

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

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

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

STATEMENT OF THE APPLICANT

This statement is submitted in support of an application (“Application”) for Board of Zoning Adjustment (“BZA” or “Board”) approval by David S. and Martha Stracener Dantzig (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 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

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 requirements for lot occupancy (§ 403), rear yard (§ 404) 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.

¹ 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.

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. At the rear of the Property, there are two existing two-story brick alley dwellings. 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

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.

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 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. 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) 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 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. 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, increasing the nonconformity of the lot occupancy, requires zoning relief.

VI. STATEMENT OF 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) 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 and project architect will continue 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”).

IX. AGENCY AND COMMUNITY OUTREACH

The Applicant will contact Advisory Neighborhood Commission (“ANC”) 6B, the DC Office of Planning (“OP”) Capitol Hill Restoration Society (“CHRS”) and adjacent property owners to discuss this Application. The Applicant will provide an update to the Board, regarding these discussions, as part of the Applicant’s pre-hearing submission.

X. 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.

Exhibit E: Plans.

Exhibit F: Site Isometric.

Exhibit G: Sun Study.

Exhibit H: Street Views.

XI. 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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