**ANDRE F. HOUSTON**
**Architect**
**1053 31st Street, NW**
**Washington, DC 20007**

**tel: 202 797 2606**
**fax: 202 625 0788**

**BZA case # 16694**
**Statement in support of an area variance for 5129 Macomb Street, NW.**

This case was originally brought to BZA on May 1, 2001 as a Special Exception for a residential property, under section 223 of the Zoning Ordinance. Mr. Toya Bello, a zoning technician, had advised the applicant that the existing non-conformity of the property because of the narrowness of the existing side yard did not require the case to be considered for a Variance under Article 2001. This ruling was reversed by BZA at the May 1 meeting, and the applicant was asked to return on June 5 to argue the case for a Variance.

After discussing the issue with the staff at the Office of Zoning, the applicant was advised to argue only for the Variance at this meeting, as requested by BZA, and to refrain from bringing up the argument to reverse Mr. Bello's decision to count the skylight and the chimney of the subject property as encroachments into a required rear yard, and the argument to consider the structure as having the offending side yard encroachments removed, thereby obviating its consideration under Article 2001 and making it eligible for consideration as a Special Exception. With the advice of the Office of Planning, the applicant will refrain from making these arguments, but does, however, maintain his right to introduce these arguments at a subsequent BZA meeting should the argument for a Variance be denied.

The subject property is unique from its immediate neighbors in two respects which cause a practical difficulty to the use of the property normally enjoyed by its neighbors.

1. The shape of the property is exceptional. The rear yard lot line of the property slants towards the front, making the lot shallower than its neighbors and shallower than it otherwise would be. See site plan from Baste Atlas.

2. The property contains an exceptional topographic condition in the form of a large tree. The tree predates the structure. It is in the front yard adjacent to the house. The tree is a significant contribution to the neighborhood. In order to preserve the tree, the house was forced to be located farther to the rear of the property than its neighbors, making the rear yard less deep than it would normally have been and less deep than that of its neighbors. See photographs.

These two unique characteristics of the property cause a reduction of the rear yard to a dimension

BZA
Case No. 16694
Exhibit No. 30
Board of Zoning Adjustment
District of Columbia
CASE NO.16694
EXHIBIT NO.30

smaller than it normally would be and smaller than its typical neighbors. This smaller than usual rear yard prevents the applicant from putting a properly sized addition on the rear of his house if a strict application of the rear yard zoning ordinance is enforced. The other houses in the neighborhood typically have rear yards which can receive the size addition sought by the applicant. Consequently, the practical difficulty of not being able to expand the house properly has been imposed on the site by the unique shape of the property and the unique topographical consideration of preserving a major tree. This has caused a practical difficulty which is not typically shared by its neighbors, whose houses are generally located more towards the front property line and whose rear yards are larger and not compressed by a sloping property line.

The addition sought by the applicant is a family breakfast room with enough room for sitting at a breakfast table and for a small seating arrangement. This requires 21 feet. A family breakfast room adjacent to the kitchen is a normal and expected room in a house of this size and of a house in this neighborhood. The applicant has considered several different locations for this addition and has found that they are all inappropriate for this property for the following reasons: (See attached sketches.)

- Location "A" would require the kitchen to be relocated on the other side of the house and the dining room and the living room locations to be reversed. This would constitute a substantial practical difficulty and rearrangement of the house. It would also mean that the new living room would be narrower than is desirable, because it would be in the existing narrower dining room side of the house.

- Location "B" would close off the through center hall, making access to the rear yard circuitous and dislocating the circulation of the house. The center hall through to the rear yard is one of the distinguishing assets of this house. It's destruction would cause a major practical difficulty to the enjoyment of the existing house.

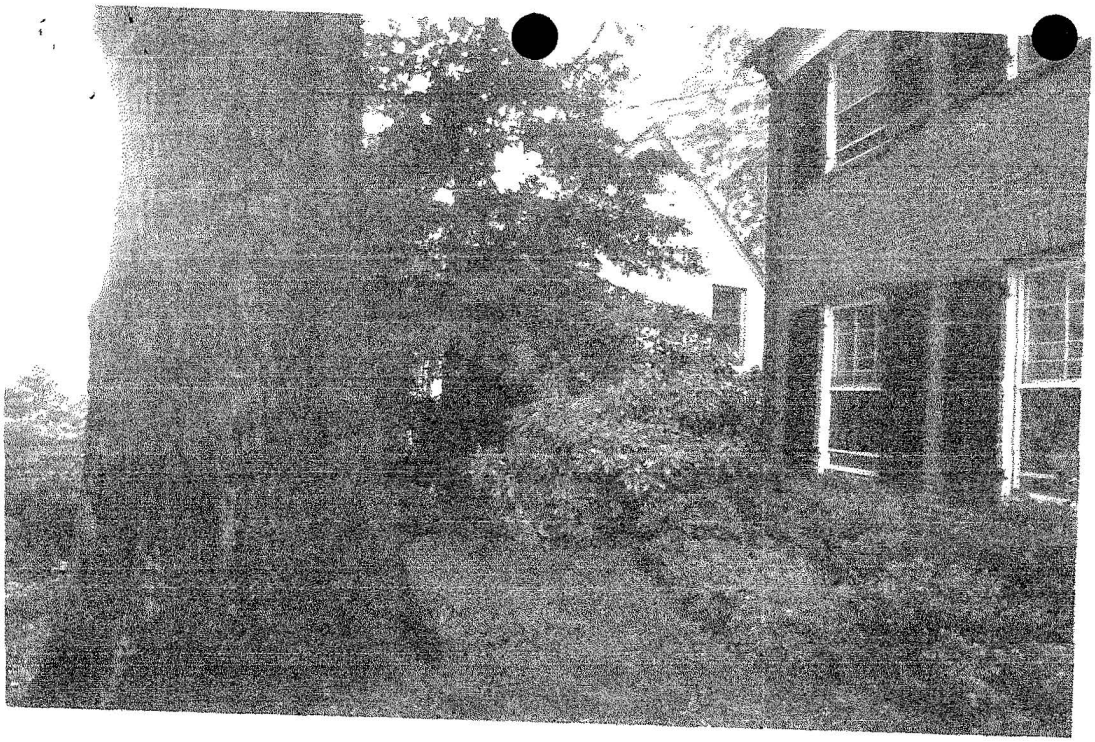
- Location "C" would require the removal of the tree. This tree adds considerable shade and character to this property and to the neighborhood in general. It's removal would create a practical difficulty not only for this property, but for the neighborhood in general, in loss of character and shade.

The only location which would not cause an exceptional practical difficulty to the applicant is the location sought in this variance.

This case has been reviewed by the local ANC. They voted unanimously to support the application on several conditions, all of which have been agreed to by the Owner. The ANC sent a letter to the BZA conveying this support for the May 1 meeting, but it was not recorded as being received. Consequently, the ANC's active support was not taken into consideration at the last BZA meeting. Its unanimous support is a new element at this meeting.

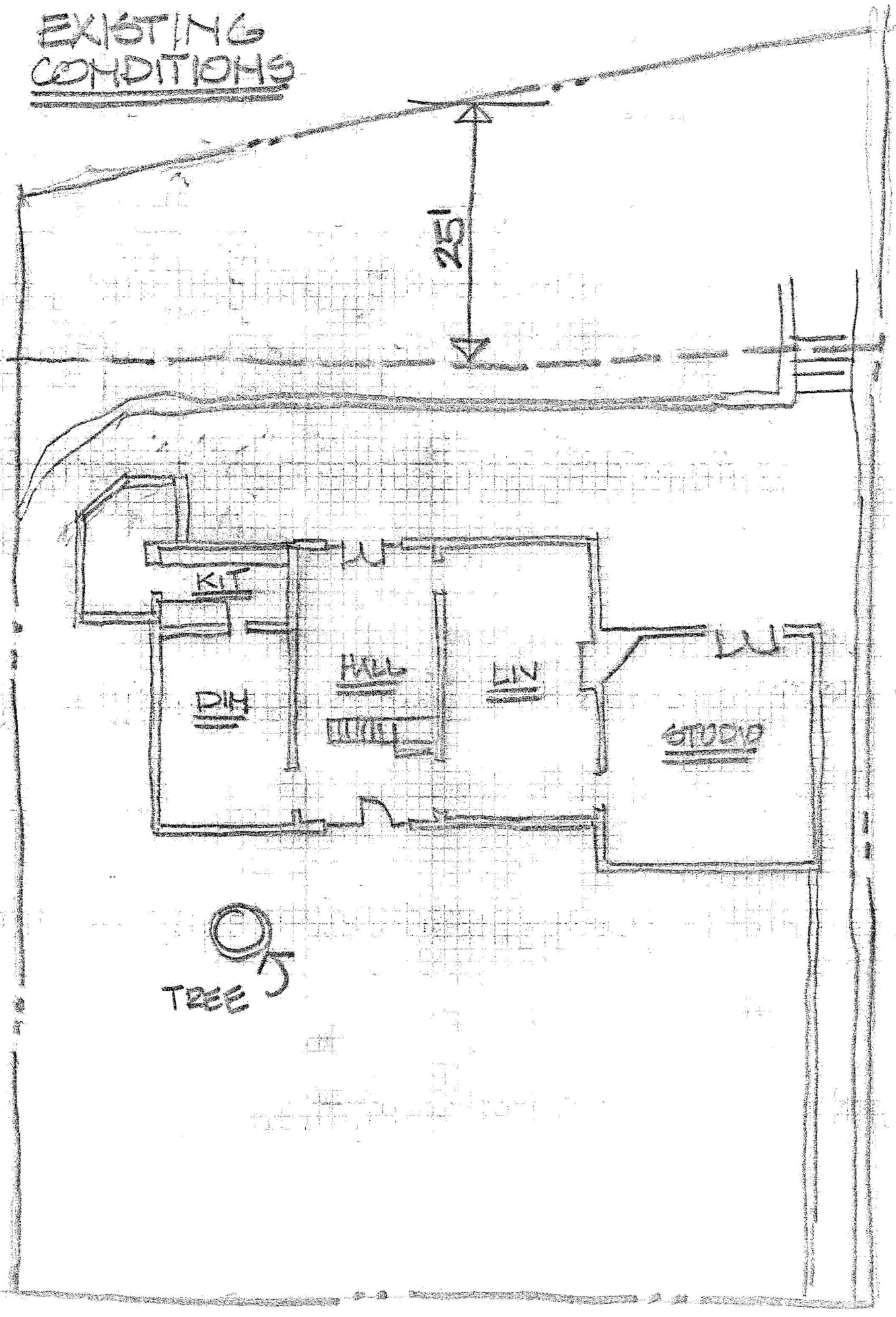
All of the contiguous property owners have signed a petition stating that they do not object to the proposed addition, pending several conditions referred to above. The signed petition is on file with the Office of Zoning.

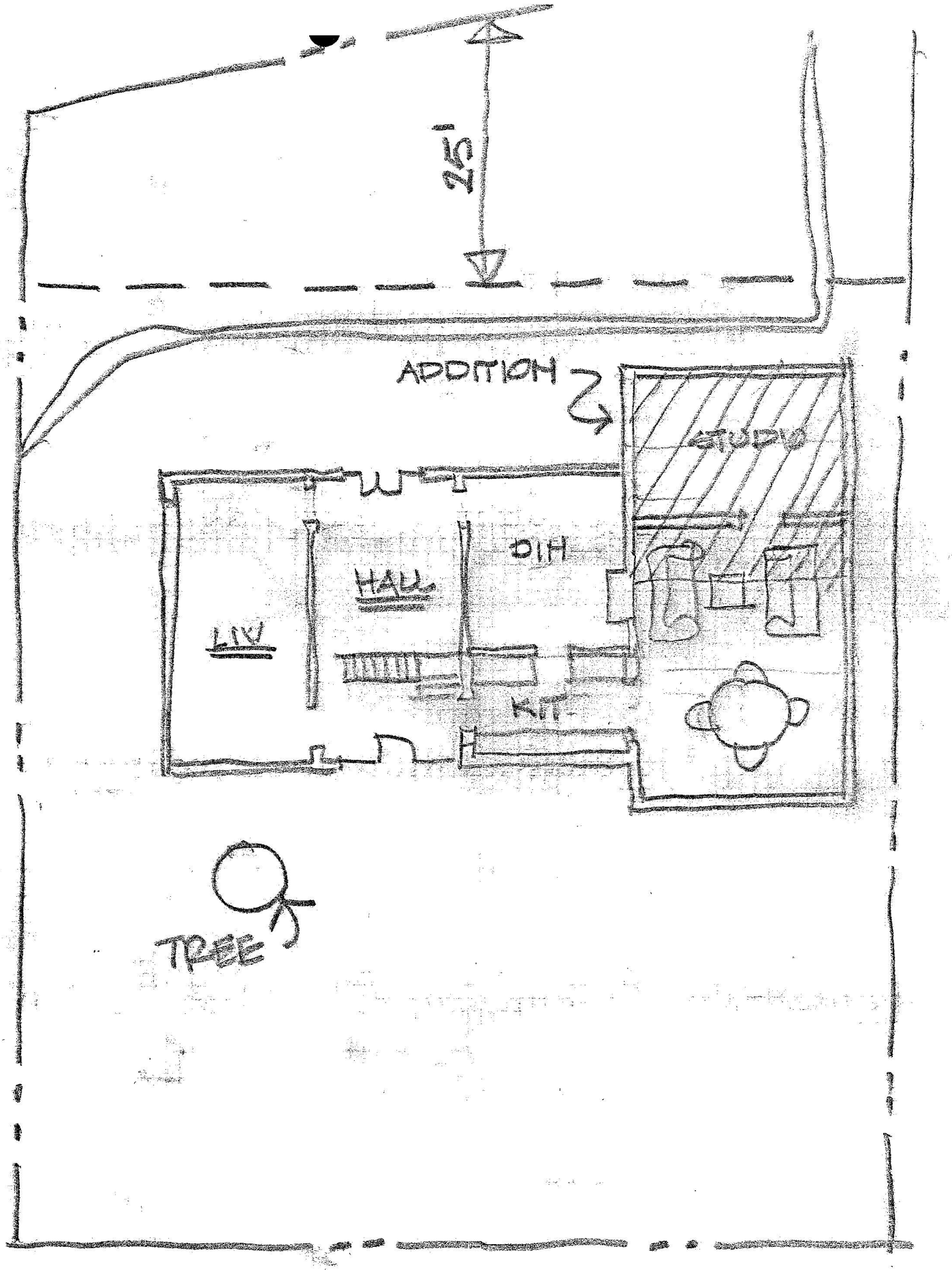
TRUE
SUBJECT PROPERTY
PROPOSED ADDITION



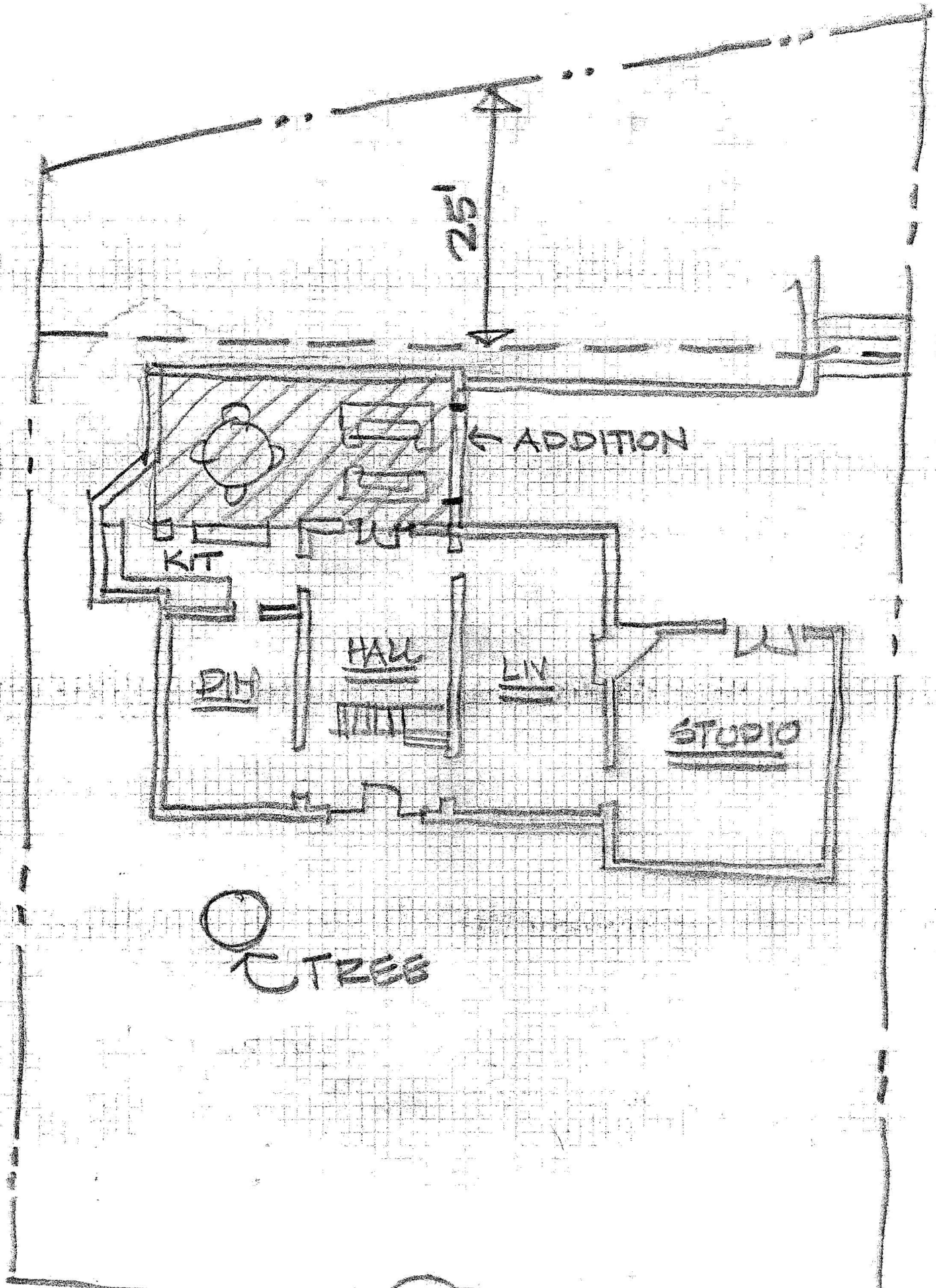


# EXISTING CONDITIONS

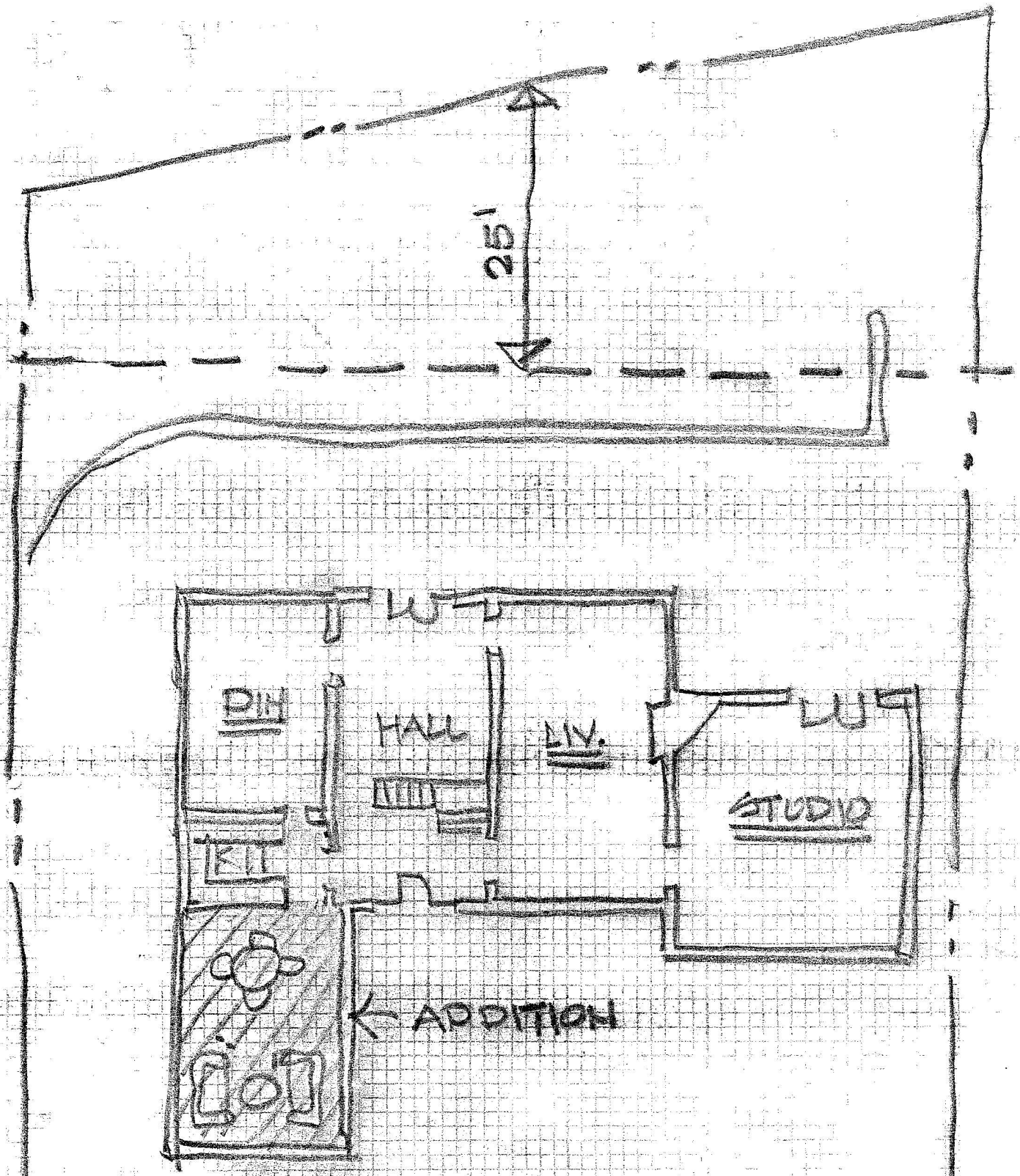





LOCATION (A)




LOCATION (B)




LOCATION (C)

PROPOSAL FOR REQUESTED VARIANCE

