

Wayne Lin & Christina Balch
6812 Laurel St NW
Washington, DC 20012
415-203-7306
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June 11, 2015

Subject: BZA for variance – Special Exception Burden of Proof

Dear Board of Zoning Adjustment,

After review by Maxine Brown-Roberts, Senior Development Review Specialist, at the Office of Planning, we are revising BZA Case 19045 to a Special Exception under §223 and §2003.1(b) for 6812 Laurel St NW. (See Appendix A) This document is a second revision to for a special exception case that now includes commentary on §2003.1(b). The previous version did not include this.

Due to the irregularly shaped lot the dwelling is built on, we are unable to meet rear setback regulations and our application for building permits with the DCRA has been escalated to the BZA to resolve the rear setback zoning issue.

The following illustrates how we meet the burden of proof for a special exception.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use 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;

We propose to add a 6'x7' addition to the northwest side of the house. This addition will not impact the light and air available to neighboring properties and is in-line with the existing home and back yard. The addition will be the same 1-story height as the current kitchen/porch area and does not protrude further into the rear yard from the existing structure. (Refer to Architectural Plans and Elevations, DC Surveyor's Plat, Color Photographs in BZA application package and section (d) Google Street view images below)

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

This proposed addition will not impact the privacy of use and enjoyment of neighboring properties. The addition is in-line with the existing structure and the direction of construction does not introduce any new lines of sight into our neighbor's property. (Refer to Architectural Plans and Elevations, DC Surveyor's Plat, and Color Photographs and section (d) Google Street view images below)

(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; and

The addition we propose is to the rear of our home, but due to our irregularly shaped lot will still be visible from the street. Being in a historic district, we have reviewed our plans with the HPRB, ANC, and neighbors and have gained their approval on our project. We believe this shows that our plans do not visually intrude upon the character, scale, and pattern of houses along the subject street frontage. The addition will be built in a manner that's consistent with the historic nature of the area.

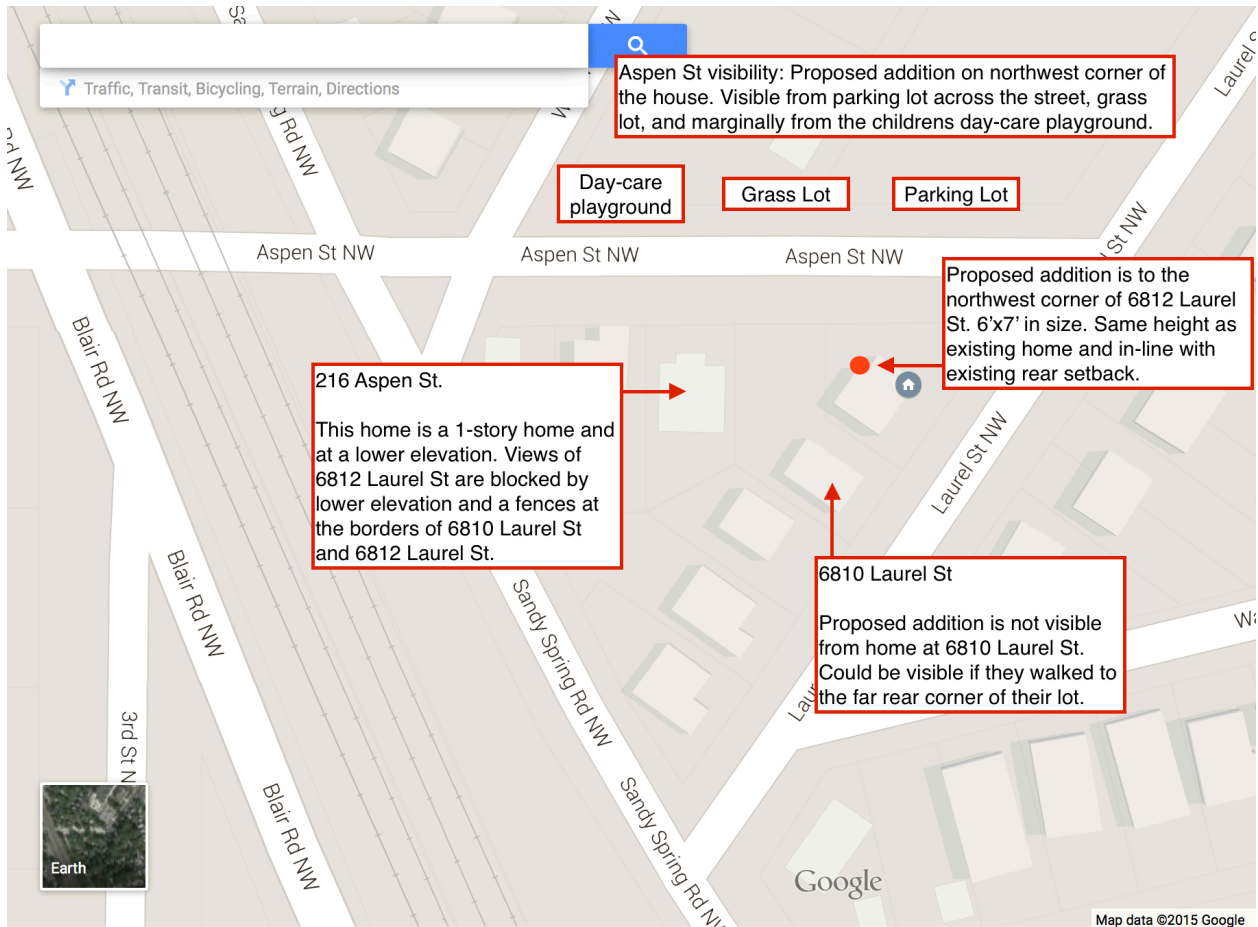
The ANC reviewed our proposal and voted to adopt Resolution #14-1105 "Recommendation to Historic Preservation Review Board Regarding Proposed Renovation at 6812 Laurel St N.W." on November 24, 2014 with 6 votes yes, 0 votes no, and 1 abstention. (See Appendix B)

HRPB reviewed our proposal and on May 19, 2015 Anne Brockett approved our plans. (See Appendix C)

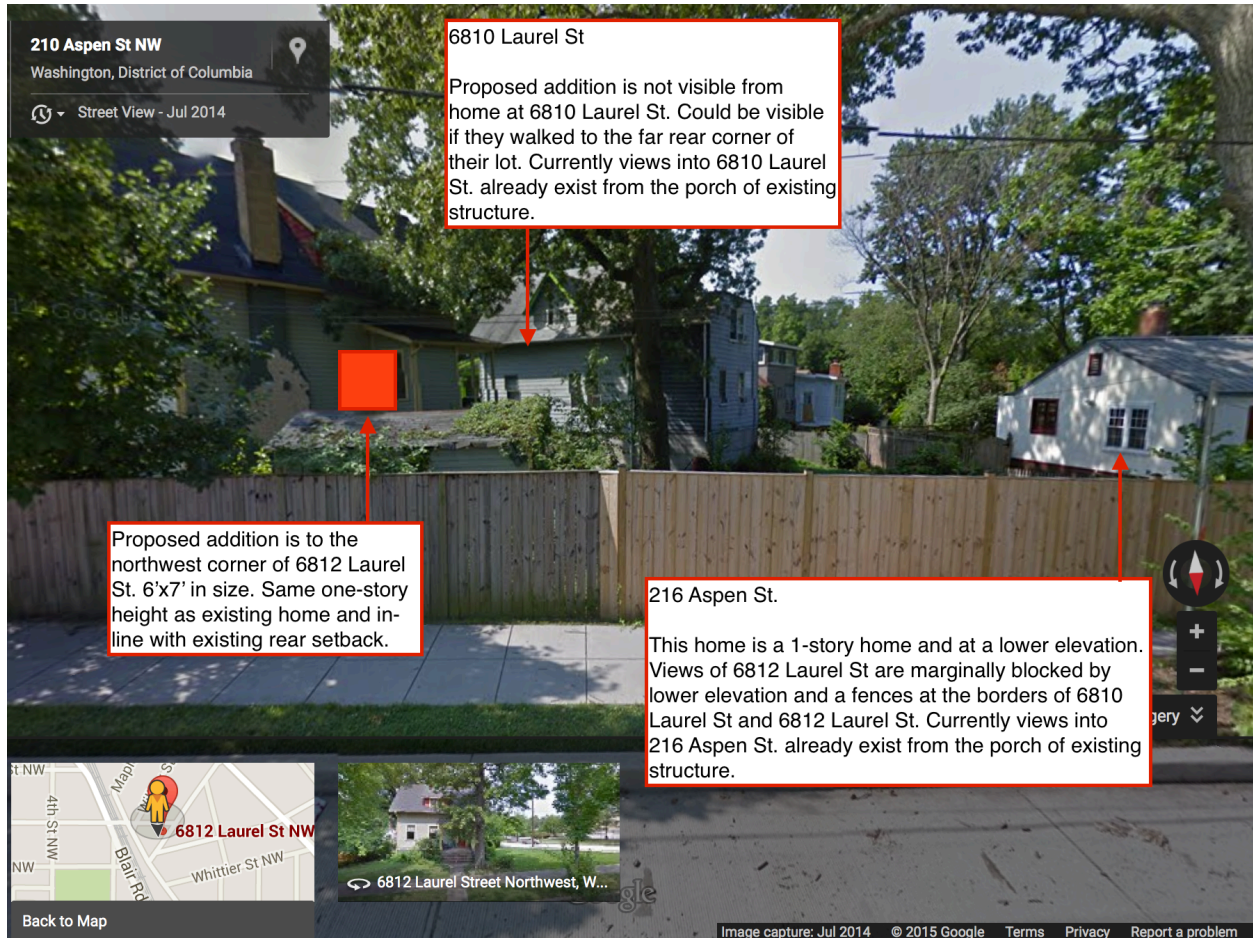
We have also spoken directly with many of our neighbors and reviewed our project. We have not heard any objections to the project and have gathered 7 letter of support, including the properties directly adjacent to us. (Refer to Letters of Support provided in BZA application package) Based on this, we believe we are meeting the requirements for 223.2 (a), (b), and (c).

(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.

The following Google Maps and Google Street view images illustrate the location of the proposed addition and the impact it will have to adjacent buildings and views from public ways.



Street view from Aspen Street of the rear of 6812 Laurel St.



For additional detail about the proposed addition, refer to Architectural Plans and Elevations, DC Surveyor's Plat, and Color Photographs presented in the application package.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

In Form 135 – Zoning Self-Certification provided by David Baker, our architect team at DBMC Design LLP, our application requests a 42 sq ft addition to the footprint of our dwelling. This addition will result in a 1% increase in lot occupancy, from 18% to 19%, staying underneath the 50% maximum allowed occupancy.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

We are open to any requirements the Board may have to protect adjacent or nearby properties. In our reviews with the HPRB and ANC no requests to change our plans were requested. Additionally, we have discussed our project with Sara Hewitt, the owner of the adjacent property at 6810 Laurel St., and have obtained a letter of support from her for the project as designed. She has no requests for changes to the plans for the project. There are also no requests for changes to the projects in reviews of our project with other neighbors that are not directly adjacent to our property.

223.5 This section may not be used to permit the introduction or expansion of a nonconforming use.

We are not requesting the introduction or expansion of a nonconforming use. The home is currently a single-family dwelling and will remain a single-family dwelling post renovation for Christie and I to live in.

2001.3 Enlargements or additions may be made to the structure; provided:

(b) The addition or enlargement itself shall:

(1) Conform to use and structure requirements; and

(2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.

The proposed addition will conform to the current single-family dwelling use. It will maintain the nonconforming rear yard, which we believe will not have any negative impact.

Thank you for your time in reviewing our case. This application will enable us to use our irregularly shaped lot to make our home more livable with additional bathrooms and set us up to hopefully live in the home for many years into the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Lin', with a stylized flourish extending to the right.

Wayne Lin

Appendix A: Office of Planning (OP) Correspondence

BZA 19045 - 6812 Laurel Street, NW

Brown-Roberts, Maxine (OP) <Maxine.BrownRoberts@dc.gov>

Thu, May 21, 2015 at
5:39 PM

To: "wayne.lin@gmail.com" <wayne.lin@gmail.com>

Mr. Lin:

I am Maxine Brown-Roberts from the Office of Planning (OP). Your application, BZA 19045 - 6812 Laurel Street, NW, was submitted to our office for review and recommendation by the Office of Zoning (OZ).

1. You applied for an Area Variance from §404.1, Rear Yard setback. However, I think the appropriate review is a Special Exception, under §223 and §2003.1(b). These are lesser standard to meet than for an Area Variance.
2. In reading your submission, you seem to question the need for BZA review. Your current rear yard is at 18.6 feet and would remain so with the proposed addition. If your addition was able to meet the 25-foot rear yard requirement then you would not need the Special Exception. This is also not a possibility due to the current location of the house.
3. You will need to get a new ANC review and recommendation for this BZA Application as the requirements and standard for review are different under the HPRB from those of the BZA.
4. I noticed that you requested expedited review. I do not have a BZA Public Hearing date. If a date has been assigned, please let me know.

You may give me a call at [202-442-8807](tel:202-442-8807) to speak about these issues further.

Maxine Brown-Roberts, AICP

Senior Development Review Specialist

Office of Planning

1100 4th Street, SW, Suite E650

Washington, DC 20024

Voice: [202-442-8807](tel:202-442-8807) Fax: [202-442-7638](tel:202-442-7638)

maxine.brown-roberts@dc.gov

planning.dc.gov

Appendix B: ANC4B Resolution #14-1105 Approval



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

Ron Austin, ANC 4B06, Chairperson; Douglass Sloan, ANC 4B09, Vice Chairperson;

Yvonne Jefferson, ANC 4B08, Secretary; Frederick Grant, ANC 4B03, Treasurer;

Sara Green, ANC 4B01; Faith Wheeler, ANC 4B02; Brenda Parks, ANC 4B04; Brenda Speaks, ANC 4B05;

Judi Jones, ANC 4B07

November 25, 2014

Hon. Gretchen Pfahler, AIA
Chairperson
Ms. Anne O. Brockett
Architectural Historian
Historic Preservation Review Board
1100 4th Street, SW, Suite E650
Washington, DC 20024

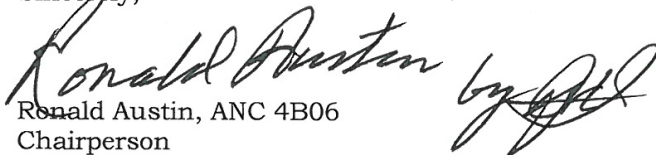
RE: 6812 Laurel Street N.W.

Dear Chairperson Pfahler and Ms. Brockett:

At its regularly scheduled meeting on November 24, 2014 (notice of which was properly given, and at which a quorum of seven of nine members was present) ANC4B voted (6 yes, 0 no, 1 abstain) to adopt the attached resolution supporting the proposed renovation and addition to an existing residence at 6812 Laurel Street N.W.

The Commission submits this resolution under the provisions of DC Code 1-309.10(a) through 1-309.10(h)(1), which require, among other things, that Advisory Neighborhood Commission recommendations be given "great weight" by DC government agencies, that DC government agencies "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In doing so, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission."

Sincerely,


Ronald Austin, ANC 4B06
Chairperson

cc: Commissioners, ANC 4B
Hon. Muriel Bowser, Councilmember, Ward 4
Mr. Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commissions
Mr. Wayne Lin



Advisory Neighborhood Commission 4B
Government of the District of Columbia
6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012

RESOLUTION #14-1105
Recommendation to Historic Preservation Review
Board Regarding Proposed Renovation
at 6812 Laurel Street N.W.
Adopted November 24, 2014

- Mr. Wayne Lin proposes to renovate his residence at 6812 Laurel Street N.W., which is located in the Takoma Park Historic District. He has submitted detailed plans to the Commission and to the Historic Preservation Office for review.
- The Commission has reviewed the plans and drawings for the proposed renovation and finds that they are consistent with historic preservation standards for the Takoma Park Historic District.
- The Commission understands that the existing roof structure will not be changed.

RESOLVED:

That Advisory Neighborhood Commission 4B supports the design of the proposed renovation and recommends that the Historic Preservation Review Board approve it.

FURTHER RESOLVED:

That Commissioner Judi Jones, ANC 4B07, is hereby authorized to serve as the Commission's representative in all matters relating to this resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioner cannot carry out her or his representative duties for any reason, the Commission authorizes the Chairperson to designate another Commissioner to represent the Commission in all matter relating to this resolution.

FUTHER RESOLVED:

Consistent with DC Code §1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of seven of nine members was present) on November 24, 2014, by a vote of 6 yes, 0 no, 1 abstain.

Appendix C: DCRA Permit Review, HPRB Approval

ApplicationID	Date Filed	Full Address	Agent Name	Phone Number	
B1504772	2/25/2015	6812 LAUREL ST NW	MICHAEL BANKS	703-930-3604	
Discipline	Review Status	Status Date	Review Comment	Reviewer Name	Reviewer Email
Zoning Review	Zoning Review - HFC	03/11/2015	1. the proposed addition encroaches into the required 27-foot rear yard setback. 2. please update the dc surveyor's plat. when submitted it shall not be more than 6 months old. 3. please verify the accuracy of the scale as labeled on the elevation drawings. 4. additional comments may follow.	Mamadou Ndaw	Mamadou.Ndaw@dc.gov
Zoning Review	Zoning Review - HFC	03/11/2015	1. the proposed addition encroaches into the required 27-foot rear yard setback. 2. please update the dc surveyor's plat. when submitted it shall not be more than 6 months old. 3. additional comments may follow.	Mamadou Ndaw	Mamadou.Ndaw@dc.gov
Mechanical Review	Mechanical Review - HFC	04/13/2015	provide a complete mechanical plan as per 2012 imc, section 403.1, page 32.	Chrys Edet	chrys.edet@dc.gov
Electrical Review	Electrical Review Approved	03/03/2015		Michel Mba	Michel.mba@dc.gov
Structural Review	Structural Review - HFC	04/10/2015	structure ok. obtain zoning approval.		
DDOE Review	DDOE Review - HFC	04/20/2015	please indicate on sheets s1.0 if the 4 inch slab on grade is existing or proposed. address zoning comments revise site plans if necessary.	Nykia Barnes	Nykia.Barnes@dc.gov
WASA Review					
HPRB Review	HPRB Review Approved	05/19/2015		Anne Brockett	Anne.Brockett@dc.gov
Plumbing Review	Plumbing Review - HFC	04/13/2015	provide a complete plumbing plan for your addition as per 2012 ipc, section 402.1, page 25.	Chrys Edet	chrys.edet@dc.gov
DDOE WSP Review	DDOE WSP Review N/A	04/20/2015	single family r-1	Nykia Barnes	Nykia.Barnes@dc.gov