

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

**APPLICATION OF
MR. SANFORD ROSKES**

**3008 ORDWAY STREET, NW
ANC 3C**

STATEMENT OF THE APPLICANT

NATURE OF THE RELIEF SOUGHT

This statement is submitted by Mr. Sanford “Sandy” Roskes, (the “Applicant”), the owner of 3008 Ordway Street, NW, (the “Property”), (Square 2071, Lot 7). The Applicant seeks Special Exceptions pursuant to Section 223.1 to allow a one-story rear addition to an existing non-conforming single family structure that does not comply with Section 2001.3 by extending a non-conforming Side Yard, and creates an Open Court that does not conform to the minimum required width per Section 406.1. A Special Exception pursuant to Section 412.7 for a partial reduction in the minimum pervious surface area required under Section 412.3 is also requested.

BACKGROUND

The property is located mid-block on an R-1-B zoned lot of 3125 square feet. The property is improved by a two story semi-detached brick dwelling constructed c. 1925. The residence contains 1566 sq. ft. of livable area covering 916 sq. ft. of the lot (29%). The existing semi-detached structure and west side yard (5 ft.) became

non-conforming with the adoption of the 1958 Zoning Regulations. The dwelling is flanked to the east by the other portion of the semi-detached dwelling and to the west by a single-family dwelling. The property is within the boundaries of ANC 3C and the Cleveland Park Historic District.

PROPOSED DEVELOPMENT

The Applicant proposes to construct a one story addition at the rear of the existing structure. The addition will be used as a family room with approximately 273 sq. feet of living space resulting in a structure footprint of 1250 sq. ft. (40%) of the lot. The addition will follow the line of the existing 5 ft. side setback on the west property line and will therefore conform to Section 405.8. The Zoning Regulations make no allowance for semi-detached structures in the R-1-B zone, whereas in residential zones with semi-detached structures “zero lot line” construction is permitted. The Zoning Administrator has confirmed that an 8 ft. side yard is required for the east side of the proposed addition to the structure on this property. Because the proposed addition will only be set back 5 ft. from the east property line and create an Open Court with the existing structure, zoning relief is required from this Board under Section 223. The total height of the building will remain at its existing height. The rear yard setback meets the regulation’s requirement. One off-street parking space is already provided at the rear of the lot, which is accessible via a public alley.

The existing Pervious Area of the lot is 36% while Section 412.3 requires 50% in the R-1-B zone. The proposed addition will be constructed where there is currently a flagstone patio. An existing terraced planter will be leveled and the new patio area will be constructed using pervious materials. The new Pervious Area will be slightly increased to 37%.

NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The project requires Special Exceptions as per Section 223 for the side yard width and open court width requirements and per Section 412.7 from the Pervious Area requirements. The requirements under Sections 405.9, 406.1 and 412.3, and the Applicant's compliance with those requirements, are as follows:

Under Title 11 DCMR §3104.1, the Board is authorized to grant a Special Exception where it finds that:

1. The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; and,
2. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

As discussed below, this project meets the requirements for Special Exception.

THE APPLICANT MEETS THE BURDEN OF PROOF FOR SPECIAL EXCEPTIONS

The Property is affected by an exceptional situation and conditions as a result of the following factors: (1) The existing structure is nonconforming in the R-

1-B zoning district. Title 11 DCMC Chapter 2 makes no allowance for semi-detached structures in the R-1-B District constructed prior to the adoption of the 1958 Zoning Regulations unlike other Districts where allowance for semi-detached dwellings exists. In zones where semi-detached structures are permitted, “zero lot line” construction is allowed by right. (2) The Property has a substandard lot size of 3,125 square feet where a minimum of 5,000 square feet is specified in §401.3. (3) The Property has a substandard lot width of 25 ft. where a minimum of 50 ft. is specified in §401.3. The latter two conditions severely limit the size and location of any structure. Adding the additional constraint of 8 ft. side yards makes the lot virtually unusable, i.e. a 9 ft. buildable tract down the center of the lot.

Meeting the 50% Pervious Area requirement of Section 412.1(6) for the R-1-B zone would require removing items such as the existing walkways, stairs and front stoop. This would not only be prohibitively costly, but unreasonable to require the removal of means of access and original portions of the building. The Applicant will have the new patio area around the proposed addition designed with pervious materials which will provide a slight increase in pervious area to 37%.

The Special Exceptions will be in harmony with the general purpose and intent of the Zoning Regulation and Zoning Maps: For a dwelling constructed prior to 1958 with a side yard of less than 8 ft., the Zoning Regulations allow an addition with a side yard of 5 ft. The Applicant is providing a 5 ft. side yard for the west side of the addition. Because there is no side yard on the east side of the dwelling, the

Applicant is providing a 5 ft. set back on that side of the addition as well. The applicant would encounter practical difficulties and undue hardship if the Zoning Regulations were strictly applied to the project. The existing narrow lot width combined with a substandard lot size, the physical constraints inherent with a semi-detached structure and Historic District requirements, present practical construction issues in meeting the side yard requirements. If the full 8 ft. setback were provided on the east side, there would only be a narrow interior building width of 11 ft. An 11 ft. width by 25 ft. length addition could be constructed within lot coverage and rear yard requirements, but would be a very uncomfortable and barely usable space. So while the proposed addition does not meet the specifications for the R-1-B District, a zero lot line development for a semi-detached dwelling in any other District is permitted and hence in harmony with the general purpose and intent of the Zoning Regulations.

The intent of the Pervious Surface requirements is to provide surface conditions that do not cause additional or excessive runoff. The Applicant will not be exacerbating the existing Pervious Surface conditions and therefore complies with the general purpose and intent of the zoning regulations.

The Proposed addition will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The applicant has worked extensively with the adjoining neighbor to mitigate the impact of the proposed addition. The applicant has agreed with the adjoining

neighbor to a 5 ft. setback to mitigate the impact on the adjoining property. The proposed structure conforms to the lot coverage requirements, which on this small lot makes the structure smaller than most of the dwellings in the neighborhood. The addition allows this growing family to remain in their home enhancing the community's stability without increasing traffic or noise burden on the neighborhood. Overall, the planned renovations will enhance the residential character of the neighborhood.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for Special Exception relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests that the Board grant the application.

Respectfully submitted

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