FETNEH ASKARI FLEISCHMANN ❖ DAVID M. FURCHGOTT
3223 KLINGLE ROAD N.W., WASHINGTON, D.C. 20008

TO: D.C. Board of Zoning Adjustment **DATE:** 25 August 1997

FROM: David M. Furchgott & Fetneh A. Fleischmann, homeowners

RE: Transmittal Document & Supplement to "BZA Form 2" (for Application # 16260)

'97 AUG 28 P3:21

Attached and below are the documents and information that we understand are required for us to complete application #16260, requesting a variance of the zoning code for our property at 3223 Klingle Road N.W. (Lot #16, Square #2098).

In response to Instructions #4, Items A - H on the reverse of BZA Form 2:

ITEM "A": A plat and architects/engineers plans drawn to scale were attached to the original application. Further up-dated plans are subsequently attached herein. **No change is being made to the "footprint" of our house.**

ITEM "B": A "Detailed Statement of Existing and Intended Use...": This is (and has been and will remain) a single family home. The addition for which this application is being made, is (and will remain) the master bedroom suite of the house.

ITEM "C": Three photos of this semi-detached townhouse were attached to the original application. One each of the front, the rear and the east side..

ITEM "D": The names & addresses of the owners of all properties within 200 feet of this property were attached to the original application. Notification was sent from the BZA on July 24, 1997, to these property owners.

ITEM "E": The property is not leased in all or in part.

ITEM "F": No change is being sought for the authorized use of this property as a single family residence; therefore, no new Certificate of Occupancy is required or is being requested.

ITEM "G": A memorandum from the Zoning Administrator was transmitted on April 15, 1997.

ITEM "H" Miscellaneous items are attached.

IMPORTANT FOOTNOTE:. We understand that we have a non-conforming house essentially for two reasons: First, because all of the attached or semi-detached townhouses built in our neighborhood in the 1920's were retroactively zoned as detached homes in 1958, contrary to existing fact. Secondly, because a rear deck, which the previous owners of our home had built with permits in 1966, was inadvertently not cited by the Permits Branch as requiring a zoning variance for lot occupancy, and rear and side yard limits. We further understand that we cannot be held responsible to rectify these long-past circumstances, which inadvertently effects our current effort to repair, replace, and add to the half-dormer on the third floor of our home, and to rectify some design flaws on the exterior of our home. This process has been extraordinarily and unnecessarily expensive, time-consuming and convoluted.

Board of Zoning Adjustment
District of Columbia
CASE NO.16260
EXHIBIT NO.19

#19 (#16260) 9/9/97 8/29/97

ITEM "H" attachments:
Existing Circumstances (HISTORY OF SITUATION):

This is an application seek a variance so that we may replace and enlarge a half-dormer on the rear of our home. The following information is key to this application:

❖ This is a **1923** Wardman-built town home. The eastern-most in a group of three. On our block there are 32 homes, of which 28 (87%) are attached homes (8 sets of triplexes and 2 sets of duplexes). Twelve of the fifteen houses across the street are also attached homes. All were built around the same time.

❖ As we understand it, the District's Zoning Regulations, adopted May 12, **1958**, set the zoning in our neighborhood for single-family detached homes despite these pre-existing homes, and therefore all homes in our neighborhood are non-conforming.

❖ The previous owners of our house did a series of three additions in the **1960's and 1970's**: 1. A rear deck in February 1966; 2. The rear half-dormer in October 1968; and 3. A one-room rear addition on the first and on the second floors in March 1974. All three of these were done with District building permits and all three of the plans for these additions are at the Naylor Street archives are stamped and signed as complying with the zoning regulations.

❖ We bought this house in **August 1991**, at which time there were no issues related to its zoning brought to our attention. We did extensive repair work immediately following the purchase of the house, and during the permit process for those repairs, no issues related to zoning were brought to our attention.

❖ When we began the planning process for the currently sought renovation and addition, our architectural advisor spoke to the district zoning office and permit branch once by phone and made a second visit, seeking advice about potential zoning issues, and was told on both occasions that no variance would be required. Only after we contracted a builder and actually sought our building permits(in **December 1996**) were these past issues, not related to the currently proposed construction, raised.

What We Purpose to Do (INTENT OF CONSTRUCTION):

We are (1) removing a poorly designed and constructed half dormer on the third (attic) floor of our house which partially covers the second floor; (2) replacing that half dormer with one that extends ten more feet back to fully cover the rear half of our second floor (it will not overhang the existing second floor or change the "footprint" of the house in any way); (3) replacing the very faulty flat roof of the former half-dormer with a peaked roof that will be approximately six feet taller on the rear half of the house; and (4) redesigning the rear and side exterior of the house to conform better with the neighborhood by replacing some windows and replacing the unsightly wood and tile siding of the two previous renovations on all three floors with a stucco-like surface treatment.

In 1968 the District allowed the current dormer to be built with a twenty inch (20") set-back from the adjoining neighbor's townhouse property line on the west side of our townhouse. Retaining that same set-back, we intend to extend that wall nine and a half feet further , using high-grade construction materials graded for proper fire protection and insulation. We will use oversized gutters on that side of the house, and roof-top diverters, to insure that there will not be a greater amount of water shedding from the new roof onto the neighbor's property.

There is a matter of urgency regarding this construction, as we have had extensive leaks in our second floor resulting from faulty roofing on the remaining section of flat second floor roof and third floor roof. We have had these temporarily repaired twice while awaiting the permits to begin the complete renovation. These leaks have rendered part of our home unusable until the roof can be totally replaced.

Specific Responses to the paragraphs cited by the BZA, using the specific reasons for variances cited in paragraph 3107.2 of the code:

❖ **Paragraph 2001.3(a) regarding lot occupancy, and rear and side yard requirements --**

First and foremost, the request for variance which we have made (for the addition) *does not affect the "footprint" of the house*. As the addition only replaces the existing dormer and covers the remaining 9'6" of the second floor roof, *we are not changing the lot occupancy nor are we effecting the rear and side yard requirements.*

Secondly, we understand that the past inadvertent neglect of the District's Permit Branch in not requiring a zoning variance for the rear deck, built and permitted in February 1966, is not at issue now The construction of this deck (with permits granted in 1966) brought the house out of compliance with lot occupancy, rear and side yard requirements, but that was thirty-one years ago, and no issue has been made of that at any time in the interim.

The preceding notwithstanding, reasonable arguments could be made for the ***uniqueness*** of the lot on which the house is built: As this lot is the *least* deep of the eleven similar townhouse units running to the west of our house. It is possibly as much as two-thirds *less* deep than the identical unit which is nine lots down from ours. Rear decks of similar size further down the row of townhouses are as large as ours, but are much smaller in relation to the larger yards. The shape of our lot is smallest of this grouping of house due to the triangular shape of the block and the way that the alley was through the block.

Alteration of this pre-existing condition of the lot is impossible, and changing the 31-year-old deck (which was thought to be in compliance at the time the house was purchased six years ago) would present ***peculiar and exceptional practical difficulties, and exceptional and undue hardship*** upon us, as the owners.

This deck has existed thirty-one years and there has been no complaint, nor *adverse effect on the neighborhood, nor has there been any detriment to the public* in any recognizable way, nor has the deck in any way impaired the zoning plan.

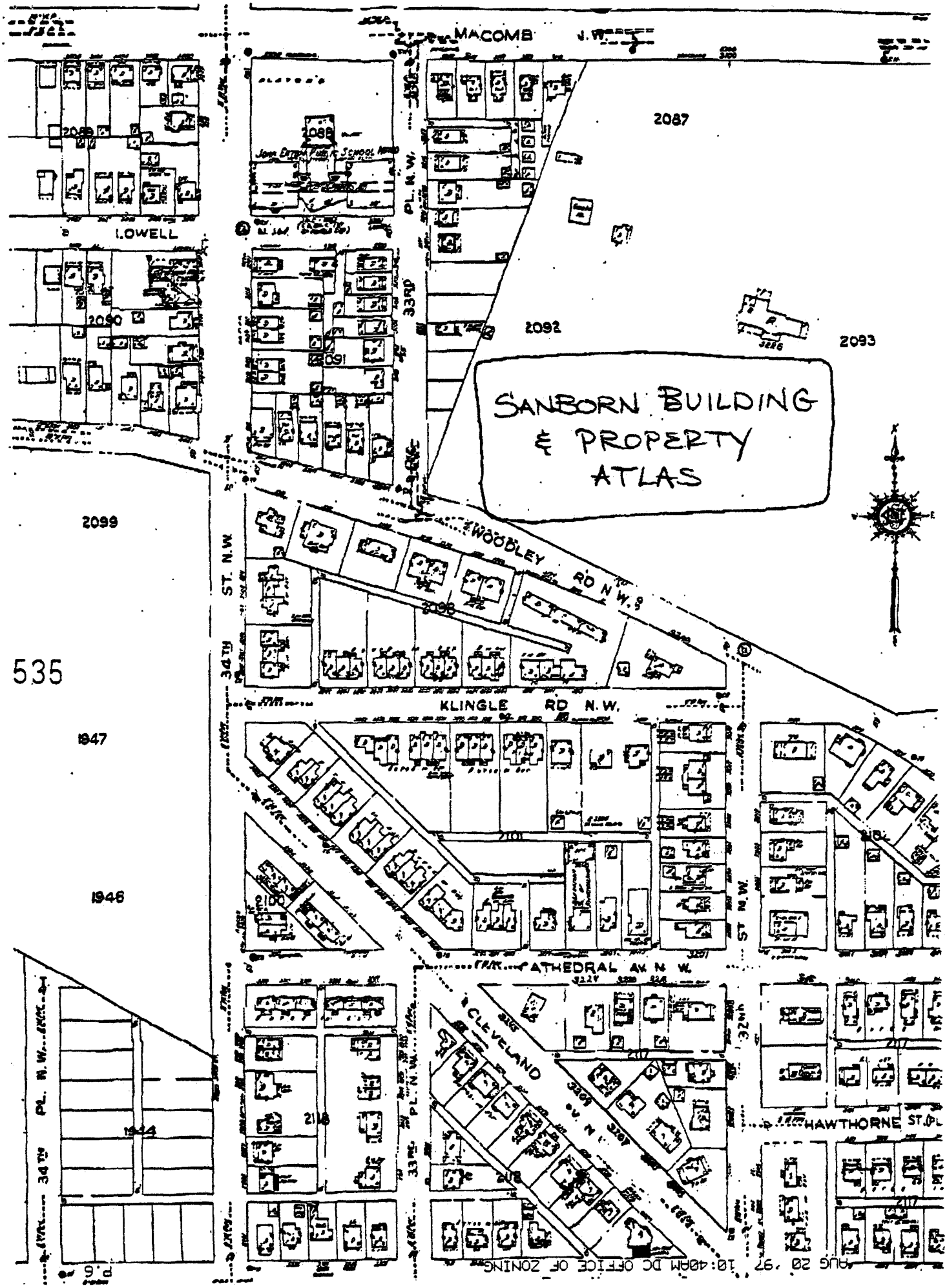
❖ **Paragraph 2001.3(b) regarding the addition conforming to use and structure --**

The addition for the third floor of the house (that is the re-designed and enlarged half-dormer) is simply a renovation of our existing master bedroom and bathroom. There is **no change in use** for either that section of the house or for the house as a whole. Therefore, it remains (as zoned) a single-family residence.

As pertains to **conforming to structure** as zoned, the planned renovation of the third floor and the recommended changes to the exterior, should allow for more cohesive conformity to the neighborhood. These proposed changes (peaked shingled roof and replaced exterior surface treatment) eliminate an unsightly, poor design that varies from the neighborhood norm. This previously poorly designed addition was a unique aberration, and that ***uniqueness*** necessitates some work to have it brought back into line with the overall look of the neighborhood.

The current dormer, as it presently stands, creates an ***exceptional and undue hardship and practical difficulty*** for us as homeowners: The faulty structural design, the poorly constructed flat roof, and the joining of the 1961 addition to the original house has created a number of serious water leaks that we have attempted to fix on several occasions. Evidence exists that some of these leaks were there previous to our purchase of the house. We have had these fixed on several occasions, and have had numerous roofing experts offer varying opinions as to the source(s) of the problem. Given no clear consensus about the origin and source of these leaks, a major restructuring of the roof and dormer appeared necessary. Leaving these unattended for much longer, could lead to serious structural damage of the house.

By granting a zoning variance, the resulting re-designed addition should have a positive effect on the neighborhood, and would seem to be in the public good and therefore be in the best interest of the zoning plan. Of the eight immediately surrounding homes (one on either side, and three each front and back), five have signed notices in support of our application for a variance. The other two have not voiced any specific objection, as of the date of this writing.



AUG 20 '97 10:40AM DC OFFICE OF ZONING

TO: D.C. Board of Zoning Adjustment CC: ANC

FROM: IAN W MARES (name)

3228 WOODLEY RD NW
WASHINGTON DC 20008 (address)

RE: Application for a zoning variance for "3223 Klingle Road, N.W."
Requested by David M. Furchgott and Fetneh Askari Fleischmann

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As a neighbor of David Furchgott and Fetneh Fleischmann, and as one of those potentially most directly effected by this request for a variance, I want to endorse and support their application for a zoning variance to renovate the top floor of their home.

Ian W. Mares
Signature

Please return this to the Furchgott - Fleischmann home at 3223 Klingle Road, NW, or call and we'll pick it up.
Your response would be appreciated by the 20th of August

TO: D.C. Board of Zoning Adjustment CC: ANC

FROM: MELCHIOR F.R. SAVARESE, MD (name)

3222 WOODLEY ROAD NW (address)

RE: Application for a zoning variance for "3223 Klingle Road, N.W."
Requested by David M. Furchgott and Fetneh Askari Fleischmann

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As a neighbor of David Furchgott and Fetneh Fleischmann, and as one of those potentially most directly effected by this request for a variance, I want to endorse and support their application for a zoning variance to renovate the top floor of their home.

Melchior F.R. Savarese MD

Signature

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or call and we'll pick it up.
Your response would be appreciated by the 20th of August

TO: D.C. Board of Zoning Adjustment CC: ANC

FROM: Patti & JOHN Gottheiner (name)

3212 Klingle Rd NW (address)

RE: Application for a zoning variance for "3223 Klingle Road, N.W."
Requested by David M. Furchgott and Fetneh Askari Fleischmann

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As a neighbor of David Furchgott and Fetneh Fleischmann, and as one of those potentially most directly effected by this request for a variance, I want to endorse and support their application for a zoning variance to renovate the top floor of their home.

Patricia M. Gottheiner
Signature

Please return this to the Furchgott - Fleischmann home at 3223 Klingle Road, NW,
or call and we'll pick it up.
Your response would be appreciated by the 20th of August

TO: D.C. Board of Zoning Adjustment CC: ANC

FROM:

ELIZABETH B. GRAHAM (name)

3219 KLINGLE RD, N.W. D.C. 20008 (address)

RE: Application for a zoning variance for "3223 Klingle Road, N.W."
Requested by David M. Furchgott and Fetneh Askari Fleischmann

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As a neighbor of David Furchgott and Fetneh Fleischmann, and as one of those potentially most directly effected by this request for a variance, I want to endorse and support their application for a zoning variance to renovate the top floor of their home.

Elizabeth B. Graham
Signature

Please return this to the Furchgott - Fleischmann home at 3223 Klingle Road, NW, or call and we'll pick it up.
Your response would be appreciated by the 20th of August

TO: D.C. Board of Zoning Adjustment CC: ANC

FROM:

(name)

[redacted] → Marika D. Aires
3214 Klingle Rd, N.W.
Washington, DC 20008
(address)

RE: Application for a zoning variance for "3223 Klingle Road, N.W."
Requested by David M. Furchgott and Fetneh Askari Fleischmann

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As a neighbor of David Furchgott and Fetneh Fleischmann, and as one of those potentially most directly effected by this request for a variance, I want to endorse and support their application for a zoning variance to renovate the top floor of their home.

Marika D. Aires
Signature

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or call and we'll pick it up.
Your response would be appreciated by the 20th of August