

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

STATEMENT OF EXISTING AND INTENDED USES

The address of the property that is the subject of this application is 1505 Harvard Street, NW (Square 2577, Lot 0042) ("Property"). The owner of the Property is Michael Reitz (the "Applicant"). The Property is located in a D / R-5-B Zone District. The Property is located in approximately the middle of the block between 15th & 16th Streets NW across from the All Souls Unitarian/Universalist church. The property has an odd trapezoidal shaped being 36 feet deep on the west side and 62 feet deep on the east side over a frontage of 39 feet, and it is next to a six story high apartment building, these aspects make the property more of a candidate for a special exception consideration. The property is currently used as a single-family home. This application seeks approval from the Board of Zoning Adjustment ("BZA") to construct a partial Third Floor addition to the existing structure. The Property will continue to be used as a single-family home after the construction has been completed.

I. NATURE OF RELIEF SOUGHT

Pursuant to 11 DCMR Sections 3104 and 223, the Applicant seeks a special exception to construct a partial Third Floor addition to an existing nonconforming structure. As demonstrated below, the Applicant satisfies the requirements set forth in the Zoning Regulations for the requested relief.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations.

III. DESCRIPTION OF THE PROJECT

The proposed use of the addition will be as part of the existing single-family home. The proposed use for the third floor addition will be a Sun Room and Roof Deck with the Sun Room occupying approximately 65% and the deck approximately 35% of the roof area.

Per the proposed site plan and plan drawings, which are attached, the proposed addition will be used as a Family Sun Room with a Half Bath, Kitchenette and a Roof Deck. The existing foot print of the property will remain the same, as the new addition will sit entirely on the existing building's foot print. The proposed building height will be 34'-8" which is well below the allowable 50'-0" for this zone.

IV. APPLICATION SATISFIES THE SPECIAL EXCEPTION STANDARDS

The Applicant is seeking special exception relief pursuant to 11 DCMR Section 3104 and 223 to perform an alteration to the nonconforming structure requirements of Section 2001.3 of the Zoning Regulations. As outlined below, the Applicant satisfies the relevant requirements of Section 223.

The addition shall not have a substantially adverse effect on the use of or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected:

The proposed addition shall not unduly affect the light and air available to neighboring properties. The proposed structure would not unduly affect the privacy of use or enjoyment of any of our neighbors' abutting or adjacent to our property or within a 200 foot radius of the Property.

The proposed third floor addition is dwarfed by existing six story apartment building located adjacent to my Property on the west side. While on the east side of the property the adjoining row house's party wall will be extended to screen off the proposed addition. On the South or Front of the property the addition will extend the existing mansard roof to maintain the continuity of the existing architecture. At the North of the property the neighboring row houses are approximately fifty feet away and will not be substantially affected by the addition.

Therefore, the light and air available to neighboring properties would not be unduly affected.

(b) The privacy of use and enjoyment of the neighboring properties shall not be unduly compromised

The proposed addition on the Property will not unduly compromise the privacy of the use and enjoyment of neighboring properties. The most affected neighbor is 1503 Harvard Street NW whose property will be affected during construction, the owner has contacted the owner of 1503 and the neighbor has concurred with the project. The other most affected neighbor is the fourth floor condo in the adjacent apartment/condo building but this fourth floor is higher than the deck so their privacy will be less affected. The west side of the proposed project has the deck area and it will have a privacy wall instead of a railing and built higher than a railing to add privacy for both the users of the deck and the 4th floor condo inhabitants. The deck will not be used daily, especially given the seasonal aspect of deck usage (i.e. minimal winter and early spring use). As for the neighbors behind the property, the project will convert a 7'x7' second floor back walk-out porch into a walk-in closet, which will increase the back neighbors' privacy.

Hence, the privacy of use and enjoyment of the neighboring properties would not be unduly affected.

(c) The addition, together with the original building, as viewed from the street, and other public way, shall not substantially visually intrude upon the character, scale and pattern of the houses along the subject street frontage.

The proposed addition on the Property as viewed from the street, and other public way does not visually intrude on the character, scale and pattern of the houses along the subject street frontage. A lot of care has been taken to blend the proposed third floor frontage into a heighten version of the existing mansard roof, the base of which is behind an existing parapet wall. The propose addition will have a recessed window into and behind the plane of the mansard roof line.

This recessed window is much less apparent than the projecting "dormer" style windows that are on the three new condo buildings on the SW corner of 15th and Harvard that were recently converted from single family homes in the past three years while raising the building heights from 3 ½ to 4 ½ stories. In addition, to better blend into mansard roof line of the other two neighboring houses, the design would extent the property's mansard roof to the west over the newer "garage section" where it does not currently exist. This new mansard roof will be the front wall to the proposed roof-top deck area, rather than using a modern fence or railing. So steps have been successfully taken to ensure the addition is in harmony with the character, scale and pattern of the houses along the subject street frontage.

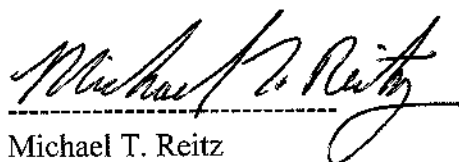
Lastly, the DCRA Office of Zoning recently calculated the property's Lot Occupancy at 72% (with rounding up) and above the 70% allowable via a special exception for R-3, R-4, and R-5 districts if certain conditions are met to go beyond the standard 60% Lot Occupancy. The Lot Occupancy was determined to be 69.6% as documented in a September 9, 2008, Office of Planning memo as part of a special exception request that was later granted on October 21, 2008, for BZA application 17810 for a garage addition with an above storage room. The owner examined the recent lot occupancy calculation with a lot variance of 1.8% or 34 square feet. The property has a 6' x 4.5' or 27 square foot landing on the back 2-foot-high uncovered (stair landing) porch. A porch of such height is not normally factored into lot occupancy as it is below 4' in height and it is 8" below the level of the first floor. The Office of Zoning would not have known this level of detail and I myself had to measure it. Perhaps this porch is part of the 2.2% variance (the delta from 71.8% to 69.6%), the remainder of the variance might be related to the front bay window over the garage which is just under 10 square feet. In any case the variance is within the realm of compounded minor inaccuracies that also include others like the exact dimensions the one-story front covered porch that also calculated into lot occupancy.

Thank you for your consideration in this matter.

V. CONCLUSION

For the reasons stated above, the proposed addition satisfies the requirements for special exception approval. Accordingly, the Applicant respectfully requests that the Board approve the special exception application.

Respectfully submitted,


Michael T. Reitz