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DC BOARD OF ZONING ADJUSTMENT
District Of Columbia
Office of Zoning
441 Fourth Street, NW, Suite 200-S
Washington, DC 20001

Re: BZA Variance Application of Mr. Kevin Latner, in the matter of #21 Quincy Place,
NW, Washington, DC, Square 3101, Lot 104

Dear Chair and Board Members:

This letter is respectfully submitted on the behalf of Kevin Latner, the owner-occupant of the above referenced property, in conjunction with the BZA Variance application submitted herewith. As his architect and his proprietor of The Building Ideas Group, LLC, I am acting on behalf of Mr. Latner as the application agent.

Section 8 of the DC Zoning Act specifically allows this body to lift the burden of zoning laws on narrow and shallow lots when it is not detrimental to the public good. This lot is both narrow and shallow and it is in the best interest of the applicant and the community to accommodate such a variance.

Purpose: To Show Proof for the Requested Variance

The purpose of this letter and its attachments, exhibits, etc., is to meet the requirements of Form 120, Application for Variance/Special Exception, satisfying the Burden of Proof for the requested Variance. The variance requested is to expand the approved one-car garage to accommodate two cars.

Summary: Historical and Current Use and Proof for Request Support a Variance

In summary, the variance is supported by historical use, current and customary use and passes the three main tests required to support a variance approval. Specifically, there are physical characteristics of the property which make it difficult to use the property in compliance with the zoning regulations, the variance would not be detrimental to the public good, and, in fact, would enhance the public good, and the variance would be consistent with the general intent of zoning regulations.

Historical Use Allows for a Garage

Historically, houses in this area were designed to provide for space for vehicles. When built, the subject house, and the houses in the neighborhood, was single-family houses with single-car carriage houses, or garages. DCRA has approved the reconstruction of a single car carriage house on the subject property.

Current Use Includes a Two-car Garage

Modern quiet use and enjoyment includes two-car garage space. Subsequently, a significant number of houses in the neighborhood, including the subject house, have become two unit dwellings with two-car parking on the back alley. Currently more than sixty percent of the properties on the alley include covered parking, gated parking or an enclosed garage. More than 90 percent of alley parking accommodates two-car parking per house. There are no one-car garages on the alley.

Burden of Proof: Meeting the Requirements for a Variance

A key requirement to approve a variance is that the physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations. In fact, this is the case with the subject property.

1. Specific Characteristics of the Property Require a Variance for Quiet Enjoyment

Current norms of use and enjoyment of properties in the subject area include changes to protect personal property (automobiles) and enhance personal (physical) safety. These property improvements are consistent with neighborhood customs, are appropriate security strategies for a dense urban environment, and enhance community property values.

DC Zoning Code Placed Subject Property Out of Compliance

When established, the DC Zoning Code placed the subject property out of compliance with key elements of the code, including the percent of lot occupancy, set back requirements and minimum lot area. As a result, any changes in property use, although consistent with customary use and modern needs, require a variance. Specifics are detailed below in section D.

Historical Use Allows for a One-car Garage

As currently configured, the subject property enjoys two-car parking, a critical benefit given the tight parking situation in this densely populated urban environment. Historical use of the subject property allows for the construction of a one-car garage, which was recently approved by the DCRA.

Building an Allowable Garage Sacrifices Parking

Despite a narrow lot, the subject property accommodates two-car parking. Constructing a two-car garage would also accommodate two-car parking. However, to meet building code requirements, building a one-car garage would not allow adequate space for a second off-street parking space. Thus, without a variance, in order for the owner to avail the subject property of the allowable one car garage, he would effectively convert the space from a two-car parking to one-car parking. This serves neither the owner nor the community in this urban environment.

2. Variance Supports the Public Good

A second key requirement to approve a variance is that it will not be a substantial detriment to the public good. The application will not be a detriment to the public good, and in fact would enhance the public good. Approval of the variance will not limit the use of the public alleyway, is in character with the existing alley space and would improve the property, the community and home values.

Where most houses abut the alleyway they enclose the property with fences, carports, decks and garages. This is consistent with the historical presence of carriage houses. Of the 65 houses abutting the alleyway, seventy percent are thus modified. The variance would allow a two-car garage consistent with most uses on the alleyway. The fact that the use is consistent with current use of the alleyway demonstrates that it would not be detrimental to the use of the alley and that it would fit into the general use of the alley space.

In addition, because the addition of a garage would improve the property, it would also improve the alley space and not only improve the value of the subject property, but also the value of neighboring property values. Many houses have been remodeled or updated. Alleyway improvements are not at the same level as the street facing improvements; this would be a substantial improvement to the alley space. Insofar as benefits to the property value of one property enhance the value of the other properties in the community, the addition of a two car garage to the subject property will have a substantial likelihood of enhancing the value of the other properties in the neighborhood, providing for a community benefit.

3. Variance is Consistent with the Intent and Purposes of Zoning Regulations

A third key requirement to approve a variance is that it will not be inconsistent with the general intent and purpose of the Zoning Regulations. The application is not inconsistent with the general intent of the zoning regulations and map.

The general intent and purpose of the Zoning Regulations and Map for center-city dwellings include improvements and modifications that enhance the value of the property and community, are consistent with community use and planning objectives, and do not encumber the use of the existing areas, including alleyways.

When the DC Zoning Code was first adopted, the subject house, along with a significant number other properties in the neighborhood, was already inconsistent with zoning requirements, including lot size, area required and setbacks. Specifics are detailed in section D, below.

Notwithstanding this inconsistency, the house and proposed variance are consistent with community use and urban development objectives. Seventy percent of the houses have significant modifications to the area abutting the alleyway, including garages, carports, fenced areas and patios, including more than 20 percent that are garages.

In addition, the 20 foot wide alley way allows for the quiet enjoyment of the property that accommodates the applicants proposed variance request.

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This letter breaks the application into the above summary and six sections, A through I.

- A. BZA Form 135 – Zoning Self-Certification Form
- B. DC SURVEYORS PLAT OF PROPERTY WITH EXISTING & PROPOSED
- C. ARCHITECTURAL PLANS
 - a. DC-DCRA APPROVED PLANS FOR SINGLE-CAR GARAGE
 - b. APPLICANT'S PROPOSED PLANS FOR TWO-CAR GARAGE
- D. DETAILED STATEMENT OF EXISTING AND INTENDED USE OF STRUCTURE
- E. DETAILED STATEMENT ADDRESSING BURDEN OF PROOF REQUIREMENT
- F. COLOR PHOTOGRAPHS OF PERTINENT PROPERTY FEATURES
- G. MAILING LIST OF ALL PROPERTY OWNERS WITHIN 200-FEET
- H. LESSEE INFORMATION
- I. CERTIFICATE OF OCCUPANCY

Basis of Request

The applicant, Mr. Kevin Latner, owner and occupant of 21 Quincy Place, NW, Washington, DC here now invokes Section 3103.2 – Variances, which states:

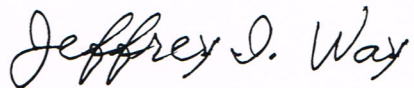
“With respect variances, the Board has the power under Section 8 of the Zoning Act, D.C. Official Code Section 6-41.07 (g)(3)(2001) (formerly codified at D.C. Code Section 5-424 (g)(3) (1994 Repl.)), “[W]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or conditions of a specific piece of property, the strict application of any regulations adopted under D.C. Code Section 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intend, purposed, and integrity of the zone plans as embodied in the Zoning Regulations and Map.”

CONCLUSION

In closing, thank you for your assistance, direction, and facilitation. Please feel free to contact and reach me via telephone 301-520-8690 and/or via email at jwayarchitect@aol.com; and/or the applicant, Mr. Kevin Latner via telephone on 202-285-9698 and/or via email at: kevin.latner@latner.com.

Have a great day and week.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey I. Way". The signature is written in dark ink and is positioned above the typed name and title.

Jeffrey I. Way, R.A., for:
The Building Ideas Group, LLC