

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

**Application of
David S. and Martha Stracener Dantzic
213 11th Street, SE
Square 969, Lots 804 & 805**

**BZA Application No. 18855
ANC 6B, SMD05**

PREHEARING STATEMENT OF THE APPLICANT

This prehearing statement is submitted in support of an application (“**Application**”) for Board of Zoning Adjustment (“**BZA**” or “**Board**”) approval by David S. and Martha Stracener Dantzic (the “**Applicant**”) for special exception relief to allow a second story addition to an existing accessory structure connected, by a trellis covered walkway, to an existing single-family semi-detached dwelling at 213 11th Street, SE (Square 969, Lots 804 & 805) (the “**Property**”). The Property currently consists of two assessment and taxation lots (Lots 804 & 805), but the Applicant is presently going through the subdivision process to create one lot of record. The calculations presented in this Application are based on the two lots being combined. The trellis covered walkway will establish a meaningful connection between the accessory structure and dwelling whereby the two structures will be considered a single building on a lot of record, pursuant to 11 DCMR § 3202.3 of the Zoning Regulations.¹

I. NATURE OF RELIEF SOUGHT

Subsequent of the filing of the Application, the Office of Planning asked the Applicant to provide dimensions for the proposed courts. As a result the Applicant now amends the requested relief to include relief from the closed court provision, described in more detail below.

The Applicant seeks BZA approval pursuant to § 3104.1, for special exception relief under § 223.1 to allow an addition to a one-family semi-detached dwelling not meeting

¹ The BZA and the Zoning Administrator have previously accepted trellises as meaningful connections between structures that create one building for zoning purposes, most recently in BZA Case 18810 (Sept 9, 2014); BZA Case 18693 (January 16, 2014); and BZA Case 18263-B (July 25, 2013).

requirements for lot occupancy (§ 403), rear yard (§ 404), *closed court* (§ 406) and enlargement of a nonconforming structure (§ 2001.3) in the R-4 zone district. See Exhibit A, Zone Map.

II. JURISDICTION OF THE COMMISSION

The Board has jurisdiction to grant the requested special exception relief pursuant to §3104.1 of the Zoning Regulations.

III. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is located within the boundaries of the Capitol Hill Historic District. Square 969, which includes the Property, is bordered by Independence Avenue to the north, 11th Street to the east, C Street to the south and 10th Street to the west. The Property is accessible by 11th Street and by C Street via a 30 ft. wide portion of the public alley which bisects the square and dead ends near the rear of the Property, shown more clearly on Exhibit B, Surveyor's Plat.

The Property consists of Lot 804 (2,941 sq. ft.) and Lot 805 (2,017 sq. ft.), for a combined total lot area of 4,958 sq. ft. The Property is currently improved with a two-story (29.8 ft. height) single-family semi-detached brick dwelling ("House") fronting on 11th Street and a one story (10 ft. 8 in. height), five bay brick accessory garage ("Accessory Structure") located to the rear, which abuts the 30 ft. wide public alley to the west ("Alley"). See Exhibit C, Photos. Fronting on 11th Street, there is an existing two-story row dwelling to the north of the Property and a semi-detached dwelling to the south of the Property (*since the filing of the Application, these adjacent neighbors have both submitted letters in support – described in more detail below*).

At the rear of the Property, there are two existing two-story brick alley dwellings (*since the filing of the Application, the owners of these alley dwellings have submitted letters in*

support – described in more detail below). The alley dwelling located to the north of the Accessory Structure is on lot 41. See Exhibit D, Parcel Map and Exhibit C, Photo of Exterior Garage View, looking northeast from Alley. The other alley dwelling in the subject square is nearby on lot 42. The remainder of the structures along the Alley are used for garages, as shown in the aerial photos.

IV. EXISTING AND INTENDED USE

The Property is a non-conforming structure based on lot occupancy, as discussed in more detail below. The Applicant resides in the House and there are two parking spaces located within the Accessory Structure accessible via the public Alley.² The Applicant proposes to restore the first floor of, and add a second story addition to, the Accessory Structure (“**Addition**”) which will be connected to the existing principal structure. The two parking spaces will remain. Applicant intends to remove the plywood and restore the three existing wood panel doors, install two matching overhead sectional garage doors, replace windows and complete various interior renovations as shown on the attached plans (“**Plans**”). See Exhibit E, Sheets 12 and 13, 1st Floor and 2nd Floor Garage Plans. The new second floor will afford the Applicant additional living and storage space. This Addition will increase the height of the Accessory Structure from 10 ft. 8 in. to 20 ft. Exhibit E, Sheet 21, Garage Elevations. This Addition will be in scale with the two-story brick house fronting on the Alley (lot 41) immediately adjacent to the north of the Accessory Structure. See Exhibit F, Site Isometric.

The Applicant also proposes to repair masonry, replace windows, install an energy-efficient geothermal whole-house HVAC system that will service both the House and the Accessory Structure and replace an existing porch addition (on the same footprint as the old

² The garage doors which lead to the remaining three parking spaces located within the Accessory Structure were boarded over with plywood by the prior owners and the space is currently used as storage.

porch) at the rear of the House. The Plans propose connecting the Accessory Structure to the House by a trellis covered walkway (“**Trellis Connection**”) in order to establish a meaningful connection whereby the Accessory Structure and House will become a single building on a lot of record as prescribed under § 3202.3. The Trellis Connection will provide cover over a walkway that will connect the existing back door of the House with the existing door of the Alley Structure. As shown on the attached Surveyor’s Plat, the Trellis Connection will be made of wood and will be the widest closest to the House (12.33 ft.) and will narrow as it reaches the entrance to the Accessory Structure (7.67 ft.). See Exhibit B, Surveyor’s Plat.

V. ZONING REQUIREMENTS

The Applicant seeks relief under § 223 of the Zoning Regulations to accommodate an addition to a one-family dwelling not meeting the zoning requirements of § 403 (lot occupancy), § 404 (rear yard), § 406 (closed court) and § 2001.3 (nonconforming structure). This section allows the Applicant to request a special exception from the Board subject to specific provisions, discussed in more detail below. The Trellis Connection will create a nonconformity as to the rear yard requirement. As a nonconforming structure devoted to a conforming use, the Addition will not meet the requisite requirements, including:

A. Lot Occupancy

Combined, the House (1,286.4 sq. ft. of building area) and Accessory Structure (967.7 sq. ft. of building area) currently occupy forty-five percent (45.46%) of the lot. The Trellis Connection (211.67 sq. ft. of building area) will increase the lot occupancy to approximately forty-nine percent (49.73%). This is in excess of the maximum forty percent (40%) permitted for a single-family semi-detached dwelling in the underlying R-4 zone district, but well within the seventy percent (70%) maximum limit set forth for the R-4 zone district under § 223.3.

B. Rear Yard

The existing rear yard is 20.35 ft. with the existing accessory garage structure allowed to occupy the rear yard. The minimum rear yard required in the R-4 zone district is 20 ft. With the introduction of the Trellis Connection, the existing Accessory Structure will become part of the House and technically will occupy the area required for a rear yard. Although this creates a change in how the rear yard compliance is measured, the actual depth and area of the existing rear yard will stay the same and the sizeable yard will remain, as shown on the Surveyor's Plat. See Exhibit B.

C. Closed Court

The Project will create a closed court to the north of the Trellis Connection ("Closed Court"), as shown on the Plans. Exhibit E, Sheet 40, Court Dimensions. While the width of the Closed Court is 15 ft. and complies with the zoning requirement (9 ft. 11 inch. min.), the area of the Closed Court is 305 sq. ft. and does not comply with the 350 sq. ft. area minimum required by the regulations. Therefore, the Applicant is seeking relief for 45 sq. ft.

D. Addition or Enlargement of a Non-Conforming Structure

Since the combined House and Accessory Structure are already nonconforming as to lot occupancy, the Trellis Connection, which increases the nonconformity of the lot occupancy, requires zoning relief.

E. In Summary

R4 Zone Semi-Detached Single-Family Dwelling	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max.	House = 29.8 ft. Accessory Structure = 10 ft. 8 inch.	House = no change Accessory Structure = 20 ft.	None required
Lot Width (ft.) § 401	30 ft. min.	50 ft.	No Change	None required
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	4,958 sq.ft.	No Change	None required
Floor Area Ratio § 401	None prescribed	—	—	None required
Lot Occupancy § 403	40% max.	45.46%	49.73%	Required 9.73%
Rear Yard (ft.) § 404	20 ft. min.	20.35 ft.	0	Required 20.35 ft.
Side Yard (ft.) § 405	8 ft. min.	24.8 ft.	No Change	None Required
Closed Court § 406	Width: 9 ft. 11 inch. min. Area: 350 sq. ft. min.	N/A	Width: 15 ft. Area: 305 sq. ft.	Required 45 sq. ft.
Open Court § 406	Width: 9 ft. 11 inch. min.	—	Width: 23 ft. 9 inch.	None Required

VI. SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT

The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction herewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted hereto, it will satisfy and comply with the applicable legal standards and burdens for the special exception requested.

VII. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER §203

As the Board is aware, uses that are allowed by special exception are deemed compatible with other uses permitted in the applicable zoning district provided certain requirements are met. In reviewing an application for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth therein. If the prerequisites set out in particular regulations are satisfied, the Board must

ordinarily grant the application. See e.g. Bakers Local Union No. 118 v. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth below, approval of special exception relief in this case is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

Section 223 provides, in relevant part, that an addition to a one-family dwelling or flat that does not comply with all of the applicable requirements of § 403 (lot occupancy), § 404 (rear yard), § 406 (court) or § 2001.3 (enlargement of a nonconforming structure) shall be permitted as a special exception, provided that the addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, § 223.2(a) - (d), in particular.

A. The light and air available to neighboring properties shall not be unduly affected (223.2(a));

The Applicant proposes a second floor addition to the existing Accessory Structure resulting in an increase of height from 10 ft. 8 in. to 20 ft. A sun study (“**Sun Study**”) was done to show the difference between what, if any, shadows (in winter, spring, fall and summer) would be cast as a result of the Addition. See Exhibit G. The Sun Study shows no impact on the light and air of neighboring properties.

The Trellis Connection will be located between the House (29.8 ft. height) and the Accessory Structure (20 ft. in height) and will be less than 12 ft. in height. As a result of the Property’s sizeable yard with existing fencing, mature trees and established landscaping, neither the light or air of neighboring properties will be unduly affected by the Trellis Connection.

B. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised (223.2(a));

While there will be windows installed as a result of the Addition, they will only be on the alley side (See Exhibit E, Sheet 21, Garage West Elevation - Alley) and on the side facing the Applicant's yard (See Exhibit E, Sheet 21, Garage East Elevation -Yard). Therefore the privacy of use and enjoyment of neighboring properties will not be unduly compromised or affected. Although not required, at the request of neighbors across the Alley, two of the windows at the southern end of the Accessory Structure will be installed with opaque frosted glass so as to limit a direct view into their rear yard across the Alley.

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 (223.2(a));

The Addition will increase the height of the Accessory Structure from 10 ft. 8 in. to 20 ft. Exhibit D, Sheet 21, Garage Elevations. As depicted on Exhibit H, this will result in limited visibility of the Addition from 11th Street, on which the Property fronts. Therefore, the Addition will not substantially intrude on the character, scale and pattern of houses along 11th Street.

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 (223.2(a)); and

The Applicant has demonstrated through the Plans/Elevations/Site Isometric (Exhibit E and F), Photographs (Exhibit C), Sun Study (Exhibit G) and Street Views (Exhibit H) that the Addition will be in scale with the two-story brick house fronting on the Alley (lot 41) immediately adjacent to the north as well as the other nearby structures.

E. The relief sought is in harmony with the general purpose and intent of the regulations and will not tend to affect adversely the use of the neighboring property (3104.1).

As is fully demonstrated above, this Application meets the criteria set forth in § 223, and therefore is in harmony with the general purpose and intent of the Zoning Regulations.

VIII. HISTORIC PRESERVATION

The Property is located within the Capitol Hill Historic District, and the Applicant continues to consult with the staff of the Historic Preservation Office (“HPO”) on the design and will seek concept approval from the Historic Preservation Review Board (“HPRB”).

The Project is expected to be on the November 20, 2014 HPRB hearing agenda.

IX. AGENCY AND COMMUNITY OUTREACH

A. ANC

The Applicant will appear before the Advisory Neighborhood Commission (“ANC”) 6B Planning and Zoning Committee Wednesday, November 5 (a day after this prehearing submission is due) and the Applicant is on the full ANC agenda for Wednesday, November 12.

B. Office of Planning

The Applicant has been in communication with the Office of Planning (“OP”) and will continue to confer with OP staff throughout the process.

C. Department of Transportation

The District Department of Transportation (“DDOT”) submitted a memorandum into the record (BZA Exhibit No. 28) stating that the Project will have no adverse impacts on the travel conditions of the District’s transportation network and that DDOT has no objection to the approval of the requested special exception.

D. Capitol Hill Restoration Society

The Applicant has been in communication with the Capitol Hill Restoration

Society (“**CHRS**”) and will continue to confer with CHRS throughout the process.

E. Neighbors

Since the submission of the Application, ten (10) neighbors have expressed their support of the Project. Nine (9) of these neighbors have already submitted letters of support into the record, as noted below and as shown on the attached annotated map (see Exhibit I).

Square	Lot	Street Address	Name	BZA Exhibit No.
969	41 & 803	211 11 th Street, SE & 211 11 th Street, SE Rear	Elizabeth A. Roberts & Paul T. Anderson	29
969	82	234 10 th Street, SE	Elizabeth Kidder & James Sherry	30
969	42	210 10 th Street, SE Rear	James Connor	31
969	96	253 11 th Street, SE	Danielle Drissel	33
990	56	200 11 th Street, SE	Catherine Schoenwetter & Daniel Gottovi	34
969	65	217 11 th Street, SE	Elizabeth A. Strawn	35
969	85	231 11 th Street, SE	Jennifer Tschantz & Gregg Corr	36
969	66	219 11 th Street, SE	Antonia Herzog & Robert Pohl	37
969	49	216 10 th Street, SE	Donald Saelinger & Katherine Dube	38
969	50	214 10 th Street, SE	Annie L. Brown	<i>To be submitted into the record</i>

X. WITNESSES EXPECTED TO TESTIFY

- David and Martha Dantzig, Applicant
- J. Garrett Pressick, AIA, LEEDap BD+C, Project Architect, BELL Architects

XI. EXHIBITS

- Exhibit A: Zoning Map (with the Property outlined in red).
- Exhibit B: Surveyor's Plat.
- Exhibit C: Site Photographs.
- Exhibit D: Annotated Parcel Map (with the Property outlined in red).
- Exhibit E: Plans.
- Exhibit F: Site Isometric.
- Exhibit G: Sun Study.
- Exhibit H: Street Views.
- Exhibit I: Annotated Map representing Neighbor Support.
- Exhibit J: Outlines of Testimony and Resume for J. Garrett Pressick.

XII. CONCLUSION

For the reasons set forth above, the Applicant is entitled to, and respectfully requests approval of, the grant of special exception relief to allow for the Addition to the Property.

Respectfully submitted,

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