Dennis R. Hughes
202.457.7804
dhughes@wilkesartis.com

Wilkes Artis

Chartered
Attorneys at Law

Suite 300, 1666 K Street, NW
Washington, DC 20006-2803
202.457.7800
Fax: 202.457.7814

August 22, 2000

'00 AUG 22 P1:30

Sheila Cross Reid
Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: BZA Application No. 16591,
3034 Q Street, N.W.

Dear Ms. Reid and Members of the Board:

Enclosed please find an original and 10 copies of the Applicant's Statement in the above-referenced matter. If you have any questions, please feel free to call me.

Very truly yours,

Dennis R. Hughes

Enclosures

BZA
Case No. 16591
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16591
EXHIBIT NO.25

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of William M. Plante
and Robin Smith

BZA Application No. 16591
Public Hearing: September 5, 2000
ANC 2E

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to §3104.1 of the Zoning Regulations (Title 11, DCMR) for special exception under §223 for an addition to an existing non-conforming single-family dwelling in an R-3 District at premises 3034 Q Street, NW (Square 1269, Lot 302).

'00 AUG 22 P 1:30

II.
Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the special exception relief pursuant to §3104.1 of the Zoning Regulations.

III.
Background Of The Case

The Subject Property is located on the south side of Q Street, NW, mid-block between 30th and 31st Streets, NW. The Subject Property is improved with a semi-detached single-family dwelling. A plat of the subject property is attached as Exhibit A. The Subject Property is located within the R-3 District.

Section 403.2 of the Zoning Regulations limits lot occupancy in the R-3 District to 40 percent. If the Subject Property were a row dwelling, which is permitted in the R-3 Zone, 60% lot occupancy would be allowed. The Subject Property consists of 2,880 square feet and is currently improved with a building that occupies 1, 221.5 square feet, resulting in a lot occupancy of 42.41 percent. Accordingly, the house is nonconforming for zoning purposes. The Applicants request permission to construct a modest addition to the rear of this nonconforming structure. The addition will increase lot coverage by approximately 143 square feet. The resulting total lot occupancy will be 47.38 percent. The subject property will remain a single-family dwelling.

The Church of the Two Worlds of Washington is adjacent to the Subject Property, at 3036 Q Street, NW, to the west. An apartment building is located at 3032 Q Street, NW, immediately to the east of the subject site. The remainder of the 3000 block of Q Street, NW, is comprised of a mix of detached, semi-detached, and row building residential units. (See Exhibit B). Abutting the Subject Property to the south are three residential properties fronting West Lane Keys, NW.

IV.
Exhibits In Support Of The Application

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	Surveyor's Plat of the Subject Property.
Exhibit B:	A portion of the Baist and Sanborn Atlases showing the Subject Property outlined in red.
Exhibit C:	A portion of the Zoning Map showing the Subject Square outlined in red.
Exhibit D:	Photographs of the Subject Property.

Exhibit E: Outline of testimony of Mr. William Plante / Ms. Robin Smith, Applicants.

Exhibit F: Architectural Plans.

Exhibit G: Letter countersigned by the Zoning Administrator, Michael Johnson, on February 23, 2000, confirming that the Applicants are eligible under the Zoning Regulations to obtain special exception approval under §223, rather than variance relief under §2001.3(a).

Exhibit H: Letters from adjacent property owners indicating no objection to the Application.

Exhibit I: Old Georgetown Board conceptual approval, dated January 13, 2000.

V.
The Applicant Meets the Requirements for Special Exception Relief Under the Existing Zoning Regulations

As the Board is aware, a special exception use is a use predeemed compatible with other uses permitted in that particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board, the Applicants will establish that they comply with all applicable provisions under the Zoning Regulations.

Based on the testimony of the witnesses, the exhibits and the statements presented, the Applicants will demonstrate that the proposed special exception will be in harmony with the

general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property.

A. The Applicants Satisfy the Criteria of Section 223 of the Zoning Regulations

Section 223 of the Zoning Regulations permits, by special exception approval, an addition to a one-family dwelling that does not comply with all of the area requirements of Sections 401 through 406 of the Zoning Regulations, including lot occupancy requirements. As set forth above, and as shown on the plans, the lot occupancy of the dwelling after construction of the modest rear addition does not meet the percentage of lot occupancy requirements of §403.2. Therefore, special exception relief is required under Section 223 of the Zoning Regulations. For the reasons set forth below, the Application meets the requirements for special exception approval.

Section 223.2

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

The addition will 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 will not be unduly affected.

The proposed addition is very modest in scale, occupying essentially the equivalent lot area of the rear porch that it will replace. The dwelling, including the proposed addition, will still provide a greater rear yard than either of the adjacent properties at 3032 and 3036 Q Street, NW. The addition will have absolutely no impact on the side yard of the Subject Property.

Similarly, the addition will not have a negative impact on the adjacent properties to the south of the Subject Property, those properties fronting West Lane Keys, NW. The Applicants have obtained letters from the adjacent property owners stating no objection to the Applicant's proposed addition.(See Exhibit H).

(b) The privacy of use and enjoyment of neighboring properties will not be unduly compromised.

The Applicant's proposal has been developed in consultation with adjacent property owners, all of whom have indicated no objection to the proposed addition. (See Exhibit H). Particularly, as indicated in letters from the Church of the Two Worlds and the property owners of 3040 Q Street, NW, the Applicants have coordinated with these parties to provide secured access to and from the Subject Property and the alleyway running along the perimeter of the Church.(See Exhibit B).

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

The proposed modest addition is to the rear of the dwelling. As depicted in the plans, the small addition will not be visible from Q Street, nor will it be visible from any public alley. Also, the addition has received the conceptual approval of the Old Georgetown Board, further evidencing its lack of adverse impacts.

(d) In demonstrating compliance with items (a) through (c) above, the Applicant has used graphical representations such as plans, photographs and elevation drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

The plans and photographs submitted with this Application clearly demonstrate the relationship of the proposed addition to adjacent buildings and views from public ways. Further, they demonstrate the fact that the addition will not be visible from any public way.

Section 223.3

The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy (70%) in the R-3, R-4 and R-5 Districts.

As set forth above, the lot occupancy of the dwelling, together with the addition, will not exceed seventy percent (70%). The lot occupancy of the existing dwelling, together with the proposed addition, is 47.38 percent.

Section 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 and nearby properties

The modest addition proposed for the Applicant's dwelling has been professionally designed, with extensive input from neighbors and the community, in order to protect adjacent properties. The addition is not visible from public space. The design of the addition has received the conceptual approval of the Old Georgetown Board, the Commission of Fine Arts

and the Historic Preservation Review Board. As such, no special treatment for the addition need be imposed by this Board.

VII.
Witnesses

A. William Plante / Robin Smith, Applicants.

VIII.
Conclusion

For the reasons stated above, the requested relief meets the applicable standard of the Zoning Regulations and can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations. The Applicants therefore request that the Board grant the application.

Respectfully submitted,

WILKES ARTIS, CHARTERED

By Allison C. Prince
Allison C. Prince

1666 K Street, NW, Suite 300
Washington, D.C. 20006
(202) 457-7800

August 22, 2000
203894



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C., 12-14 19 99

Plat for Building Permit of SQUARE 1269 LOT 302

Scale: 1 inch = 20 feet Recorded in Book 27 page 3

Receipt No. 7557

Furnished to RICHARD MARTIN

Surveyor, D. C.

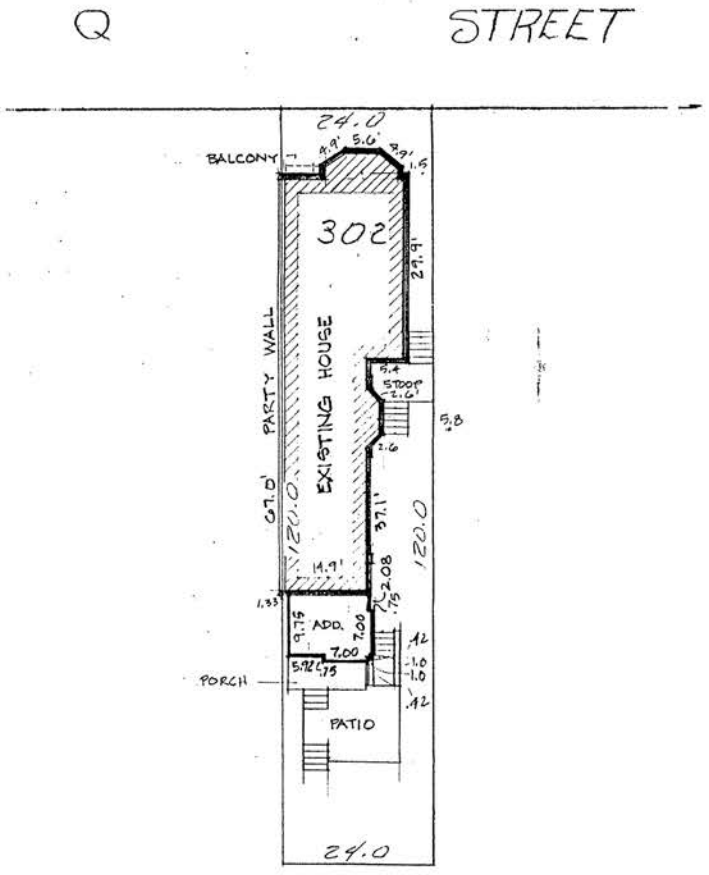
By: D.A.
D.M.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date 1/14/00

(Signature of owner or his authorized agent)

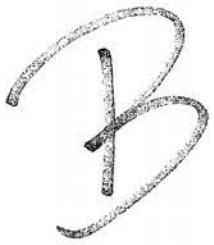
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



J-93270

S. O. Form 12.0

Exhibit A



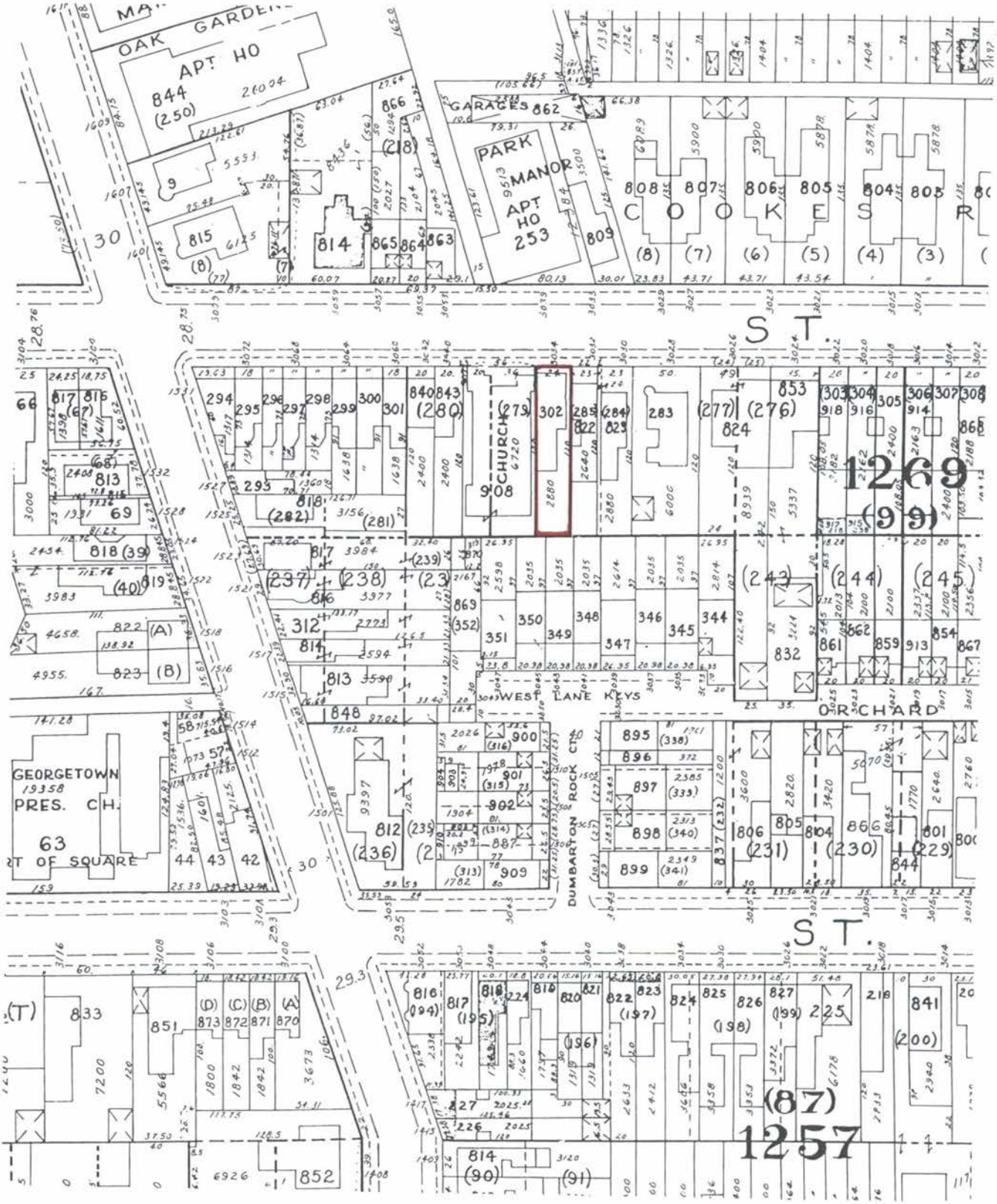


Exhibit B

Baist Atlas

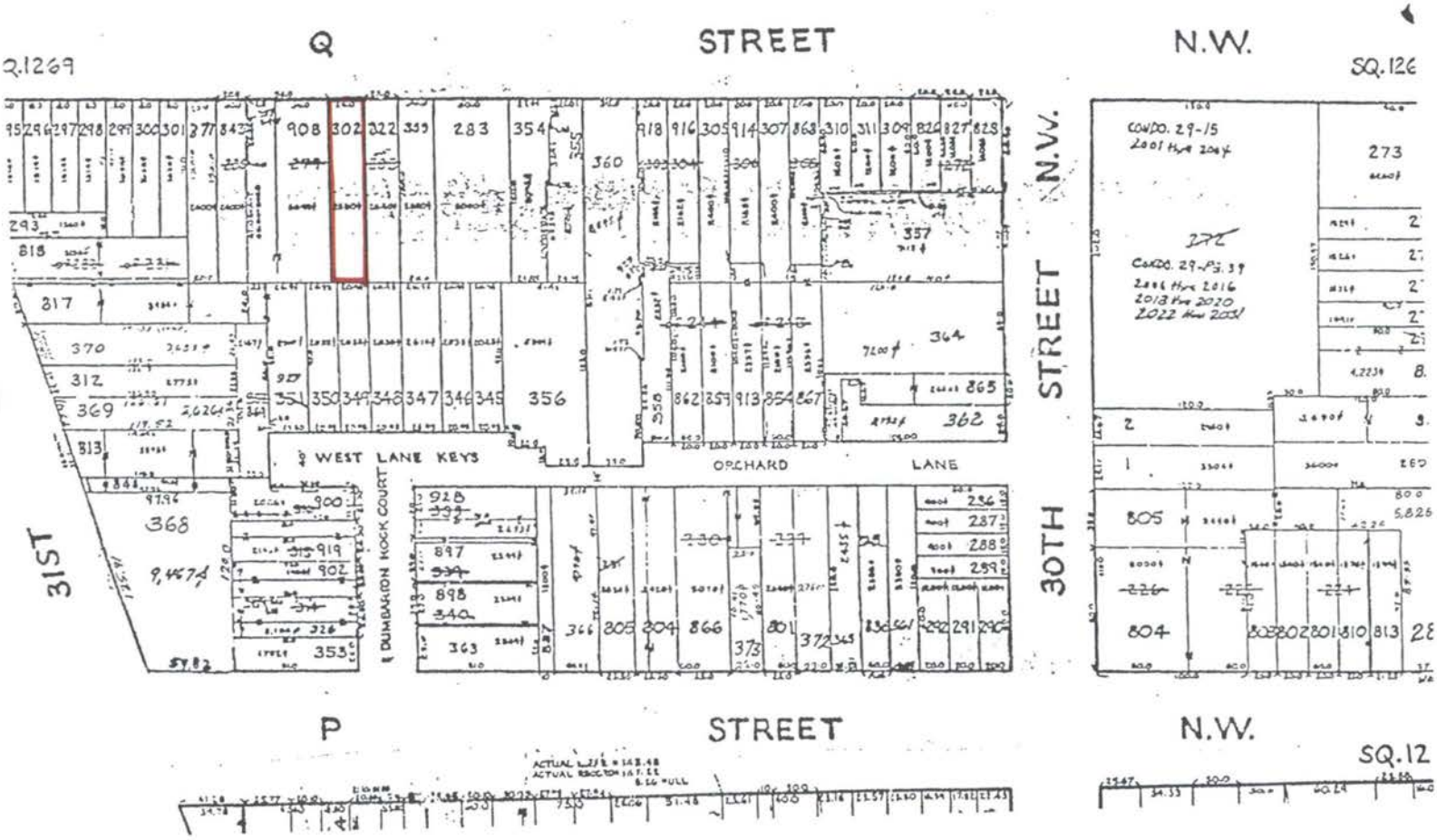


Exhibit B

Sanborn Atlas

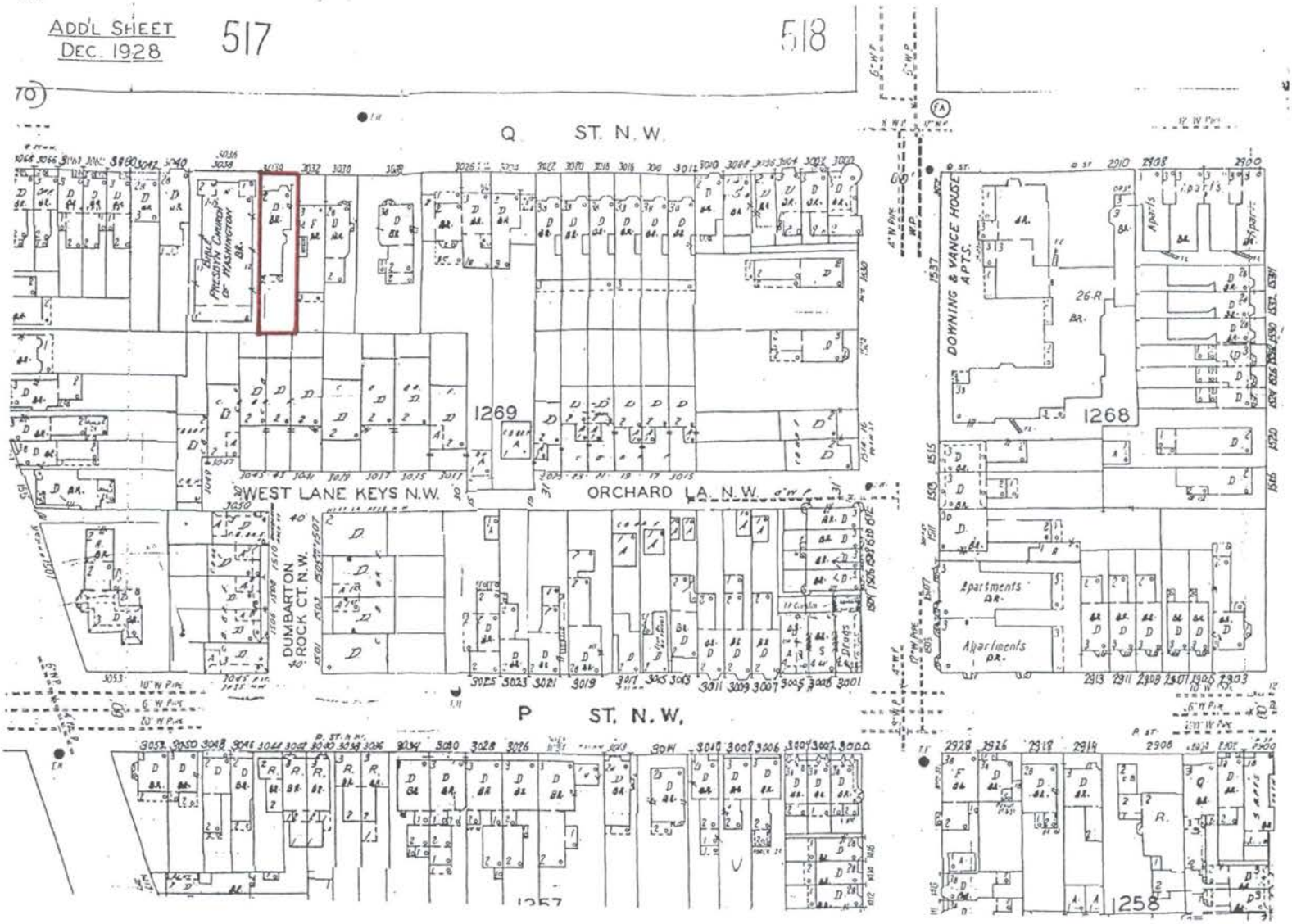


Exhibit B

Sanborn Atlas



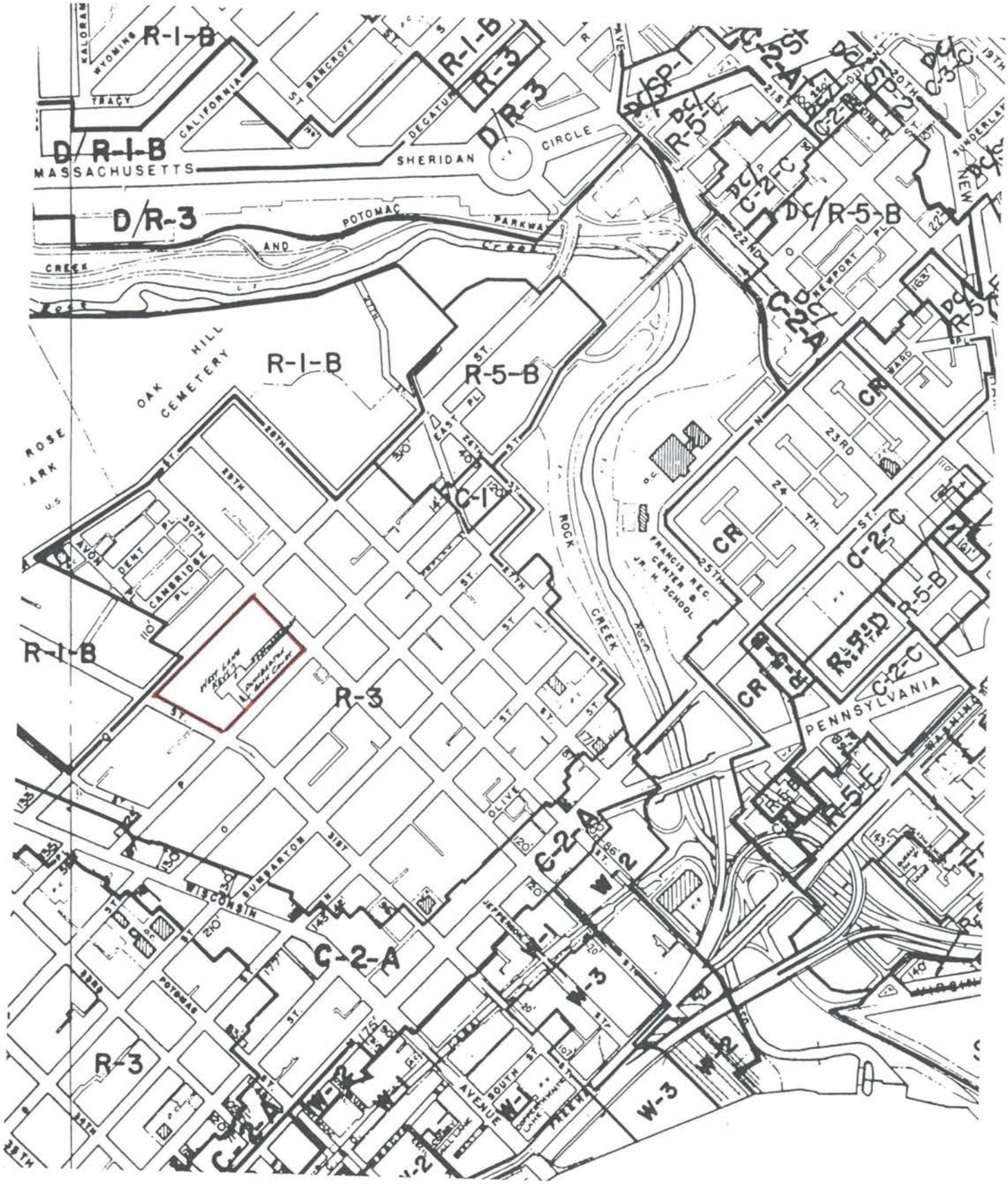
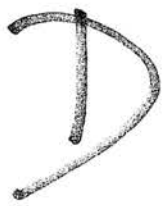
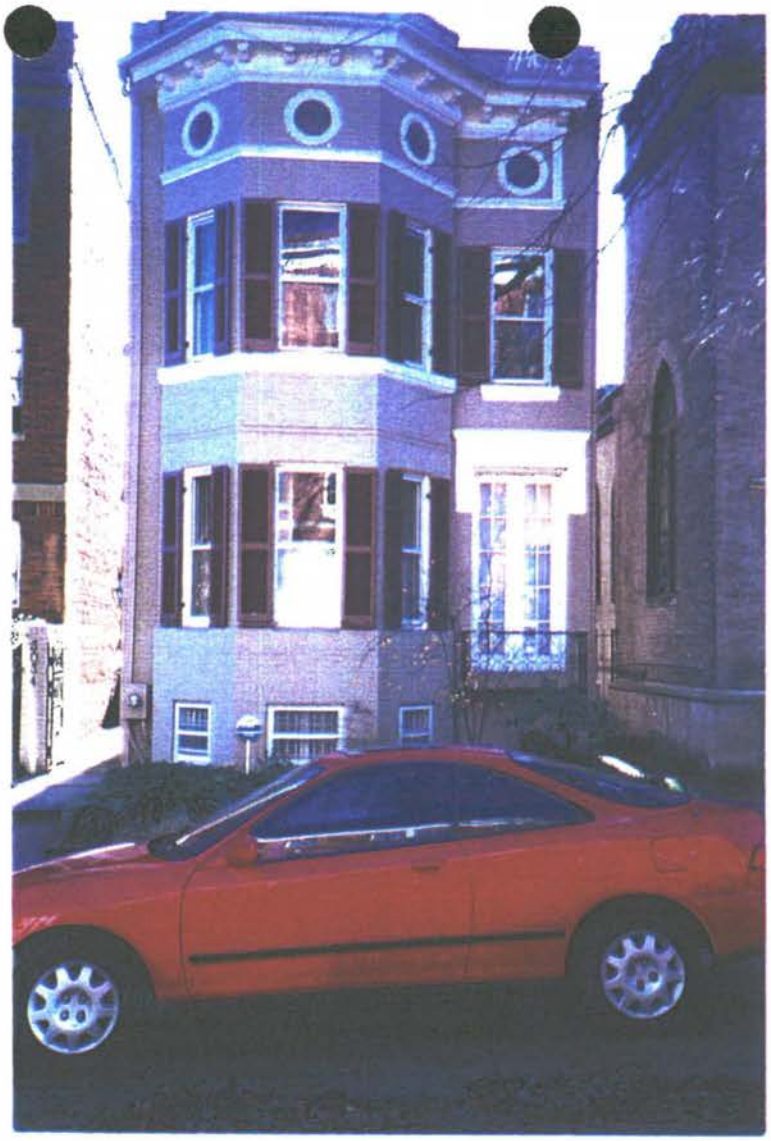

R-1-B
D/R-1-B
MASSACHUSETTS
SHERIDAN
CIRCLE
D/R-3
POTOMAC
PARKWAY
AND
CREEK
OAK HILL CEMETERY
R-5-B
C-1
ROCK CREEK
CR
23RD
24TH
25TH
C-2-C
PENNSYLVANIA
C-2-A
W-2
W-3
R-3
R-5-E
SP-1
SP-2
C-3-C
C-2-B
C-2-C
DC/R-5-B
NEWPORT PL.
FRANCIS REC. CENTER & JR. H. SCHOOL
AVON PL.
DENT PL.
CAMBRIDGE PL.
EAST PL.
OLIVE ST.
DUMBARTON
WISCONSIN
POTOMAC
JEFFERSON
SOUTH ST.
AVENUE
KALORAMA
WYOMING
TRACY
CALIFORNIA
BANCROFT
DECATUR

Exhibit C





Front Elevation of 3034 Q St, NW
(above) and Surrounding Properties



Exhibit D



Existing Rear Elevation of Property





Outline of Testimony of
William Plante/Robin Smith
Owners, 3034 Q Street, NW

I. INTRODUCTION

II. SITE AND LOCATION DESCRIPTION

A. Overview of Subject Property and Vicinity

III. PROJECT DESIGN

A. Design Considerations
   1. Shape and Location of Property
   2. Description and Dimensions of Addition

B. No Substantially Adverse Effect on Abutting/Adjacent Properties
   1. Small Nature of Addition
   2. No Detriment to Privacy or Light/Air of Neighbors
   3. No Visual Impact on Street
   4. Introduce Letters from Neighboring Properties
   5. Support from ANC 2E
   6. Old Georgetown Board Approval

IV. CONCLUSION

Exhibit E

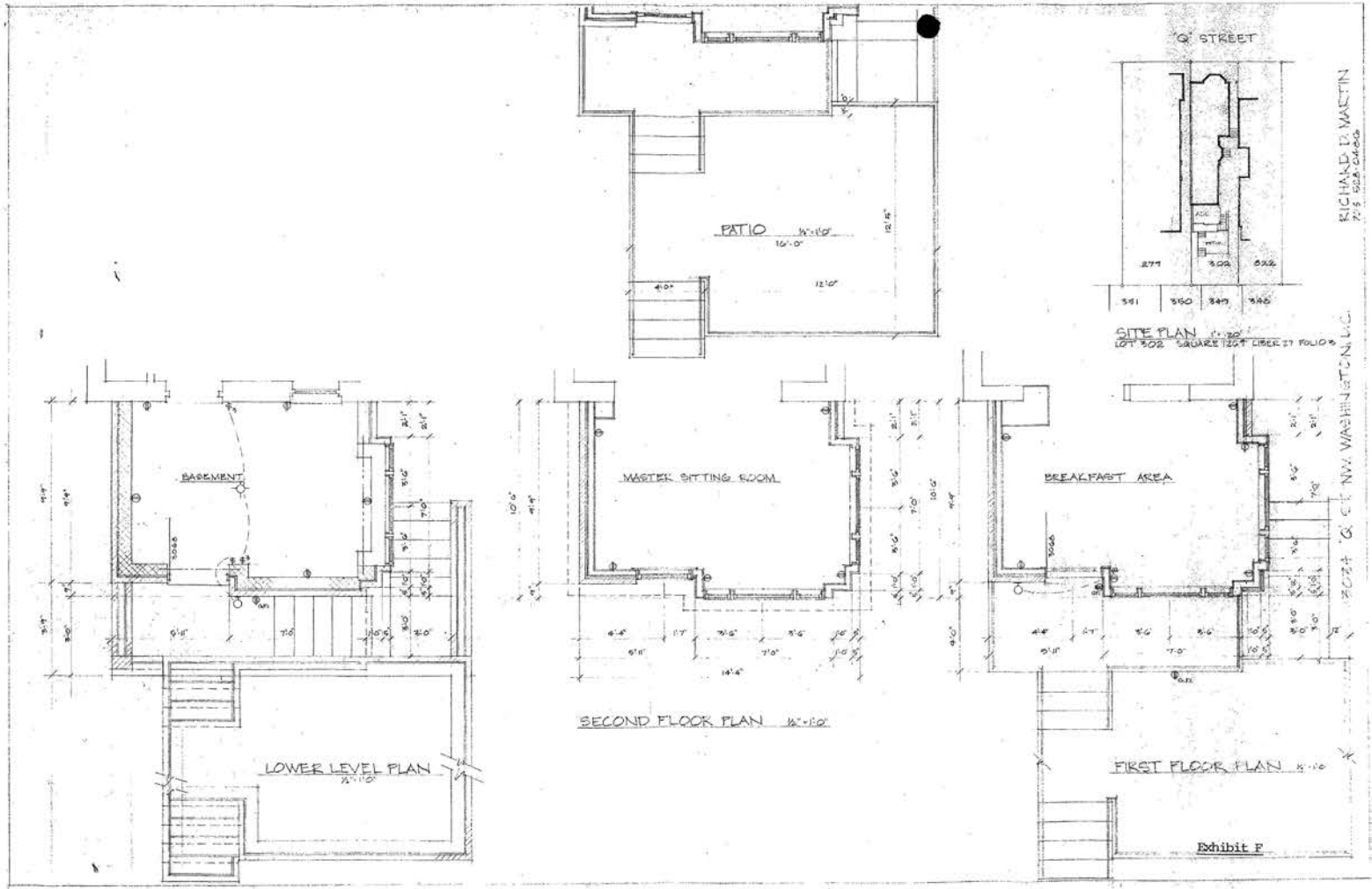
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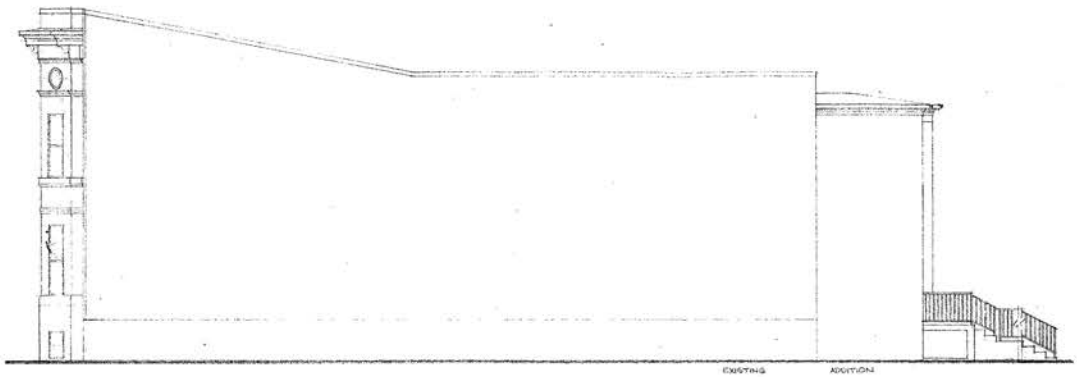
BOARD OF ZONING ADJUSTMENT
APPLICATION NO. 16591

Application of William Plante and Robin Smith
3034 Q Street, NW
Square 1269, Lot 302

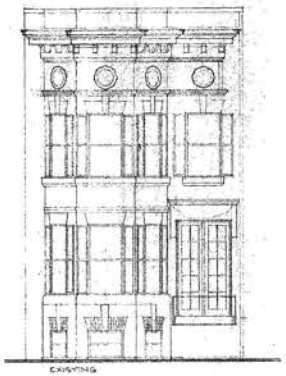
ZONING CALCULATIONS

Lot Area of Subject Property:	**2,880 square feet**
Existing Lot Coverage:	**1,221.52 square feet**
Existing Lot Coverage Percentage:	**42.41 percent**
Proposed Lot Coverage:	**1,364.52 square feet**
Proposed Lot Coverage Percentage:	**47.38 percent**

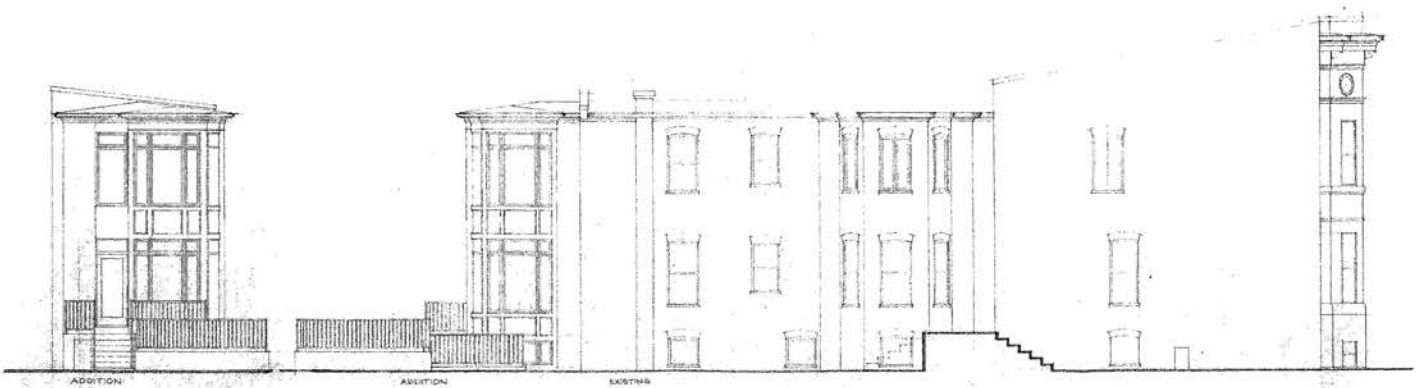

'Q' STREET
PATIO
SITE PLAN
LOT 502 SQUARE 1207 LIBER 27 FOLIO 8
BASEMENT
LOWER LEVEL PLAN
MASTER SITTING ROOM
SECOND FLOOR PLAN
BREAKFAST AREA
FIRST FLOOR PLAN
RICHARD D. MARTIN
2024 'Q' ST. NW. WASHINGTON, D.C.
Exhibit F



WEST ELEVATION

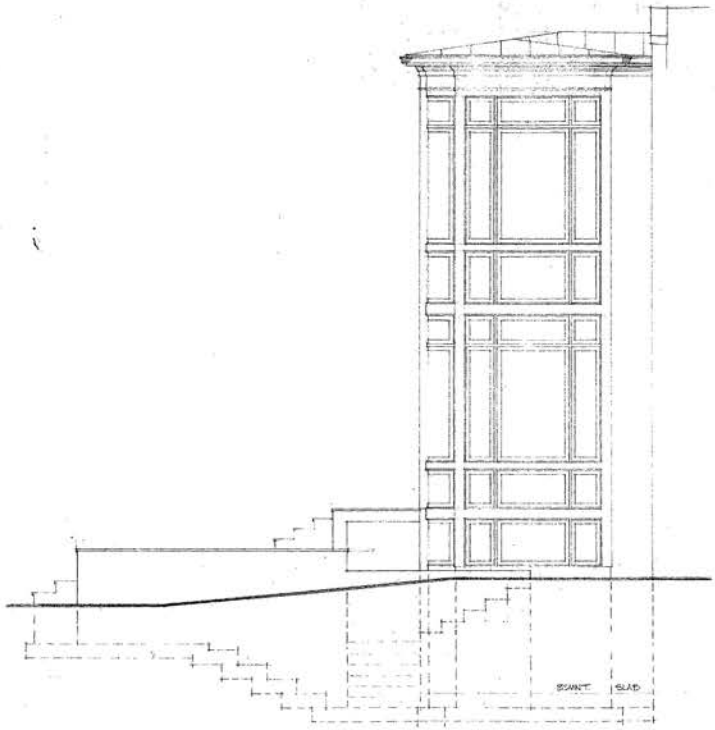


NORTH ELEVATION

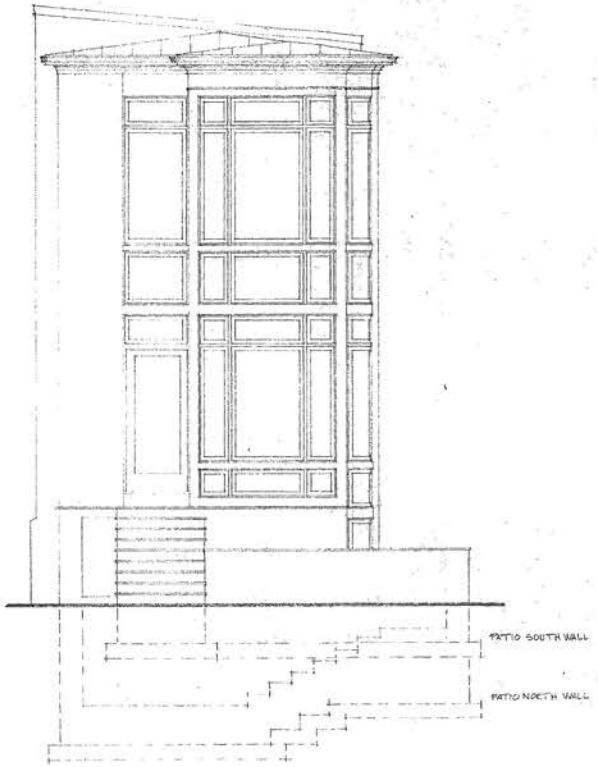


SOUTH ELEVATION

EAST ELEVATION



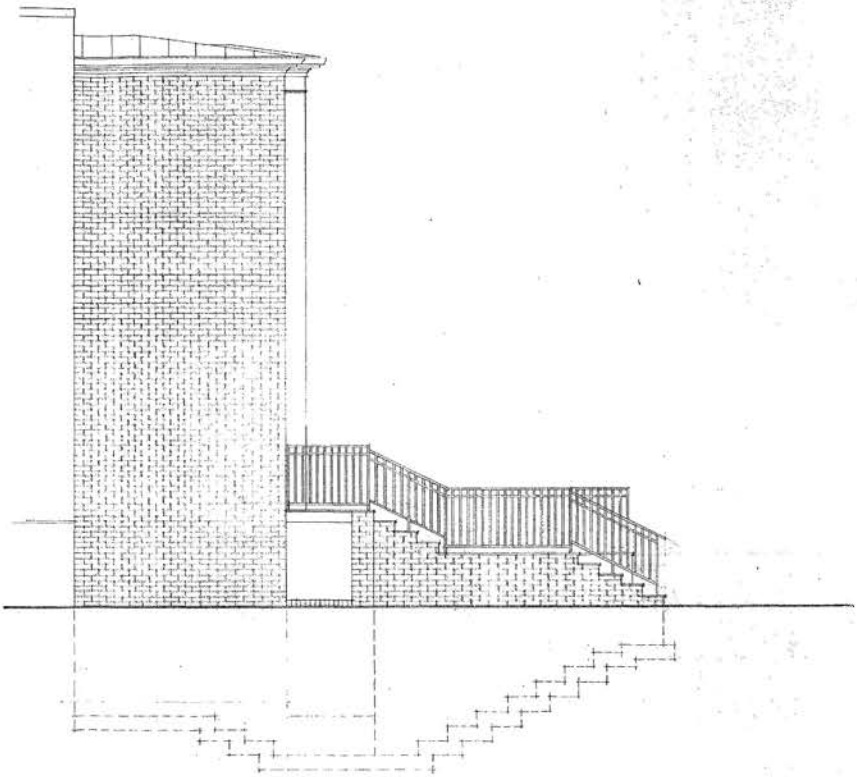
EAST ELEVATION



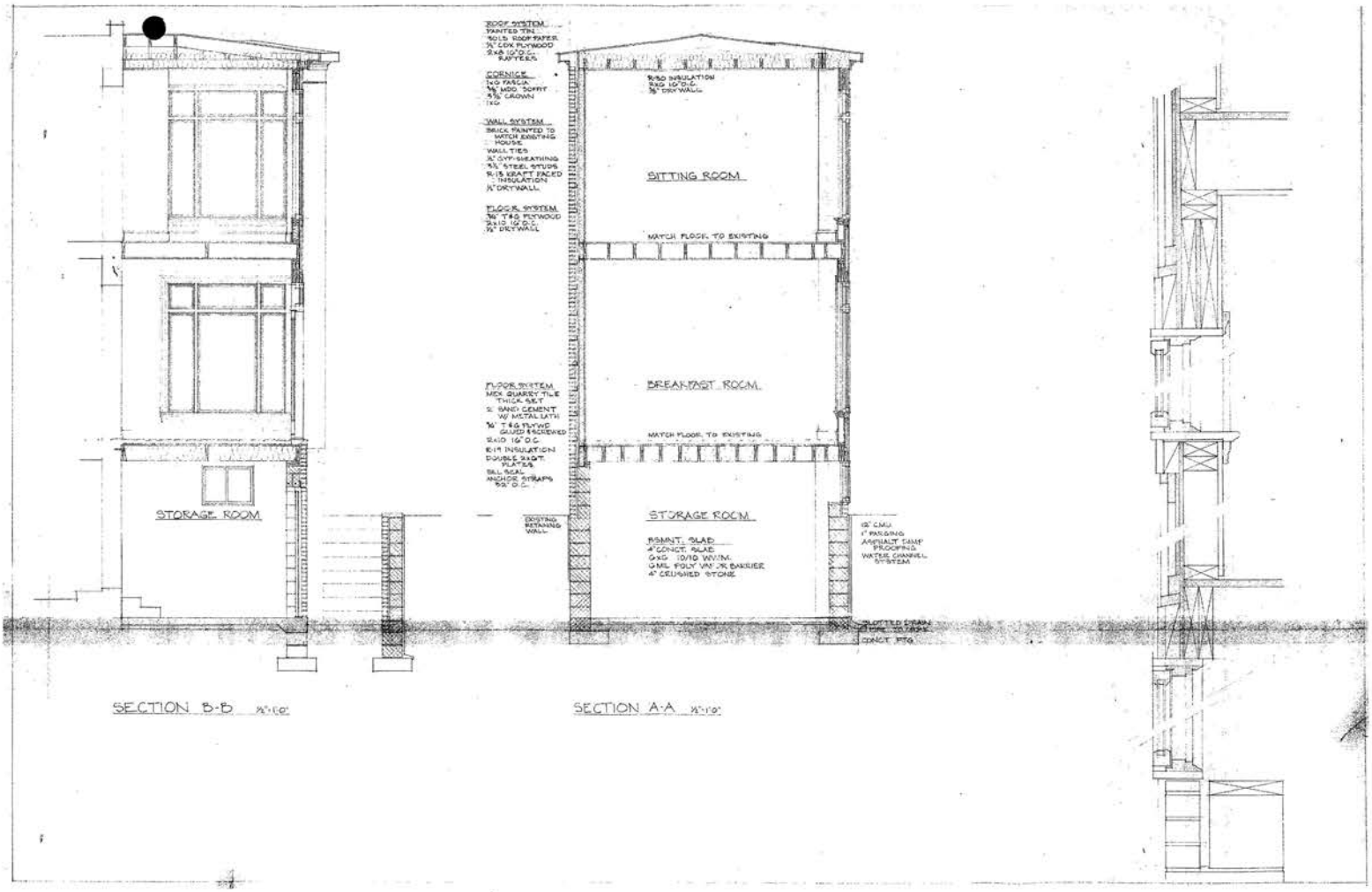
SOUTH ELEVATION

3034 "Q" ST. N.W. WASHINGTON, D.C.

RICHARD D. MARTIN, ARCHITECT
703 548-0486 - 427 N. NELSON ST. ARL. VA. 22205

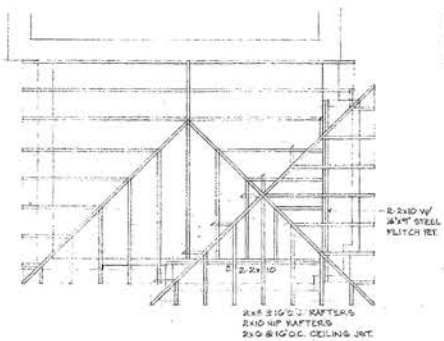


WEST ELEVATION 1/4"=1'0"

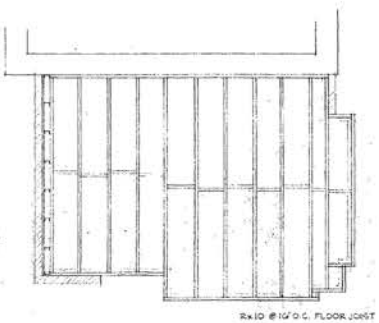


SECTION B-B ¼"=1'-0"

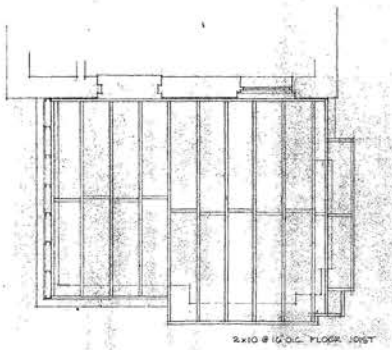
SECTION A-A ¼"=1'-0"



ROOF
1/8" = 1'-0"



SECOND FLOOR
1/8" = 1'-0"



FIRST FLOOR
1/8" = 1'-0"

WILKES, ARTIS, HEDRICK & LANE
CHARTERED
ATTORNEYS AT LAW
SUITE 1100
1666 K STREET, N. W.
WASHINGTON, D. C. 20006-2897
(202) 457-7800

ALLISON C. PRINCE
VOICE: 202-457-7849
EMAIL: aprince@wahlone.com
FAX: 202-457-7814

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

HAND DELIVERED

Mr. Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs
941 North Capitol Street, N.E.
Washington, D.C. 20002

Re: Addition to a Single Family Dwelling at 3034 Q Street, N.W., (Lot 302, Square 1269) R-3 District

Dear Mr. Johnson:

The purpose of this letter is to confirm the matters that were discussed in our meeting on January 28, 2000 regarding the Board of Zoning Adjustment ("BZA") relief required to allow a minor addition to the above premises.

At that meeting, it was established that the R-3 zoned subject structure is nonconforming as to lot occupancy, because it exceeds the maximum permitted lot occupancy by 2 %. The home owners plan to construct a modest addition to the premises which would increase the lot occupancy to 49%. At our meeting it was agreed that the home owners would not be required to seek variance relief under Section 2001.3(a); but instead would be eligible request special exception approval under Section 223 (Additions to One-Family Dwellings or Flats). Under this provision, the Board may approve, by special exception, a deviation from the lot occupancy provisions provided that the proposed lot occupancy does not exceed 70% in the R-3 District.

Please sign this letter in the space provided below to indicate your concurrence with this conclusion. If you have any questions or comments regarding this letter, please feel free to call the undersigned at (202) 457-7849.

Exhibit G

WILKES, ARTIS, HEDRICK & LANE
CHARTERED

Sincerely,

Allison C. Prince

CONCUR

Date: Feb 23, 2000

Michael Johnson
Zoning Administrator
Building and Land Regulation Administration
Department of Consumer and Regulatory Affairs

180009RSN

H

January 20, 2000

ANC 2-E
3265 S St. NW
Washington, DC 20007

To the Members of the Commission:

I am the owner of the apartment building located at 3032 Q St. NW.

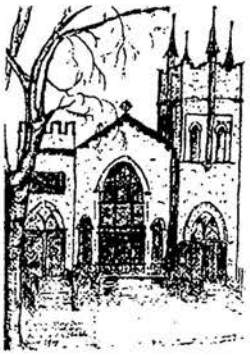
I have reviewed the drawings submitted by William Plante and Robin Smith for an addition to their adjacent property at 3034 Q St. NW, and have no objection to the plan as submitted.

Sincerely,

John O. Hedden

John O. Hedden
2914 P St. NW
Washington, DC 20007

Exhibit H



The Church of Two Worlds
3038 Q Street NW, Georgetown
Washington, DC 20007-3080
202-333-5114

Chartered
April 15, 1937
National Spiritualist Association of Churches

"To glorify the cause of truth"

Board of Directors:
President:
John E. Rothamel, Jr.
Vice President:
Michael Gallion, L.M.
Secretary:
Robyn Kitto
Treasurer:
James Arthur Longmore
Trustees:
Dr. Julia Jackson
Rev. Leonard Justinian
Lori Krunglevich
Jane Loos
John Otey

Mr. William Plante & Ms. Robin Smith
3034 Q Street NW
Washington, DC 20007-3080

February 15, 2000

Neighbors:

This letter serves to confirm the Board of Directors approval of your revised addition as proposed.

It is our understanding that the revised plan calls for a two story replacement of the existing deck at the rear of your property. It is further understood that adjacent to the church, a brick wall will be constructed. This wall will extend from the rear of the house for a length of approximately 1 foot beyond the length of the current decking.

It is further understood that the current fencing may be replaced. If the fencing is replaced we will allow you to include a gate in your fencing such that access into the alleyway between our buildings is available to you. We will supply you with a key for the alleyway gate. The gate in your fence must remain locked at all times when not in use as there is unrestricted access on the opposite side of your property. For the safety of both our premises, the alleyway gate must be kept closed and locked at all times when not in use. The gate must also be constructed in such a manner as not to inhibit use of the alleyway to the church, as this is an emergency exit and must be kept clear and accessible at all times. You assume complete and full responsibility for your access and use of the alleyway.

Although the approval for the revised addition and the replacement of the fence has been given, access to the alleyway is conditional on receiving the written consent of our neighbors at 3040 Q Street. These neighbors utilize this alleyway and their consent must be obtained before we can grant final approval for access. Please forward us a copy of their written consent before any action is taken to obtain access to the alleyway.

The Board of Directors of the Church of Two Worlds, NSAC, Inc. thanks you for involving us in this project and wishes you the best of luck during construction, and years of pleasure in its use.

Please feel free to contact me if you should have any questions regarding the contents of this letter or any issue involving the church.

Respectfully;

John Rothamel

John E. Rothamel, Jr.
President
Student Minister

CC: BOD, File

3040 Q Street, Northwe
Washington, DC 20007

March 16, 2000

Ms. Robin L Smith
Mr. William M. Plante
3034 Q Street, Northwest
Washington, DC 20007

Dear Robin and Bill:

Your plans sound very nice and should be a fine addition to your house.

Indeed, we have no objections for your proposed gate opening on to "Alders Walk". Alders Walk certainly sounds better than alleyway for "Georgetown"! And, actually, it has a basis for use. On rather old plats the space between the church and our house is noted as Alders Walk; so, clearly since it wraps around the entire church, it must all be Alders Walk.

When we first moved to 3040, in 1977, Alders Walk was not quite that "charming". It was used rather extensively for personal hygiene by "night visitors" passing by. Thus, with the Church's approval we installed the gate and virtually overnight the atmosphere changed. Now, all we hear is, mostly in the springtime, the "Lady of Alders Walk". Occasionally, in the early mornings around 2 to 3 a.m. one can hear her heels clicking as she paces back and forth in Alders Walk. Of course, we have never seen her and if I flick on the exterior light she must flee into my imagination.

Well, this is much more than you asked for. So, our good wishes for a smooth and carefree addition to your house!

Best regards,

Bill

William W. Sawyer

Ignacio

Ignacio A. Cabrera

3040 Q Street, Northwe
Washington, DC 20007

Robin + Bill

This is a copy of the letter we delivered to the church.

Best Bill

March 16, 2000

Mr. John E. Rothamel, Jr.
President
The Church of Two Worlds
3038 Q Street, NW
Washington, DC 20007

Dear Mr. Rothamel:

Thank you for your kind letter including us in the approval for 3034 Q Street's planned addition that provides for access to the "alleyway" between the Church and the houses.

This letter is to serve as your request to 3034 for our written consent to their plans, which we hereby readily give.

Perhaps of interest to you, I mentioned in our note of approval to Robin and Bill that the actual name appears to be "Alders Walk" rather than alleyway. On old plats the space between the church and our house is noted as Alders Walk. So, since it wraps around the entire church, it must all be Alders Walk.

As you may know, when we first moved to 3040, in 1977, Alders Walk was not quite that "charming". It was used rather extensively for personal hygiene by "night visitors" passing by. Thus, with the Church's approval, we installed the gate and virtually overnight the atmosphere changed. Now, all we hear is, mostly in the springtime, the "Lady of Alders Walk" (as I have named her). Occasionally, in the early mornings around 2 to 3 a.m. one can hear her heels clicking as she paces back and forth in Alders Walk. Of course, we have never seen her and if I flick on the exterior light she must flee into my imagination.

Well, this is more than you requested. But, thank you again for your very kind consideration. We do appreciate it.

Best regards,

William W. Sawyer

Ignacio A. Cabrera



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

RECEIVED
JAN 14 2000
COMMISSION OF FINE ARTS

RECEIVED BY _____

Date 1/1

Filing Date 1-13-00

Staff _____

TRANSMITTAL LETTER - COMMISSION OF FINE ARTS

TO: The Commission of Fine Arts

The Accompanying application HPA No. 00-166 and OG No. 00-061 is referred for considerations and appropriate action in accordance with the provisions of D.C. Law 2-144 The Historic Landmark and Historic District Protection Act of 1978 and in accordance with the following Act (s):

( ) The Old Georgetown Act, Public Law 808, 81st Congress
( ) The Shipstead-Luce Act, Public Law 231, 71st Congress

PREMISES	LOT	SQUARE
3034 "Q" St. NW	302	1269

Complies with the D.C. Zoning Regulations

Concept

Zoning Division 1/3/00

The submitted documents were checked for general compliance of the exterior features with the D.C. Construction Codes: No objections to filing with CFA. This clearance does not constitute an approval for building permit.

Structural Section

Cleared to file with CFA by Permit Information Branch

Permit Branch

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144.

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted.

Recommendation:

See attached letter.

J. Carter Brown, Chairman

Date 10/19/00

White=PPD Canary = HPD Pink = Record Goldenrod = Applicant

Exhibit I

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

THE PENSION BUILDING
441 F STREET, N.W., SUITE 312
WASHINGTON, D.C. 20001-2728

202 501-6040
202 501-6036 FAX

19 June 2000

TO: Mayor's Agent for D.C. Law 2-144, Public Law 808, and Public Law 231, for those applications also subject to D.C. Law 2-144

The accompanying application is returned by the Commission of Fine Arts with recommendation as noted:

O.G. 00-61 HPA. 00-166	3034 Q Street, NW Smith and Plante Residence	2 story rear addition with porch - conceptual

LOT: 302 SQUARE: 1269

RECOMMENDATION: No objection to concept design for proposed two-story rear addition with deck and terrace as shown in supplemental drawings received and dated 9 June 2000, which indicate wood bay wrapping around corner of addition. File new submission of working drawings, including details, with permit application for review by the Commission when ready.

Jeffrey R. Carson
Assistant Secretary