HEARING BEFORE THE BOARD OF ZONING ADJUSTMENT
TUESDAY, APRIL 3, 2001

Application No. 16684 of Lucia Edmonds, pursuant to 11 DCMR 3103.2, for variances under subsection 2001.3(a), (b) and (c) to allow the enlargement of an existing non-conforming three-unit apartment building, under section 404.1 to allow an addition into a non-conforming rear yard, and section 406.1 to allow an extension to a non-conforming width of open court in a DCOD/R -5-B District at premises 1610 15th Street, N.W.

Report prepared by:
Lucia Edmonds, Owner of Subject Property
(202) 462-3818

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BZA
Case No. 16684
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16684
EXHIBIT NO.34A1

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Introduction

This is my second appearance before the Board of Zoning Adjustment (BZA). In my first appearance, the Board found

- errors in the plat as drawn. The plat included a 'new deck' when no such new deck was requested

- a lack of clarity regarding the dimensions of the existing structure and the desired additions

- inconsistencies as to whether the subject property was a single or multi-family dwelling.

- the absence of a letter of support from the Dupont Circle ANC as a whole, as opposed to a letter from the representative from my district to the ANC.

I appreciate the opportunity to make a second submission and to correct the deficiencies found in my original submission. This report is organized to address the areas as follows:

1. Technical Requirements
2. Neighborhood Impact
3. ANC Support
4. Neighborhood Support
5. Relationship of this Report to Original Submission

I. TECHNICAL REQUIREMENTS

Since the February 27, 2001 meeting with the Commission, I have taken steps to correct the deficiencies in my original presentation. Brian McCarthy, registered architect, has measured the property and drawn an accurate plat including the dimensions of the existing structure and the desired additions. (See Exhibit 1, Appendix A) Based on these measurements, we have recalculated all variances relevant to this application. Please see Mr. McCarthy's March 26, 2001 ***Memorandum Re: Floor Area Calculations for Zoning Application*** (Exhibit 2, Appendix A); and ***Notes and Computations***, a table which identifies structure and space requirements pertinent to the requested variance. (Exhibit 3, Appendix A) For ease of reading, we summarize the major points in the paragraphs below.

A. Proposed Construction

1. We propose to add 89 sq. ft. of construction to the house.
2. Twenty (20) sq. ft. will be added to an ***existing*** 6'x14' deck to transform it into 8.7' x12' sunroom. The deck/sunroom is on the second story next to the rear yard. There will be no construction on the first floor. The rear yard will remain unchanged at 15'.1".
3. The remaining 69 sq. ft. of construction will be in the form of a closet which is to be added to a rear bedroom on the third floor in such a way that it extends out over the roof of the second floor below.

B. Affect of Proposed Construction

Floor Area Ratio (F.A.R.)

Lot area = 85ft x 19ft = 1,615 sq.ft.
F.A.R. of 1.8 (per DCRA)
1.8 x 1,615 = 2,907 square feet. This is the maximum allowable density for my lot. ***The proposed actual gross floor area of 2,868square feet is 45 square feet less than 2,907 square feet maximum allowable density.***

Lot Occupancy:

Limited to 60% of lot area (DCRA) = 0.60 X 1,615 sf. = 969 sf.
Original structure prior to 1958 zoning regulations = 1,044 sq. ft. = 65% lot occupancy
Structure with 84 sf. Existing deck = 1, 128 sq. ft. = 70% lot occupancy
The proposed Sunroom increases the lot occupancy by 20 sq. ft. (an additional 1%) to 1,148 sf., for a total lot occupancy of 71%.

Rear Yard

Rear yard requirement = 15'
After construction, the rear yard will be *15.1 sq. ft. This is a legal rear yard in that it exceeds the 15 sq. ft. requirement and my building is quite a bit lower than 45 ft.*

Open Court

Open court provided = 6'. There will be no changes to the open court.

IN SUMMARY, THE ADDITIONS DO NOT IMPACT ANY OF THE TECHNICAL REQUIREMENT, WITH THE EXCEPTION OF LOT OCCUPANCY WHERE THE PROPOSED SUNROOM INCREASES LOT OCCUPANCY BY AN ADDITIONAL 1%.

Subsection 2001.3 pertains to requirements regulating (a) lot occupancy; (b) use and structure conformance; and (c) increases to or extension of non-conforming aspects of structure. The Sunroom and closet additions conform to the use and structure requirements in that they are solely for residential use and fall within the allowable F.A.R.. Although the application for a variance as drawn by the DCRA cites an addition to a non-conforming rear yard, and an extension to a non-conforming width of open court, professional measurements show that the rear yard conforms to the 15' requirement and construction plans have no impact on the existing open court. Even if the rear yard and open court were non-conforming, the additions would not improperly extend them in any way. The only area in which the proposed changes do not conform to sub section 2001 3 is with regard to the percent of lot occupancy. The impact on lot occupancy that comes from enclosing the deck is an addition of 20 sq.ft. or 1% over and above what is there now. While it is true that this addition increases lot occupancy, the increase in lot occupancy does not take place on the ground and has no impact on the rear yard which remains a conforming rear yard.

II. NEIGHBORHOOD IMPACT

Section 223 deals with additions to one-family dwellings or flats. Since the apartment for which the changes are being contemplated could be considered a flat, subject to Section 223, I want to address subsection 223.2, which seeks to protect (a) light and air availability,(b) privacy and (c) visual conformity with neighborhood. The proposed changes are sensitive to these concerns. Photographs that demonstrate compliance with (a), (b), and (c) are included in Appendix A as Exhibits 4, 5 and 6. We also include elevation and section drawings that show the proposed additions as viewed from the alley, side and back.

(a) The light and air available to neighboring properties will not be unduly affected There are no structures or parts of structures within 100 feet on either side that directly face the deck/sunroom. The same situation pertains to the 3rd floor closet addition.

(b) The privacy of use and enjoyment of neighboring properties will not be unduly compromised. By enclosing the deck, the privacy and enjoyment of adjacent properties will be increased because the walled-in structure of the sunroom creates a visual barrier to the direct observation of neighboring properties. The enclosure also protects neighbors from the noise of large gatherings that are now possible on the open deck.

(c) The changes do not substantially visually intrude upon the character, scale and patterns of houses along the street frontage for several reasons. First, the additions are completely invisible from the street. Second, the deck enclosure, while visible from the alley, is in conformity with many structures along the alley which have cantilevered additions to rooms, garages that go fully up to the alley line, and decks atop garages. (Exhibit 7, Appendix A) Third, the closet addition is on the third floor almost completely out of sight Fourth, si nce there will be no changes on the ground, not only will the proposed construction have little visual impact, it will have no impact on those using the alley

The Dupont Circle Overlay applies a set of additional conditions to all properties in the Dupont Circle Overlay area. I address each of these to ensure that the proposed changes are in compliance with the purposes of the Overlay District. **The purposes of the Dupont Circle Overlay District are to**

(a) ***Require a scale of development that is consistent with the Dupont Circle area in height and bulk***. Since my closet addition will be constructed in the rear of the building over a portion of the house that is only two stories high, it will not exceed the three story height of the part of the building to which it is attached. Further, the addition of the closet and sunroom fall within the allowable F.A.R..

(b) ***Protect the overlay district from the demolition of existing historic buildings and preclude demolitions that would lead to an increase in height and floor area inappropriate to the area.*** There is no better way to preserve the historic character of the area than to give residents the opportunity to improve their property consistent with low scale density. It is only when property falls into disrepair that large-scale developers move in.

(c) ***Enhance the residential character by maintaining the existing residential use***s. The additions will maintain the existing residential uses of the property and enhance its overall character by making the building more habitable.

(d) ***Ensure compatibility of development with the comprehensive plan***. While I am not familiar with the Comprehensive Plan for the National Capital, I am certain that my changes are compatible since they meet the requirements of the overlay district.

(e) ***Preserve the area planned as open gardens and backyards and to protect light, air, and the privacy that they provide***. The planned additions meet the objectives of open space by preserving the 6' open side court and maintaining the 15'.1" rear yard which is slightly above minimum requirements. The light and air available to neighboring properties are not adversely affected because there are no structures or parts of structures within 100 feet on either side that directly face the proposed sunroom. The same holds with regard to the proposed closet. Privacy will be enhanced since a walled-in deck creates a visual barrier to the direct observation of neighboring properties and protects neighbors from the noise of large gatherings that might spill out onto an open deck.

(f) ***Enhance the streetscape by maintaining the public space in front of buildings.*** The public space in front of the building will not be affected by the additions in any way. Both additions are to the rear of the building and are totally invisible from the front.

(g) ***Encourage the free circulation of vehicles through public streets and alleys.*** There are no additions or obstructions to the side court or rear yard that would impede the circulation of vehicles in any way. These areas are being maintained as they are and both are in compliance with zoning regulations.

III. ANC Support

The Dupont Circle ANC has voted in favor of my application for a variance. On February 7, 2001 Jeff Hopp, my area representative to the Dupont Circle ANC, visited my home and inspected the premises inside and out with respect to the proposed additions. On February 14, I appeared before the Dupont Circle ANC and presented the report which I submitted to the BZA at my first appearance before the Board. I made it clear in both my verbal and written presentation to the ANC, that the property for which the variance was sought was a three-family apartment building. There are three letters of support on record from the ANC. The first is dated February 14, 2001and is signed by Jeff Hopp, my area representative. The BZA deemed this letter insufficient because it was not signed by the ANC as a whole. ***The second letter dated, March 8 states, "With six of seven commissioners in attendance, the vote was unanimous in favor of Ms. Edmonds' request."*** This letter is signed by Vince Micone, Chairman, on behalf of the ANC, however, the letter maintains the language of the original application for a variance describing the property as a single-family dwelling. A third letter dated March 14, 2001, begins with a reaffirmation of ANC support and corrects the language of the prior letter, stating, "The purpose of this letter is to correct the statement that the applicant is seeking variances for a single-family dwelling. The letter (of March 8) should have indicted the residence is an existing, non-conforming, three-unit apartment building."

IV. Neighborhood Support

There are at least seven letters of support from neighbors and no letters of objection. There are only three houses on the block that remain both single-family and owner occupied, and it is important to note that I have letters of support from each of these three owners. They are Robert Rogers (1602 15th), Frankie Caldwell (1606 15th) and Eugene Townes (1612 15th). The support of Mr. Townes is important because his property abuts mine and he would be the one most impacted by any changes to my property.

V. Original Submission

First, I apologize for any misunderstanding caused by my application for a construction permit which described my dwelling as a "single family home." The application was filed by Charles Bun, the architect that my contractor uses to secure permits. While I bear full responsibility as the owner of the property for any inaccuracies, I had no intention to misrepresent any aspect of my application for a variance. To attest to this, I refer you to page 3 of my original submission, where I describe the property as having been "converted into three separately metered apartments" in 1977.

Second, my original submission contains valuable information about the peculiar difficulties which led to my request for approval of a deck enclosure and I refer you to that document for full details. Primarily, I want to increase the perimeter of security to the rear of my apartment. The building sits on an alley and is the only building along the alley that has no barrier between the alley and the stairs to the deck at the rear of my apartment. (Exhibits 8 and 9 Appendix A) The stairs are necessary because they provide the only secondary means of egress. Street people roam the alley and seek haven where they can find it. I have had to chase people from my deck on several

occasions and have three times had to clean up their feces. As a single, older woman I feel vulnerable under these conditions. My neighborhood is not safe and my sense of vulnerability increased with two incidents approximately one week apart. On Thursday, March 8, an unknown person threw a rock through the window of the first floor apartment of my building. (Police record no. 030-966) On Friday, a week later, I observed a greatly agitated man who after struggling to open fences along the alley, succeeded in entering one of the yards. I called the police but he got away before they arrived. To me, my application is urgent. As you can see from the photo on the following page, there is no way of protecting the area by simply erecting a fence.

I hope the information presented here and in other submissions will help the Board to make a favorable decision.

APPENDIX A

EXHIBIT 1: PLAT

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C., 12-2-1999

Plat for Building Permit of SQUARE 193 LOT 120

Scale: 1 inch = 20 feet Recorded in Book 10 page 159

Receipt No. 74337

Furnished to LUCIA EDMONDS

Surveyor, D. C.

By: DA

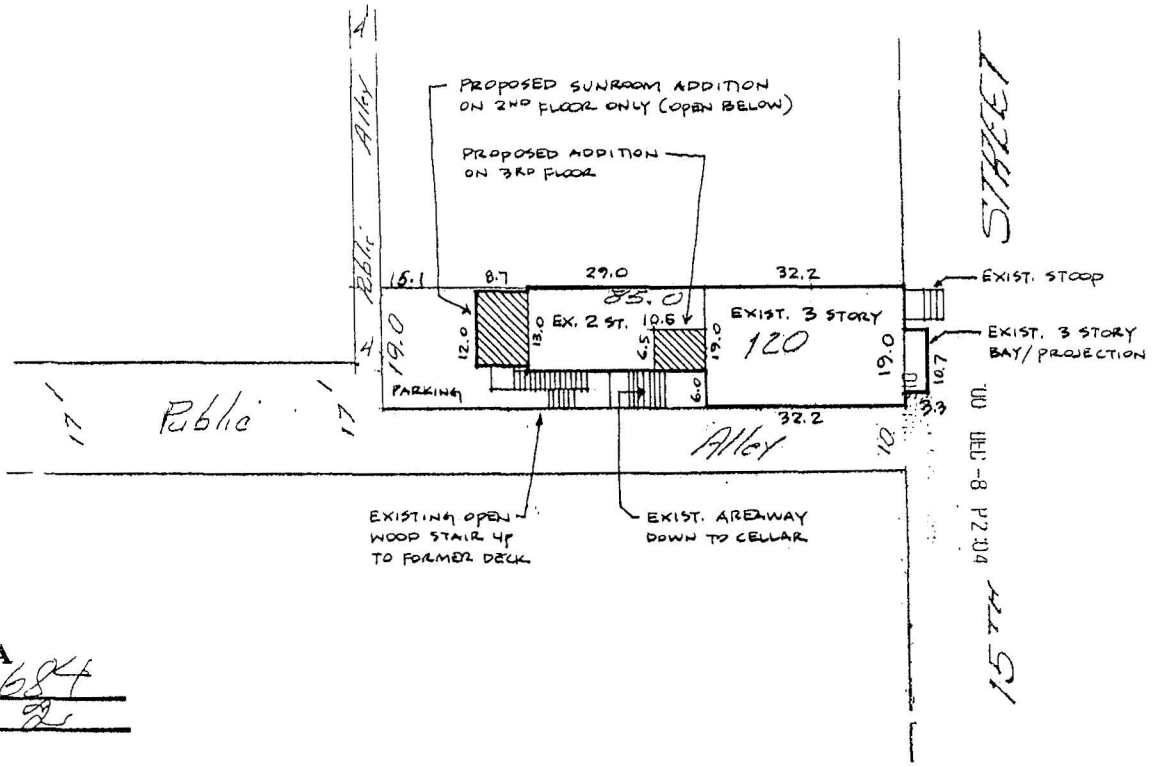
D VT 15

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 improvement 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 Mar 23, 2001

Lucia Edmonds
(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.



BZA
Case No. 16684
Exhibit No. 2

FAR = 1.8

Max
Gross Flr
Area Allowed = 1.8 X 1615 = ?
= 2907

EXHIBIT 2

Bennett Frank McCarthy Architects, Inc.

7003 Carroll Avenue, Takoma Park, Maryland 20912-4429 (301) 270-9480

26 March 2001

Ms. Lucia Edmonds
1610 Fifteenth Street, NW.
Washington, DC. 20009

Re: **Floor Area Calculations for Zoning Application: Sq. 193, Lot 120**

Dear Lucia;

While revising the plat I noticed several misunderstandings or misinterpretations in the way DCRA initially calculated your overall square footage.

1) The front bay was not shown and therefore not counted by DCRA.
2) A deck was shown in the far rear. No new deck is intended.
3) DCRA assumed that the rear (kitchen) portion of the house was three stories, thus overstating your overall floor area.

The following is a summary of your actual gross floor area, compared to DCRA's calculation.

Revised/Actual Gross Area	Initial DCRA Calculation
3 Stories x (32.2 ft x 19 ft)= 1,835 sq. ft.	3 x (30 x 19)= 1,710 sq. ft.
2 Stories x (29 ft x 13 ft)= 754 sq. ft.	3 x (24 x 14)= 1,008 sq. ft.
1 Story x (8.7 ft x 12 ft)= 104 sq. ft. (Sunroom)	1 x (6 x 14)= 84 sq. ft. (Existing Deck)
1 Story x (10.6 ft x 6.5 ft)= 69 sq. ft. (Closet)	1 x (12 x 14)= 168 sq. ft. (New Deck)*
3 Stories x (10.7 ft x 3.3 ft)= 106 sq. ft. (Bay)	* Not included in application per DCRA note
Total Gross Floor Area (Actual) = 2,868 sq. ft.	Total per DCRA = 2,970 sq. ft.

Floor Area Ratio (F.A.R.):
Lot area = 85ft x 19ft = 1,615 sq. ft.
F.A.R. of 1.8 (per DCRA)
1.8 x 1,615 = 2,907 sq. ft. This is the maximum allowable density for your lot.
The proposed actual gross floor area of 2,868 sf. is less than 2,907 sf.

Lot Occupancy:
Limited to 60% of lot area (per DCRA) = 0.60 x 1,615 sf. = 969 sf.
Original structure prior to 1958 = 1,044 sq. ft. = 65% lot occupancy.
Structure with 84 sq. ft. existing deck = 1,128 sq. ft. = 70% lot occupancy.
The proposed Sunroom increases the lot occupancy by 20 sq. ft. (an additional 1%) to 1,148 sf. for a total lot coverage of 71%.

Open Court:
The current open court to the south side of the building meets the 6 ft. minimum requirement. No new construction will be done that will result in any changes to the 6 ft. open court requirement.

Rear Yard:
Your house is approximately 34 ft. high. The rear yard requirement for a house 45 ft. high or less is 15 feet. The proposed sunroom addition maintains a clear rear yard setback of 15.1 feet.

Sincerely,

Brian McCarthy
Architect

EXHIBIT 3

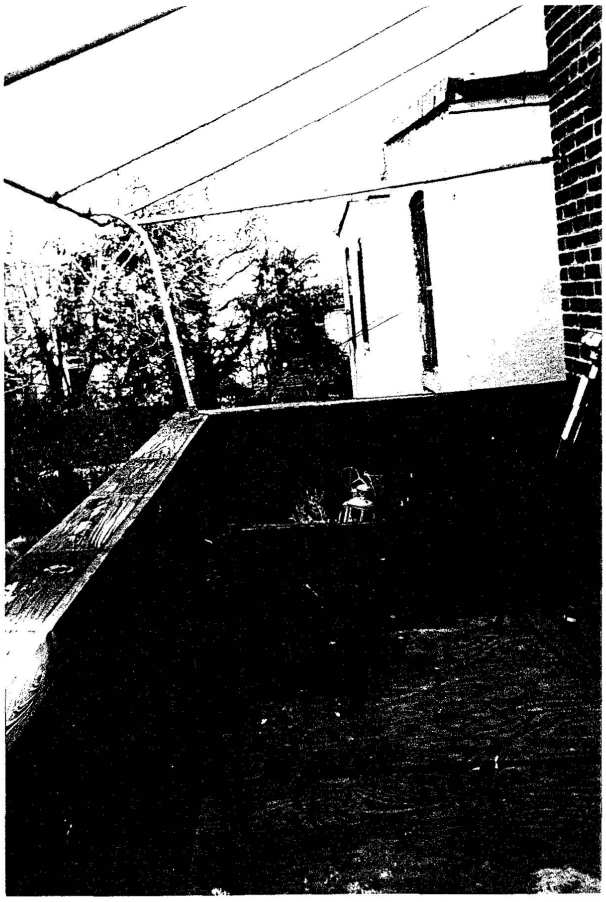
NOTES AND COMPUTATIONS

ADDRESS 1610 15TH Street, N.W. Lot(s) 120 Square: 193

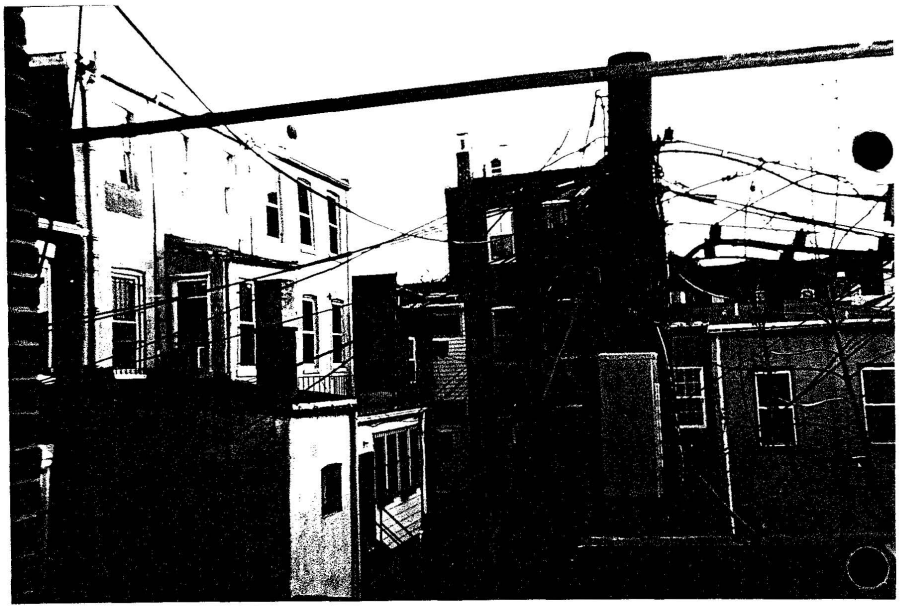
	Required	Allowed	Provided	Variance
LOT AREA	N/P	1615 Sq. Ft.		
LOT WIDTH	N/P	19'		
LOT OCCUPANCY (60%)		969 Sq. Ft.	1,148 Sq. Ft. (71%)	179 Sq. Ft. (11%)
FLOOR AREA RATIO (1.8)		2,907	2,868 Sq. Ft.	45 Sq. Ft. ***less than*** maximum allowed F.A.R.
PARKING SPACES	N/A			
LOADING BERTHS	N/A			
FRONT YARD	N/A			
REAR YARD	15'		15.1'	~~Currently~~ provide .1 Ft. more than required 15 Feet
SIDE YARD	N/P			
COURT, OPEN	6'		6'	0'
COURT, CLOSED	N/A			

AFTER CONSTRUCTION WILL

EXHIBIT 4: Enclosure Would Not Block Views to the Right or Left of Deck



View to Left of Deck



View to the Right of Deck

EXHIBIT 5
PRIVACY: PHOTO OF NEIGHBORING YARDS

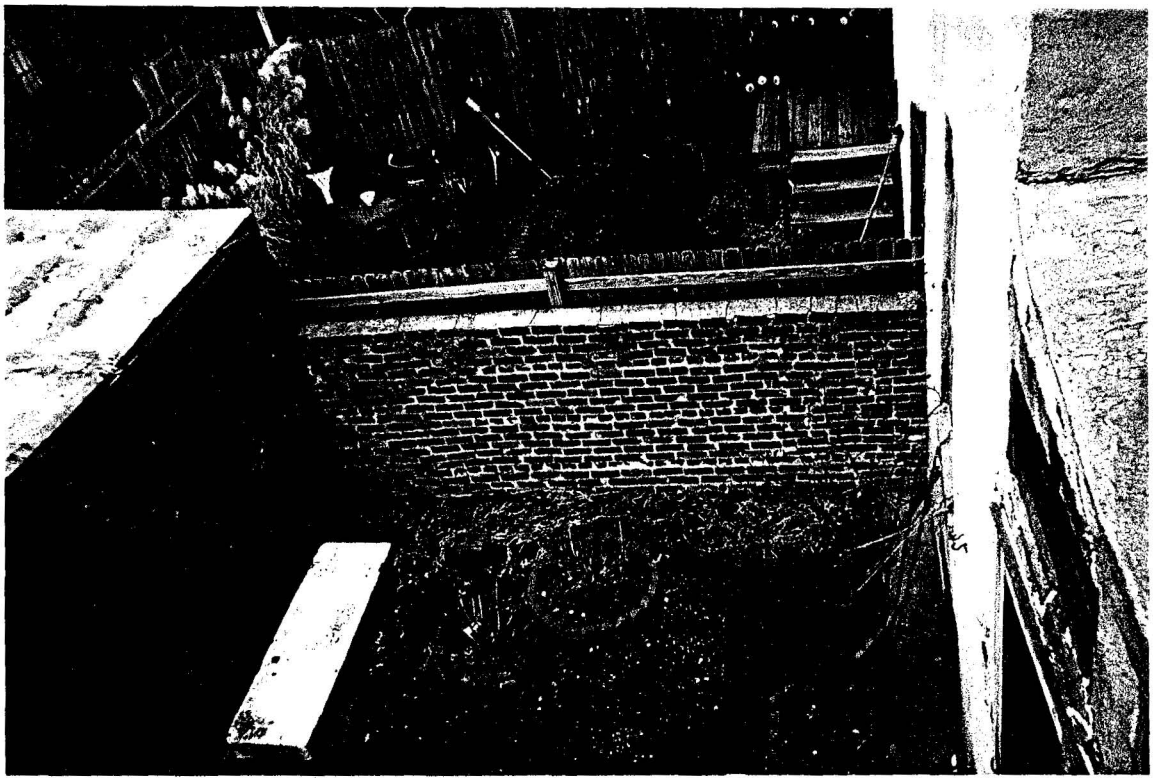
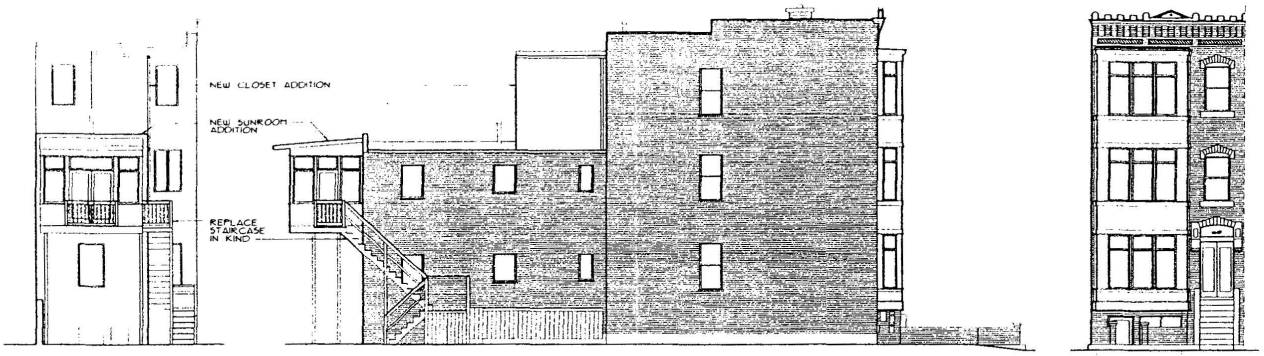
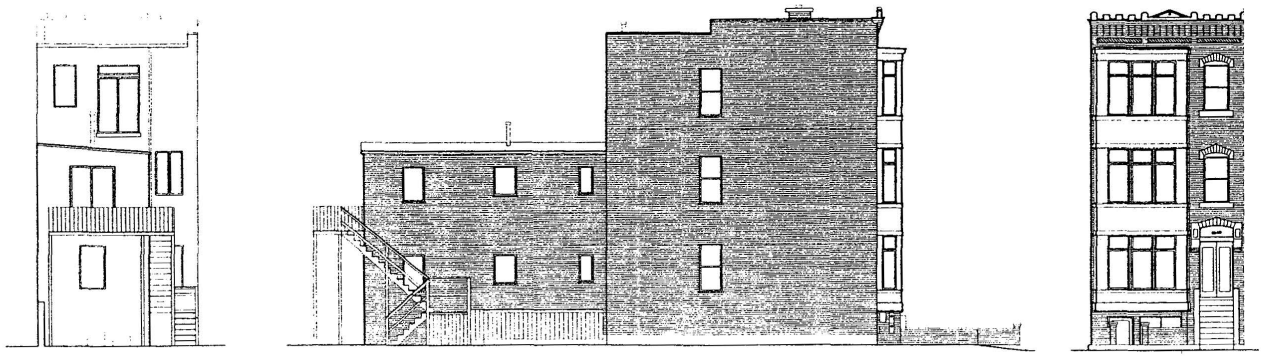


EXHIBIT 6: ARCHITECTURAL DRAWINGS SHOWING VISUAL IMPACT OF REAR ADDITIONS



(2) PROPOSED ELEVATIONS (REAR - SIDE - FRONT)
SCALE 1/8"=1'-0"



1 EXISTING ELEVATIONS (REAR SIDE FRONT)
SCALE 1/8"=1'-0"

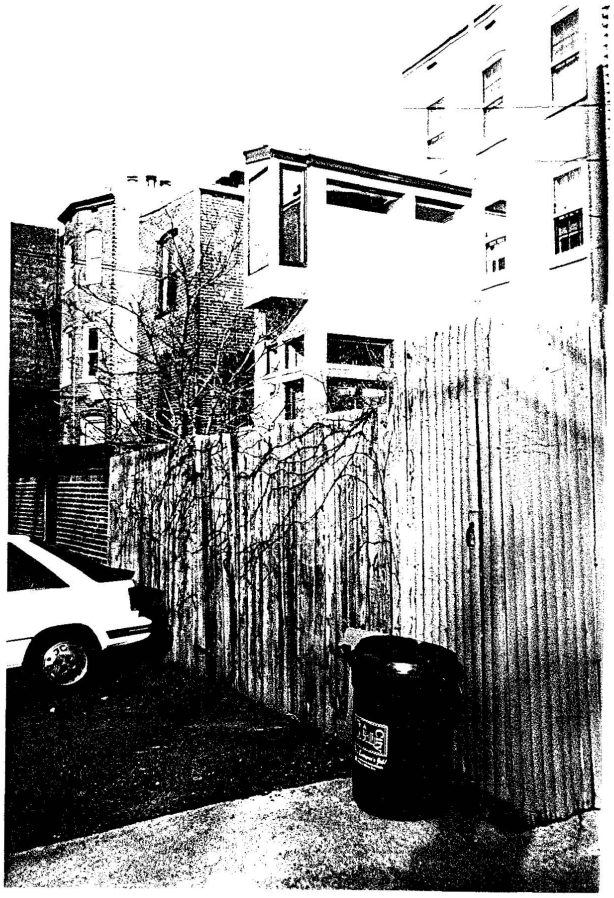
Bennett Frank McCarthy Architects, Inc.
7003 Carroll Avenue
Takoma Park, Maryland 20912 301-270-9480

Edmonds Renovation
1610 Fifteenth Street, NW., Washington, DC
Project # 9906

Sheet Title: ELEVATIONS
Scale: ~~1/4"=1'-0"~~
Date: 23 March 2001

A-2

EXHIBIT 7: PROPOSED ADDITIONS CONFORM TO NEIGHBORHOOD CHARACTER





View Along Alley Shows Additions and Neighborhood Character

EXHIBIT 8
FENCES PROTECTING ACCESS TO REAR YARDS



EXHIBIT 9
UNPROTECTED ACCESS TO THE REAR DECK OF MY APARTMENT

