Andrea Schenck and John Zinsser
308 D Street, NE
Washington, D.C. 20002

RECEIVED
D.C. OFFICE OF ZONING
2001 APR -9 PM 5:05

April 9, 2001

Mr. Robert Sockwell, Chair
Board of Zoning Adjustment
441 Fourth Street, N.W., Second Floor
Washington, D.C. 20001

Re: BZA Case No. 16703
308 D Street, NE

Dear Mr. Sockwell:

We greatly appreciate the professionalism, friendliness, and support we have received from all the people we have met at BZA. Their help has been invaluable in our preparation for building our case to request a variance from Subsection 2001.3(a) in order to build a deck on the roof of our existing garage at our single-family dwelling home.

Enclosed please find our Statement of Application (to support the rest of our materials) for our hearing on the morning of April 24, 2001. Also are additional supporting photos and a diagram which shows that many of our closest neighbors have either a garage roof deck or deck off the back of their house.

We appreciate your support and request the Board's approval of our application. Many thanks for your consideration.

With best regards,

Andrea Schenck

encl.

BZA
Case No. 16703
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16703
EXHIBIT NO.27

Statement of Applicant
to the
Board of Zoning Adjustment
The District of Columbia

Date: April 9, 2001
Application of BZA Application: No. 16703
Andrea Schenck and John Zinsser of 308 D Street, NE (Square 780, Lot 84)
Hearing Date: April 24, 2001
ANC: 6A-04

I. Nature of Relief Sought

This application is pursuant to Subsection 3103.2 for a variance from Subsection 2001.3 (a) to allow a garden deck on the roof of an existing garage where the existing single-family dwelling is non-conforming as to the lot occupancy in an CAP/R-4 District at premises 308 D Street, NE (Square 780, Lot 84).

II. Description of the Subject Property and Background

The Applicant is seeking variance relief from the above provisions of the Zoning Regulations in order to construct a garden deck, on an existing garage roof.

A. Description of the Subject Property

308 D Street, NE is a row house, in the Historic District, on a block with 11 other row houses and three other buildings. The frontage of 308 faces the White Tiger and Schneider's on Massachusetts and the rear faces a parking lot. While there is some landscaping and large trees in the front, there is very little landscaping in the back in the parking lot. Unfortunately, previous owners of the property did not excel in upkeep or landscaping. For example the fence on one side is greatly burned from a fire of more than 15-20 years ago. The Applicant's interest is to improve the landscape for both the front and rear and to screen the parking lot from view.

B. Description of the Area

The alley for Square 780 is the parking lot for the Heritage Foundation. This parking lot is minimally landscaped and is visually very unattractive. Just three trees are in the parking lot; they are young and very small--not more than approximately 8-10 feet in height. As can be imagined, the parking lot is hot, sometimes noisy and dirty.One can easily see the parking lot from the back of our house (as seen in pictures 1 and 2 for the Application Statement). This detracts from the complete value of the property and overall quality of living.

As can be seen on the diagram, many of the surrounding neighbors (highlighted in yellow) of 308 D Street (highlighted in pink) have either a garage roof deck and/or a

deck off the back of the house. This can also be seen in pictures 2,3, and 4.
In fact, neighbors have written in support of this project and believe that it would help to improve the street, parking area and neighborhood. To date, the Applicant has received no opposition to this proposal.

C. Background
In an effort to enhance the greenspace for the alley and to provide a screen from the parking lot, we are proposing to build a roof top garden deck on our existing garage. This will not increase the footprint of the garage. (However, because the garage is non-conforming at 67 percent lot coverage we must seek the BZA Board's approval and for a variance.)

Because this property is in the Historic District, the Applicant met a couple of times with Steve Callcott to review the proposed project and plans. Because the proposed project is at the rear of the property and not visible from D, E, 3rd, or 4th Streets, NE, he is comfortable with it and believes it will NOT affect any historic features or impinge upon the historic character of the area.

Furthermore, the Applicant modified the original plans of a 6 foot safety fence to one no more than 4 feet to meet Mr. Callcott's request.

As many adjacent neighbors and other properties in the immediate vicinity already have decks or garage roof gardens this proposed project will not stand out as extraordinary.

III. Materials in Support of the this Application

A. Previously filed, as instructed, with the BZA,
1. Memo from Michael D. Johnson, Zoning Administrator,
2. A surveyor's plat, drawn to scale and certified,
3. Detailed statement of existing and intended use,
4. Photographs of the views,
5. the names and mailing addresses of owners of all property within 200 feet and corresponding mailing labels,
6. Initial details and plans, and
7. Letters of support from neighbors
   Gary and Robyn Bockweg of 306 D Street, NE
   Bob Williams of 310 D Street, NE
   Becky Frederiksson of 312 D Street, NE

B. Supporting Statements from Community Organizations
The Applicant presented its case at meetings of the:
1. ANC6A Zoning and Licensing Committee and the ANC6A Monthly meeting,
2. Stanton Park Neighborhood Association Land Use Committee, and
3. Capitol Hill Restoration Society Zoning Committee.

Each organization voted to support the application before the BZA.

The following are comments from the organization's correspondence*

"The commission then voted unanimously to support the application."
--From the letter of Ivette Basterrechea, Chair (ANC6A)

SPNA supports the requested variance due to the following circumstances,
1) The rear of the property overlooks a surface parking lot which presents an unnecessary visual burden, and a particularly unattractive view.
2) The applicant's request will not impose a hardship or visual impact on nearby properties...
3) The proposed design should improve the appearance of the property...and does not harm the character of the Capitol Hill Historic District.
--From the letter of Drury Tallant, SPNA Land Use Committee

[*At the time this letter was due, the CHRS letter had not yet been filed.]

C. Supporting Statements from Neighbors
Our experience tells us that the plans for the deck will be in good taste and the execution will be professional...We encourage you to approve the plans.
--From the letter of Robyn and Gary Bockweg

In conversations with the applicants I have gleaned that the proposed application will not tend to adversely affect the use of neighboring property and conforms to the general intent of the regulations concerning areas zoned R-4...The inner alley lots of the Square in question, 780, are parking lots, granted by the BZA some years ago. There is not adequate "green" screening to protect the neighboring environment...In conclusion I hope the response to this application will be favorable and that the application will be approved.
--From the letter of Becky Fredriksson

I am in full support of this project.
--From the letter of Bob Williams

IV. Analysis

The applicant's proposal is subject to the following provisions of the Zoning Regulations:
Section 3100.1 grants the Board of Zoning Appeals the authority "to grant variances in accordance with the provisions of 3103;".

Under Title 11 DCMR Section 3103.2 states that "[w]here, by reason of...other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann.5-423 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the

public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The requested variance is also subject to the following requirements under Subsection 2001.3(a) "Enlargements or additions may be made to the structure; Provided, that the following requirements shall be met:
(a) The structure shall conform to percentage of lot occupancy requirements.

Having a large, essentially unlandscaped, flat surface parking lot as the view for one's home does create a hardship--both from a quality of living standpoint and in terms of the property value. This project will not create undue hardship to the area or the neighbors as evidenced by: 1) The support from neighbors, community groups and Historic Preservation, and 2) The fact that so many properties in the have decks.

The proposed roof garden deck will not increase the footprint of the existing garage, which is non-conforming to lot occupancy percentage.

Furthermore, referenced to other listed standards the proposed garden deck:
•Will not unduly affect the light and air available to neighboring properties;
•Will not unduly compromise the privacy of use and enjoyment of neighbors; and
•Will not visually intrude upon the streetscape or negatively impact the historic character, scale or pattern of houses along the frontage, as it is not visible from the surrounding streets, nor substantially visually intrude from the alley.

Upon review of this plan in accordance with the general purpose and intent of the Zoning Regulations and Zoning Maps, it appears this proposed project will be in alignment.

V. Conclusion

The Applicant has demonstrated that it meets the burden of proof necessary for approval of the variance application. The variance relief will make possible an upgrade the property and make it similar to other roof deck garages in the area.

The Applicant has demonstrated that there are unique situations and conditions relating to the property, to support this application.

The applicant respectfully requests that this application be approved.

Thank you for your kind consideration.



Picture 1: 308 D St. is the roof on the left.



Picture 2: Roof deck garden at 312 D St., NE and garage roof deck on 4th St., NE



Picture 3: Garage roof deck and decks off back of homes at 300 D St, 302 D St., and 306 D St., NE.



Picture 4: Garage deck at 418 4th St, NE

ıshington, D.C. Office of Tax and Revenue

Properties within a 200 foot radius.

