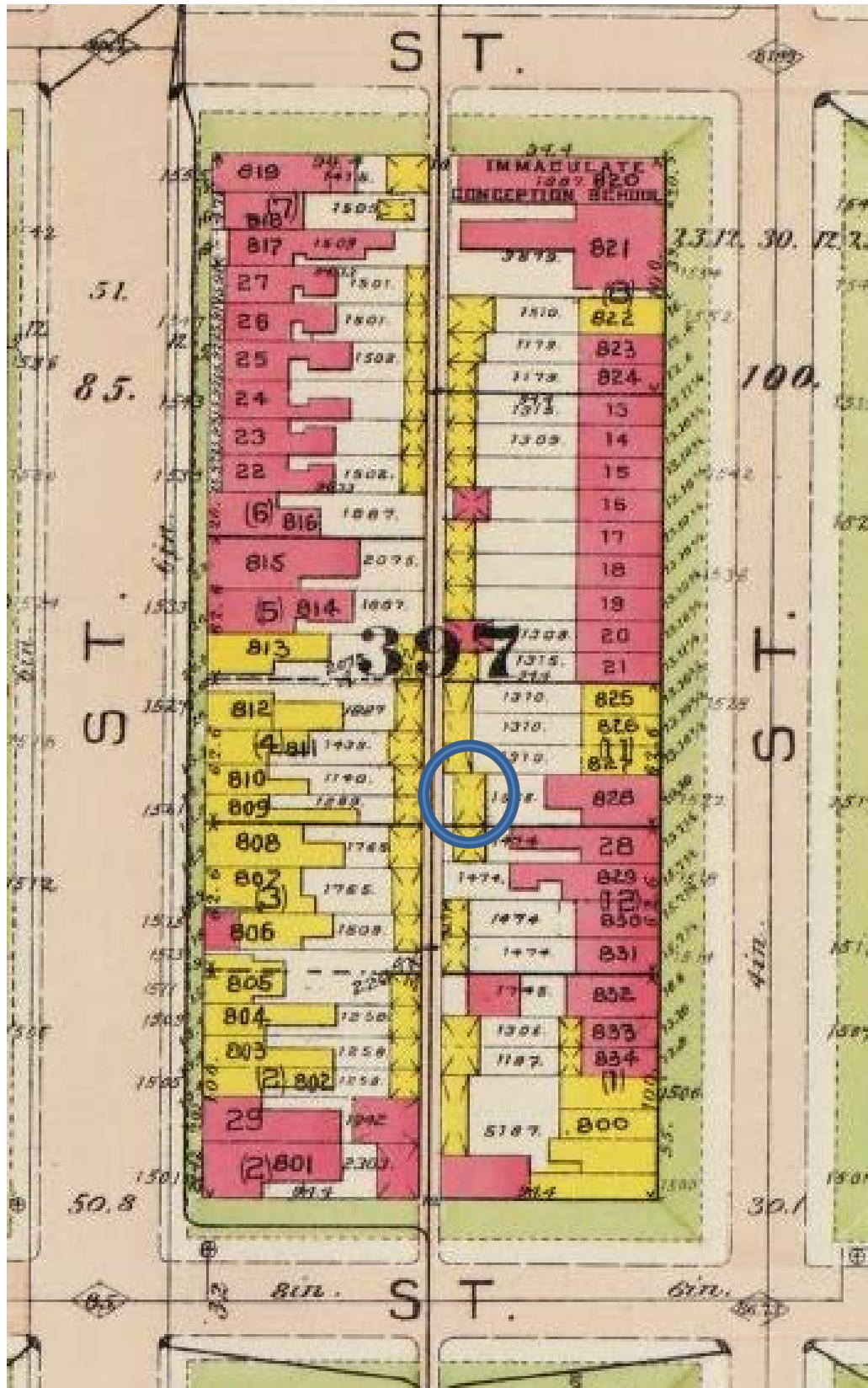
1907 Baist Atlas Map

Baist Atlas Maps



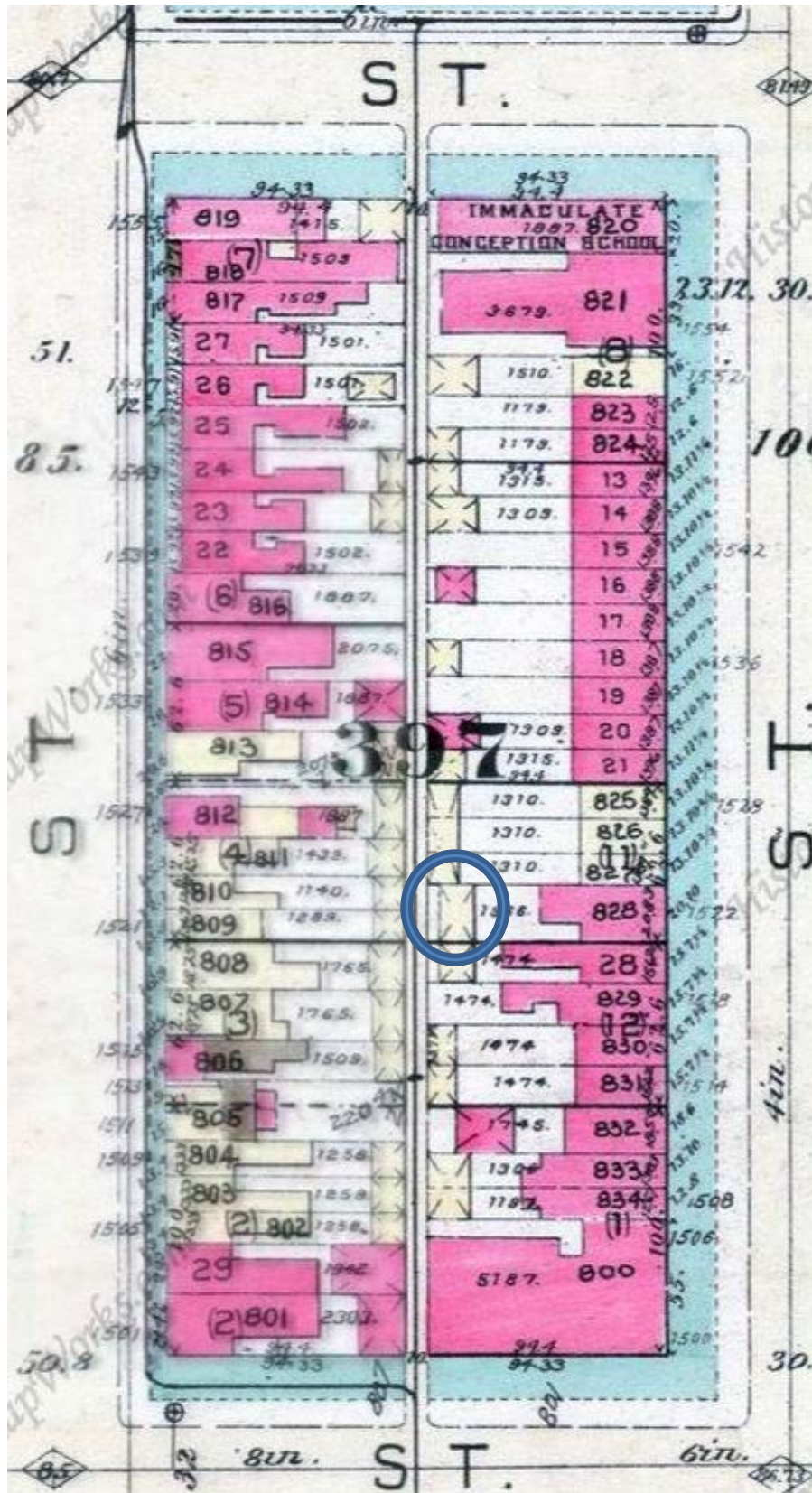
1913 Baist Atlas Map

Baist Atlas Maps



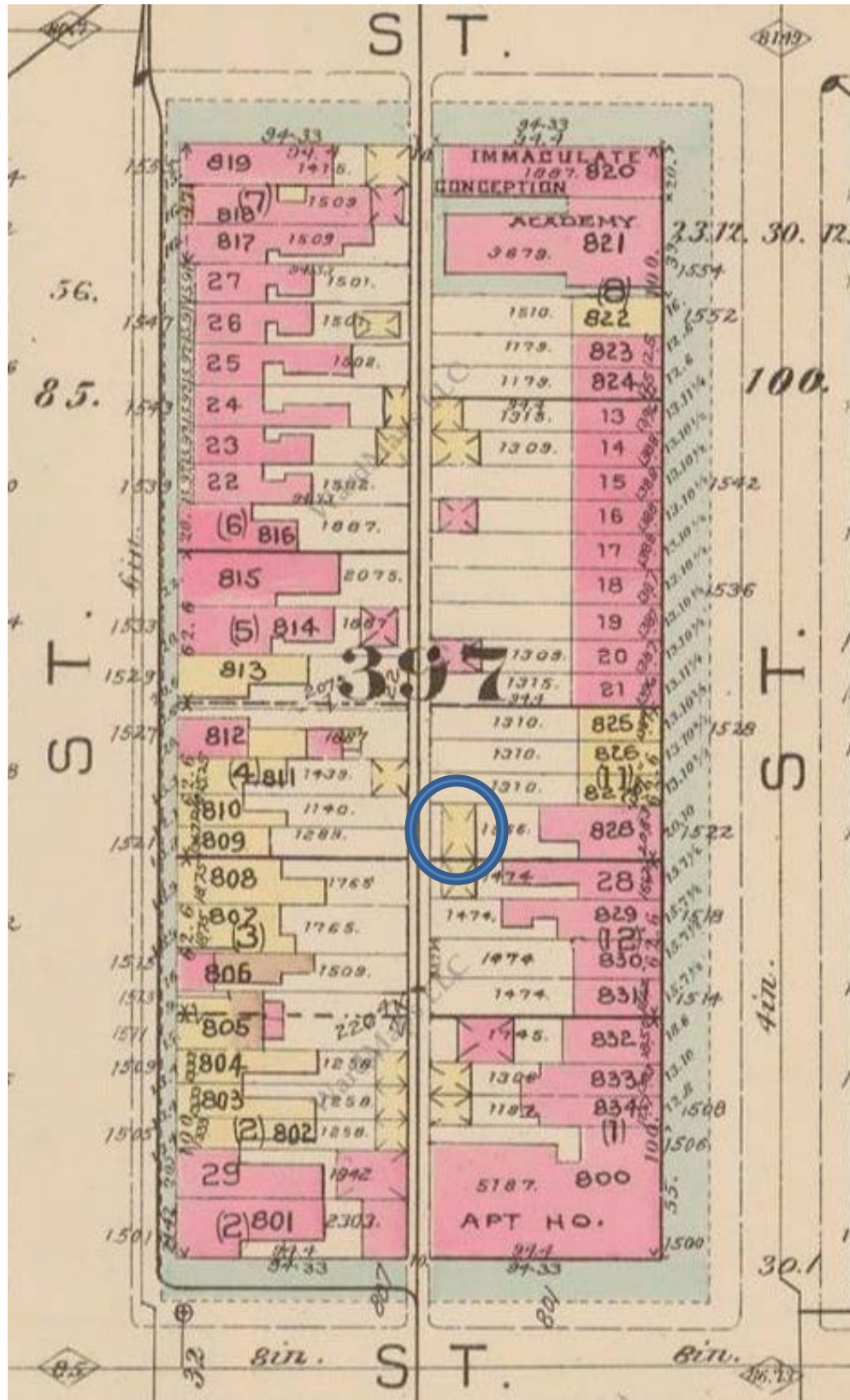
1919 Baist Atlas Map

Baist Atlas Maps



1932 Baist Atlas Map

Baist Atlas Maps



1939 Baist Atlas Map

Exhibit C



Fowler Architects
Jennifer Cox Fowler, A.I.A.
1819 D Street SE,
Washington DC 20003
Tel: 202.546.0896
www.fowler-architects.com

November 8, 2014
Job#10101501
Report#110814-1A

Re: 1522 8th Street NW, Washington DC.

Ms. Fowler,

Pursuant to your request the undersigned conducted a site visit to the above referenced property on the 5th of November 2014. Our site visit focused mainly on observing the existing condition of the exterior brick wall, along the East rear side of the third floor level, going all the way down to the basement, in order to check the stability and structural integrity of this existing brick wall.

The brick wall described above is constructed of 10" thick solid brick wall in the basement level and 8" thick at the top part (2nd and 3rd floor level). The base (foundation) of the wall is constructed of dry-laid stone known as the "floating" type of foundation that allows the wall to move as the ground flexes.

Our visual observation and examination of the existing wall revealed that the wall is in a very bad condition:

- 1- Deteriorated and eroded mortar joints were noticed along the entire wall.
- 2- An out of plane movement at the top brick part of the wall was noticed and the wall was found to be out of plumb in several locations.
- 3- A horizontal movement (Approximately 3/8" and sometimes more) was noticed in two locations along the wall.

As described above the wall was found to be in a very poor condition, with deteriorated mortar joints and all kind of horizontal, vertical and out of plane movements, in addition to the original the dry-laid stone base.

Therefore we don't recommend keeping this wall, and we strongly believe that the wall shall be demolished and reconstructed, because it will be extremely difficult to stabilize it during

construction and may simply collapse during the process. Reconstruction would require stabilizing and significant underpinning in order to introduce footers at the basement level.

If you have any questions please don't hesitate to contact us.

Very truly yours,
C A C Consulting, Inc.

Roger Chebib, PE
Principal

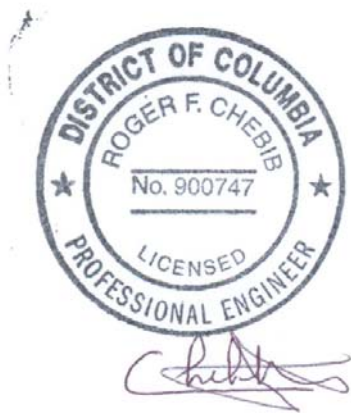


Exhibit D

REVISIONS		
#	DATE	COMMENTS

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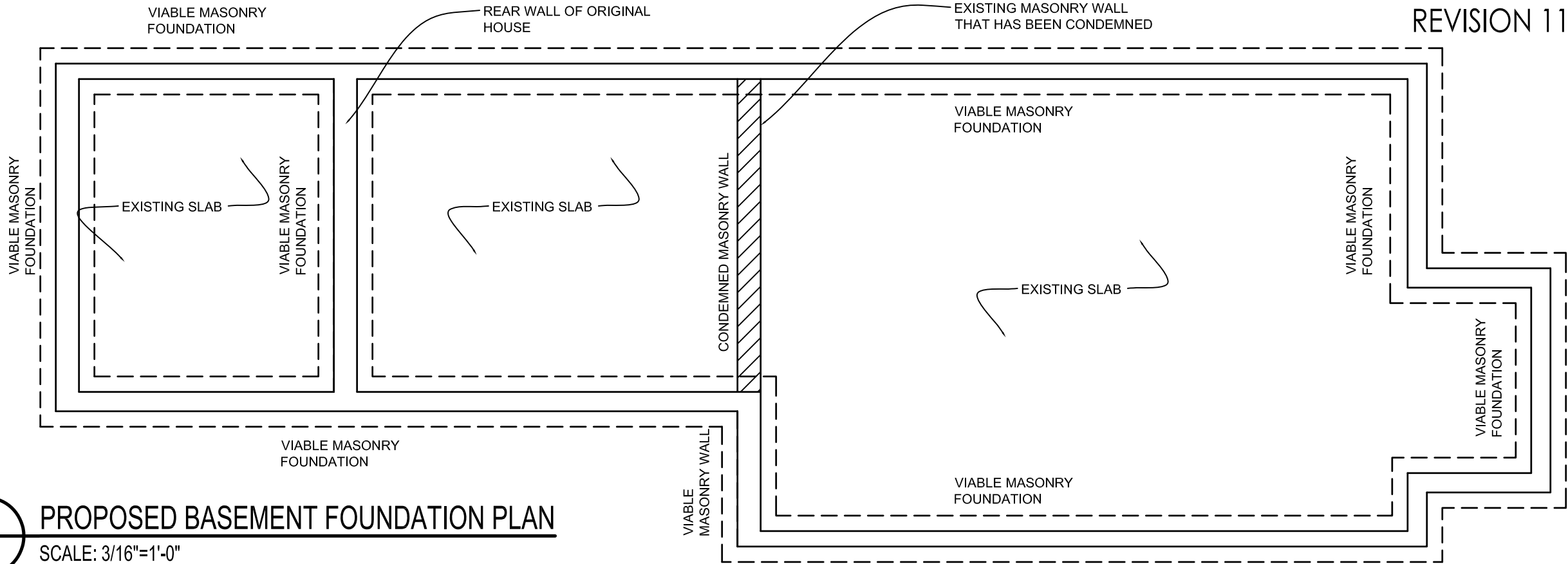
FOWLER ARCHITECTS
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WASHINGTON, DC 20003
(202) 546-0896
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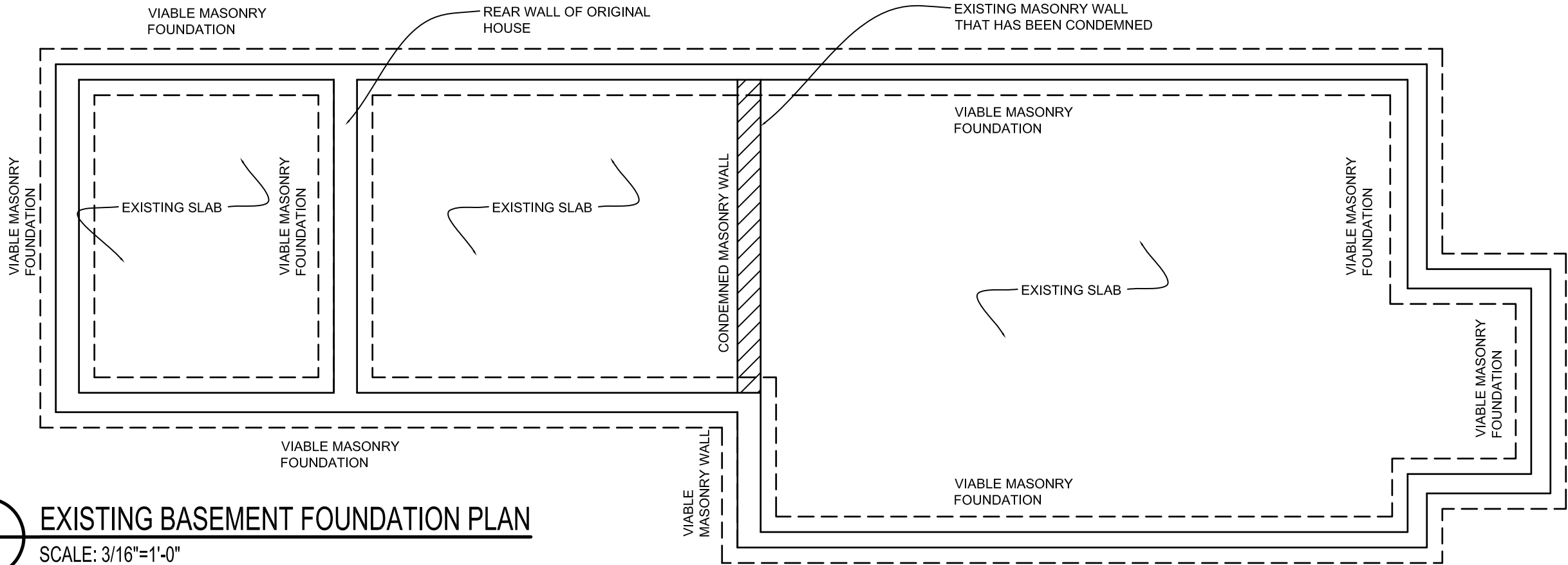
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BASEMENT
FOUNDATION PLAN

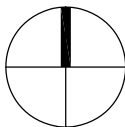
S-1



2
S-1
PROPOSED BASEMENT FOUNDATION PLAN
SCALE: 3/16"=1'-0"



1
S-1
EXISTING BASEMENT FOUNDATION PLAN
SCALE: 3/16"=1'-0"



REVISIONS		
#	DATE	COMMENTS

SEARLE RESIDENCE
1522 8TH STREET NW Washington, DC 20001

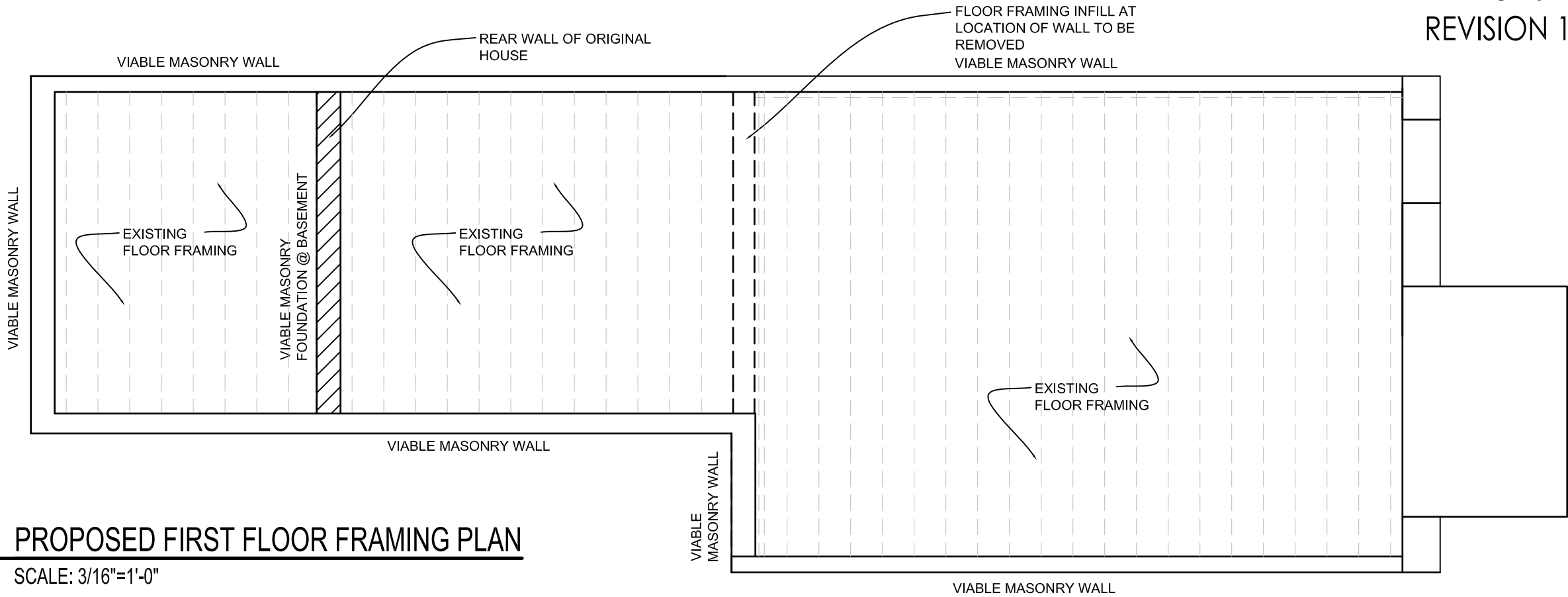
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WASHINGTON, DC 20003
(202) 546-0896
www.fowler-architects.com

SEAL:

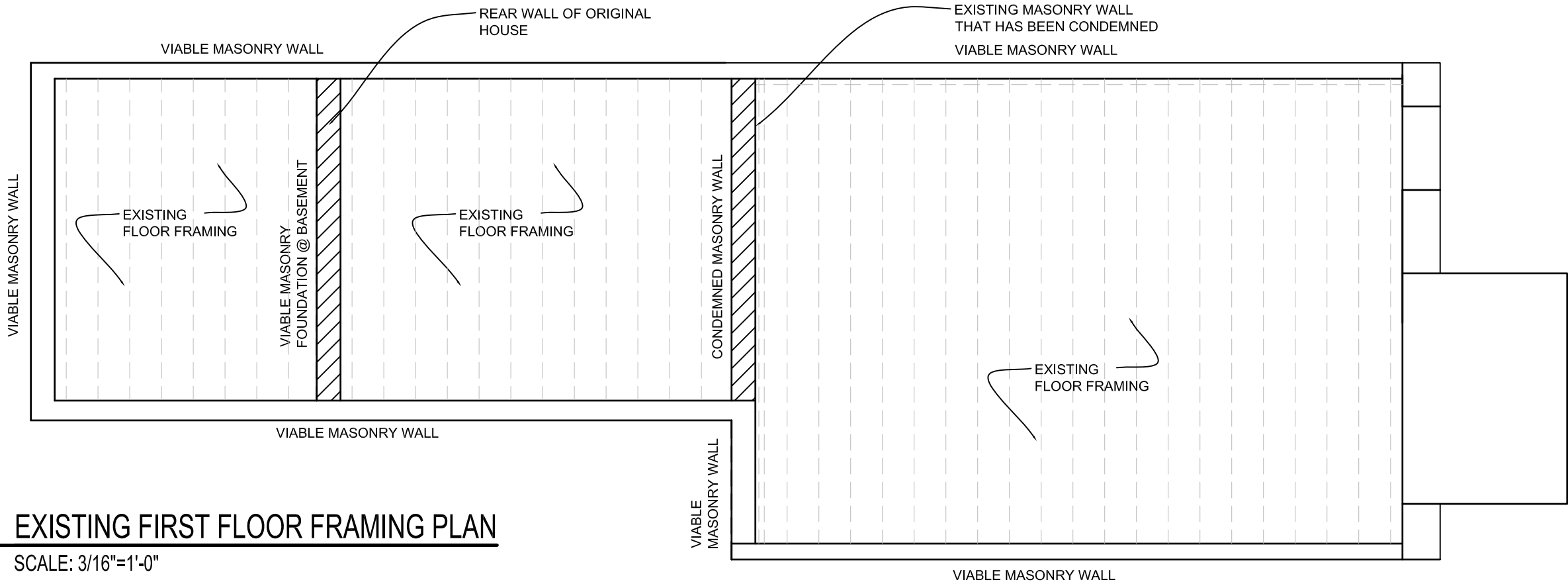
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DATE: 11-24-14
SCALE: 3/16"=1'-0"

FIRST FLOOR
FRAMING PLANS

S-2



2
S-2
PROPOSED FIRST FLOOR FRAMING PLAN
SCALE: 3/16"=1'-0"



1
S-2
EXISTING FIRST FLOOR FRAMING PLAN
SCALE: 3/16"=1'-0"

REVISIONS		
#	DATE	COMMENTS

SEARLE RESIDENCE
1522 8TH STREET NW Washington, DC 20001

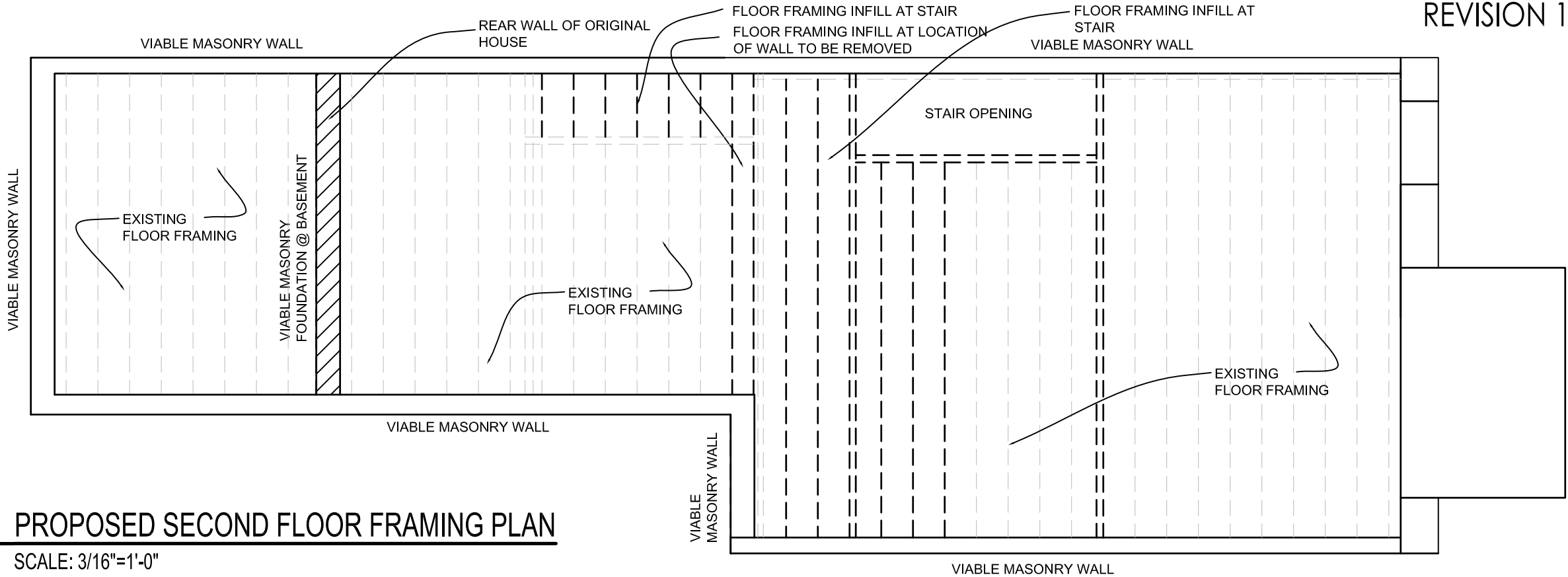
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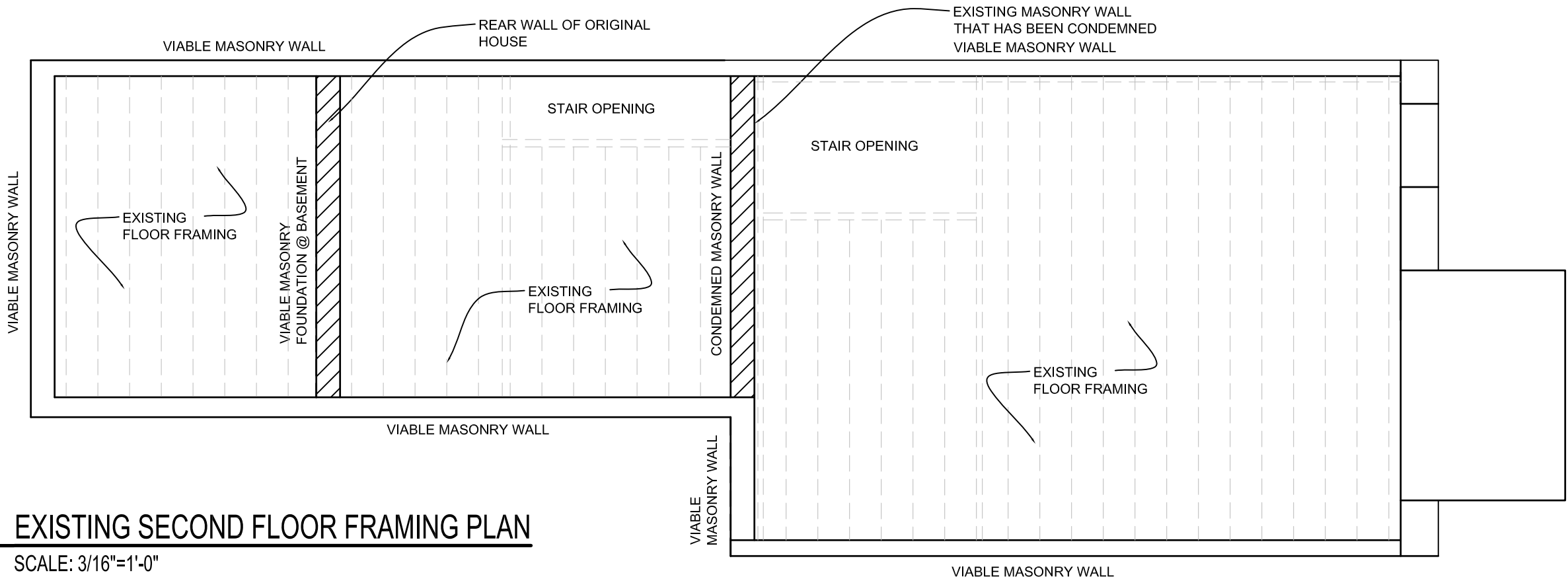
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DATE: 11-24-14
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SECOND FLOOR
FRAMING PLANS

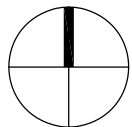
S-3



2 PROPOSED SECOND FLOOR FRAMING PLAN
S-3 SCALE: 3/16"=1'-0"



1 EXISTING SECOND FLOOR FRAMING PLAN
S-3 SCALE: 3/16"=1'-0"

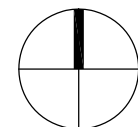


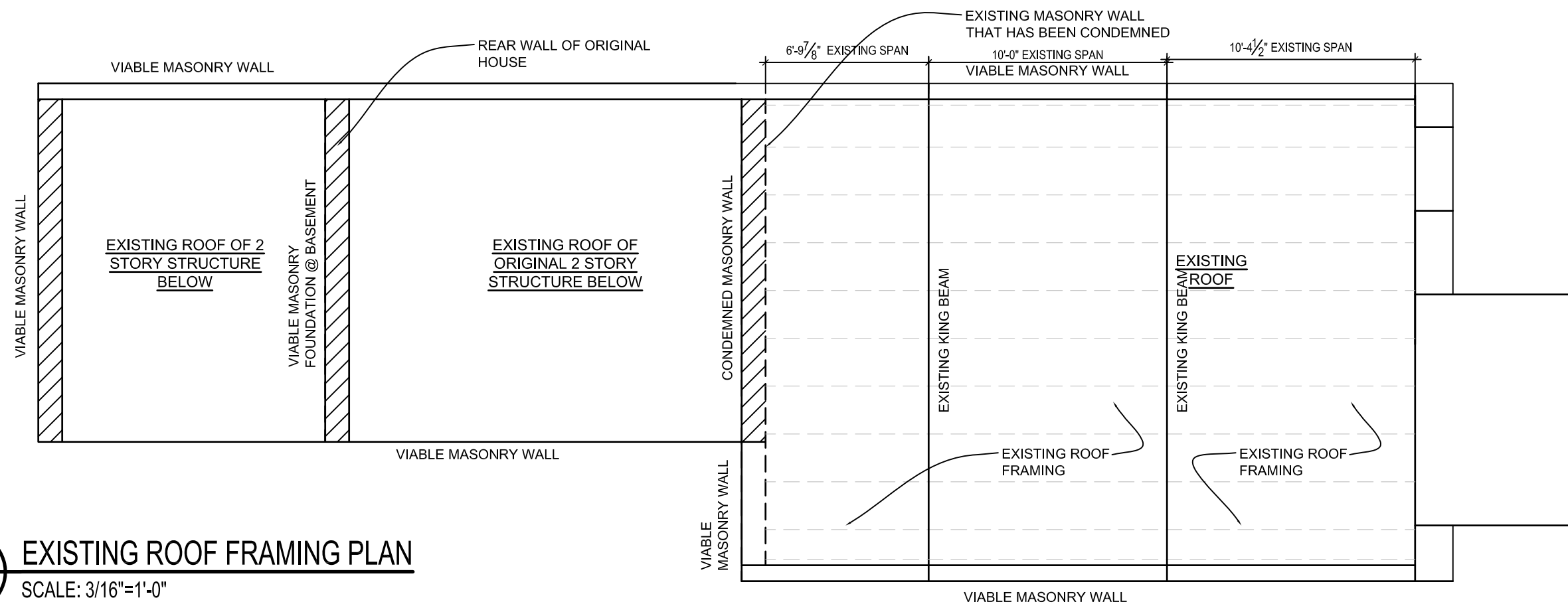
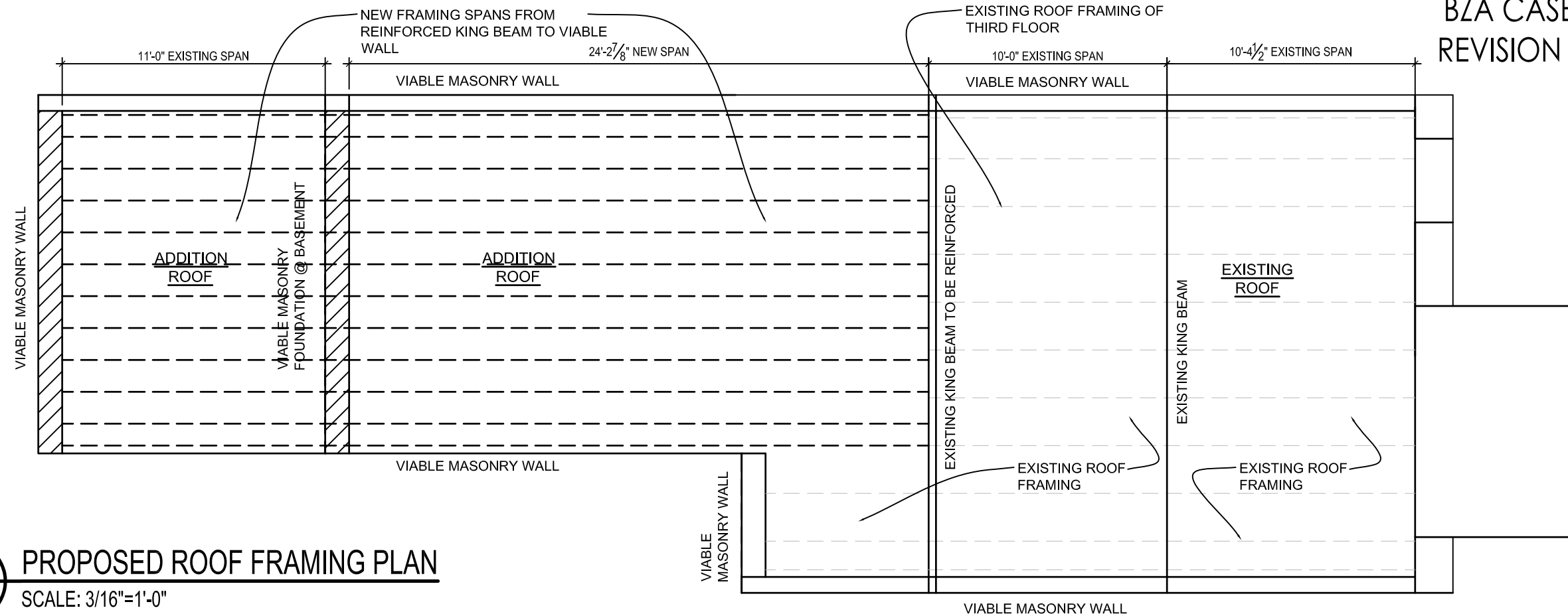
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SCALE:	3/16"=1'-0"

S-4





BZA CASE #18841
REVISION 11-24-14

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SEARLE RESIDENCE
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VERSION:	BZA
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ROOF FRAMING PLANS

S-5

