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Executive Summary

Case No. 18872

Site Description

Address: 510 Independence Ave SE
Square/Lot: Sq. 842, Lot 800

Zoning: R-4

Existing: Rowhouse

Historic District: Capitol Hill HD

Project Description

Applicant	Kami Quinn and Maurion Knight
Proposal	Rowhouse
Relief Sought	Nonconforming structures (§2001.3) Lot Occupancy (§403)
Variance Standard	Exceptional Circumstance: Confluence of Factors • Bedroom added at rear of structure • Awkward interior layout, very narrow kitchen, odd circulation patterns • Windows in nonconforming open court are bricked over • Several existing non-conforming aspects Strict Application Results in Practical Difficulty: • Prevents relocation of odd, rear bedroom • Results in infeasible circulation patterns • Prohibits <i>any</i> increase in lot occupancy • Demands of HPO substantially limit ability to rectify awkward interior layout No Detriment to Public Good: • Modest addition smaller than that permitted by §223 • Modifications made to architectural plans to gain support of both adjacent neighbors • Support of Historic Preservation Review Board

Comments of District Agencies and Community:

- Unanimous Approval from ANC 6B Planning & Zoning Committee
- Unanimous Approval from ANC 6B
- Letters of Support from Both Adjacent Neighbors
- Approval by HPRB

Board of Zoning Adjustment
District of Columbia

CASE NO. 18872
WWW.WASHLAW.COM
EXHIBIT NO. 32

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February 17, 2015

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

Re: Application No. 18872 –510 Independence Ave SE (Square 842, Lot 800)
Prehearing Statement of the Applicant

Chairperson Jordan and Honorable Members of the Board:

On behalf of Kami Quinn and Maurion Knight, 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 March 3, 2015.

Thank you for your attention to this matter.

Sincerely,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



By: Eric M. Daniel

Enclosures:

Cc: Advisory Neighborhood Commission 6B
c/o Brian Flahaven, Chair (via email)
Diane Hoskins, SMD 6B02 Representative (via email)
Brandice Elliot, Office of Planning (via email)

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

**APPLICATION OF
KAMI QUINN AND MAURION KNIGHT**

**BZA APPLICATION NO. 18872
HEARING DATE: MARCH 3, 2015**

PREHEARING STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Kami Quinn and Maurion Knight (the “Applicant”), the owners and residents of property located at 510 Independence Avenue SE, Lot 800 in Square 842, (the “Property”) in support of its application for an area variance from the requirements regarding nonconforming structures (§2001.3) and lot occupancy (§403) to allow the Applicant to construct a small rear addition to a single-family home in the CAP/R-4 District at the Property.

As a result of fruitful discussions with the adjacent neighbors, the ANC, and HPRB, the Applicant has revised the architectural plans to reduce the lot occupancy to 76%, reduce the size and depth of the second floor, and add a small partial third story at the rear of the Property. See Revised Architectural Plans at **Exhibit A**. While the Initial Application extended to the rear of the existing structure, at the preference of the adjacent neighbors and the ANC, the Applicant requested an extension in the BZA case to continue discussions with the neighbors, revise the architectural plans, and apply for approval from HPRB. The result has been a very productive discussion, and modifications to the plans, to accommodate the interests of each of these key stakeholders. The Applicant has obtained Letters of Support from both adjacent neighbors, see **Exhibit B**, and approval from HPRB, see HPRB Actions January 22 and 29, 2015. Furthermore, these revisions to the architectural plans reduce the degree of lot occupancy relief requested and remove the need for rear yard relief contained in the Initial Application.

II. EXHIBITS

Exhibit A: Revised Architectural Plans

Exhibit B: Letters of Support from Both Adjacent Neighbors

Exhibit C: Infeasible Layout within Existing Footprint

III. 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 Application, the Property is unusual and affected by an exceptional situation and condition as a result of a confluence of the following factors: (1) the windows in the open court have been bricked over and the wall at the rear of the Property has no windows; (2) the Property suffers from an awkward interior layout; and (3) the Property has several existing nonconforming aspects.

While the exceptional circumstance was described in detail in the Initial Application, the Applicant seeks to provide additional information on the practical difficulty associated with the interior layout. While several lots in Capitol Hill are nonconforming, the nonconforming court in this instance, when paired with the awkward interior layout, is exceptional. A rowhouse of this type, with a narrow dogleg, typically has a kitchen at the rear of the structure. In this instance, a bedroom was added to the rear of the structure such that it requires walking through the existing kitchen to reach the rear bedroom. In addition to this circulation concern, the kitchen is also extremely narrow, contains the first story bathroom, and lacks natural light. While a court is normally an opportunity to provide light and air to the interior of a long, narrow structure at the expense of interior square footage, in this case the windows have been bricked over.

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

Under §2001.3, an enlargement or addition may be made to a nonconforming structure so long as the structure conforms to the lot occupancy requirement and the addition does not increase or extend any nonconforming aspect. The existing lot occupancy is 68%. The Applicant proposes to fill in a small portion of the existing nonconforming open court, thereby increasing the lot occupancy to 76%.¹ Therefore, relief has been requested from §§ 2001.3 and 403. The existing nonconforming open court will be partially remedied by the Applicant by filling in a portion of the dog-leg space. The Revised Architectural Plans, at Exhibit A, remove the need for rear yard relief by no longer extending the existing nonconforming rear yard.

i. Limited Degree of Relief

In *Gilmartin*, the Court noted that “the severity of the variance(s) requested,” is among the proper factors for the BZA’s consideration. *Id.* at 1171. In this instance, the severity of the variance requested is extremely low. The requested relief amounts to just a 90 square foot increase in lot occupancy. Furthermore, if the existing nonconforming court were 3 inches narrower, and thus 5 feet or less, the court would already contribute toward lot occupancy and no relief would be required.²

Moreover, a special exception under §223, while allowing a substantially greater increase in total square footage, does not remedy the exceptional circumstances at the Property. Under a §223 special exception, lot occupancy may be increased to 70% even if all of the area requirements regarding open courts, lot occupancy, and others are not met. Thus, by special exception, the Applicant could expand the second floor to the footprint of the existing first floor, and even build a third story on top of that. That structure, by a §223 special exception on the expedited review calendar, could be 2,676 total square feet, an increase of over 1000 square feet relative to the existing structure. The proposed structure, while

¹ Under §403, the maximum permitted lot occupancy in the R-4 Zone District is 60%.

² While an open court less than 5 feet wide contributes to lot occupancy, open courts greater than 5 feet in width do not. 11 DCMR §199.1 (building area for purposes of calculating lot occupancy “shall include all side yards and open courts less than five feet (5 ft.) in width . . .”). The existing court at the Property, a 5’-3”, is just over 5 feet wide and thus filling in the open court increases lot occupancy.

requiring variance relief, is far smaller at 2,166 total square feet. The Applicant has chosen not to pursue this additional square footage by special exception, preferring a much more modest project, in part because the larger project by special exception does not remedy the exceptional circumstance and circulation concerns at the Property. These exceptional conditions must be remedied by filling in a small portion of the open court.

ii. Practical Difficulty

Strict application of the zoning regulations regarding nonconforming structures (§2001.3) and lot occupancy (§403), which prevents any increase in lot occupancy, would result in a practical difficulty to the Applicant. The floor plan of the existing house cannot be made more efficient within the existing footprint. The bedroom at the rear of the structure must be relocated to resolve the need to walk through the kitchen to get to the rear bedroom. Alternative locations for the bedroom on the first floor are not feasible. Internal modifications to create a hallway to the rear bedroom would reduce the width of the already narrow kitchen even further. If the location of the bedroom and kitchen are switched, the occupant must walk through a bedroom to get to or from the kitchen. Other layouts would require entering the house into the first-floor bedroom. Relocating the bedroom to the second floor, as proposed in the Initial Application, also requires expanding the footprint to allow access to the rear bedroom. Providing access to the rear bedroom, without expansion into the open court, would make the second bedroom extremely narrow. Furthermore, whether the open court was filled in or not, the adjacent neighbors expressed concerns about extending the second story to the rear of the existing first story and a strong preference for the currently proposed project.

The proposed project resolves the awkward layout by adding a small third story and filling in a portion of the open court. Proper circulation requires the small increase in lot occupancy. In order to put a bedroom on the third story, a roughly 3 foot wide stair must be added to allow access from the second story to the third story. Without the slight increase in the footprint, the resulting bedrooms, on both the

second and third stories, are *extremely* narrow. See Infeasible Layout within Existing Footprint at **Exhibit C**. Moreover, the Historic Preservation Office, raising concerns about visibility, not only requested that any addition be setback from the front of the structure but also that it be reduced at the rear to avoid visibility from 5th street to the extent possible. The demands imposed by HPRB further limited design options at the Property. Thus, it is practically difficult to rectify the awkward layout without the small increase in lot occupancy.

For these reasons, strict application of the zoning regulations regarding nonconforming structures (§2001.3) and lot occupancy (§403) would result in a practical difficulty to the Applicant.

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

The requested variance is in furtherance of the public good and zoning regulations. The single-family home is modest in nature and not out of scale with the surrounding pattern of development on this stretch of Independence Avenue SE. The proposed project will not have a negative impact on the character of the neighborhood. The zoning relief requested will permit renovation of an awkward historic rowhouse. Compatibility with the surrounding community has been further assured by review by the Historic Preservation Review Board.

It bears repeating that the project, as proposed, has been modified from earlier iterations at the request of the adjacent neighbors and with the support of HPRB. The Applicant has carefully considered their preferences, evaluated each of the various alternatives, and revised the design accordingly. The Applicant has been applauded at each stage of review for their considerate outreach and willingness to amend their plans to address the feedback received.

For these reasons, approval of the zoning relief requested will not cause a detriment to the public good or zone plan.

IV. COMMUNITY OUTREACH

Following the submission the Initial Application, the Applicant has done considerable community outreach. The Applicant presented to the ANC 6B Planning & Zoning Committee, which encouraged further dialogue with adjacent neighbors. The Applicant worked closed with the adjacent neighbors to modify the plans in a manner that is acceptable to all involved. *See* Letters of Support from Adjacent Neighbors at **Exhibit B**. Based on the modifications made, the ANC 6B Planning and Zoning Committed voted unanimously to support both the HPRB and ANC application, and commended the Applicant for its productive community outreach. The full ANC 6B also voted unanimously to support the application. The Application was approved by the Historic Preservation Review Board on January 29, 2015.

V. WITNESSES

The following witnesses will appear on behalf of the Applicant:

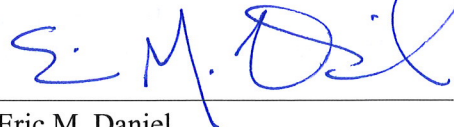
1. Kami Quinn and Maurion Knight, the owner and resident of the Property
2. Tamar King, on behalf of Four Brothers, LLC
3. Stuart Pumpelly, on behalf of Four Brothers, LLC

VI. 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 March 3, 2015.

Respectfully submitted,

GRIFFIN, MURPHY,
MOLDENHAUER & WIGGINS, LLP



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