HORSEY AND THORPE, ARCHITECTS

August 27, 2001

Dr. Barrett Katz
1314 30th Street, NW
Washington, DC 20007

Re: Proposed addition to the Merriam House at 1316 30th Street, NW CASE #16783

Dear Dr. Katz:

Please find enclosed a copy of the packet which was recently delivered to Mr. Tom Birch. Its contents are self-explanatory.

The proposed addition to the Merriam House was scheduled to be reviewed at the July 17 ANC-2E meeting; it was postponed to the September meeting allow more time for you to review the project with us. We have submitted the project to the Board of Zoning Adjustment and it has been given a tentative schedule slot in early November (no firm date given yet). Since we have not yet heard from you, since the ANC-2E has a very long agenda set for its September 4 meeting and since postponing the ANC review until October would not affect the overall schedule of the project, the ANC has postponed their review of the project until its October 2 meeting to allow more time in the event that you wish to meet.

We have been in contact with you on this project since the middle of June and have offered to meet with you on several occasions. It is my understanding that in mid-July, after he received your letter, Mr. Birch suggested you speak with us directly about the project. I will available to discuss the project with you any time between now and September 12. I will be away from September 13 until September 29. If you would like to meet during the next two weeks I will make every effort to accommodate any appointment time which suits you, weekends included. I will not be available after September 12, 2001 up through the date of the October 2 ANC meeting, four days after I return.

Thank you.

Sincerely,

Outerbridge Horsey

Outerbridge Horsey, AIA

cc: John and Caroline Merriam
ANC-2E
BZA
Old Georgetown Board

BZA
Case No. 16783
Exhibit No. 15

1228½ 31ST STREET, NW WASHINGTON DC 20007 TEL 202-337-4826 FAX 202-337-0338

Board of Zoning Adjustment
District of Columbia
CASE NO.16783
EXHIBIT NO.15

HORSEY AND THORPE, ARCHITECTS

August 26, 2001

Mr. Thomas Birch, ANC-2E07
1240 29th Street, NW
Washington, DC 20007

Re: 1316 30th Street, NW

Dear Tom:

I am writing to follow up on our conversation over a month ago regarding the proposed addition to the Merriam House at 1316 30th Street. At that time you suggested that the matter be postponed from the July 16 ANC-2E meeting to the September meeting to allow more time for the project to be discussed with one of the Merriam's neighbors, Dr. Barrett Katz. You had just received a letter from Dr. Katz in which he articulated his concerns with the proposed addition. I received a copy several days later. As you will recall I had offered to meet with the Katz's numerous times over the previous month and they told me that they had decided against a meeting. Despite our efforts to meet with Katz's and their reluctance to do so, we agreed to have thee matter postponed to the September meeting in an effort to be as accommodating as possible.

You also mentioned that you had recommended to Dr. Katz that he contact me directly to review the project. Given our repeated efforts to meet with Dr. Katz, further calls on our part seemed redundant. Since our conversation on July 16, aside from the copy of his letter to you, which I received a couple of days later, I have not heard from Dr. Katz. I did receive a call from the Commission of Fine Arts a few weeks later saying that they had received a copy of Dr. Katz's letter and hoped that we would be able to meet with him before returning to the Old Georgetown Board for our permit review. I mentioned my conversation with you to Mr. Martinez and that I expected to hear from Dr.Katz.

Since Dr. Katz has chosen not to review the project with me directly, I would like to address the issues which he raised in his letter of July 16.

1. Dr. Katz identifies the zoning relief which we have requested as a Variance. In my June 25, 2001 letter to Dr. Katz I specifically referred to the zoning relief as a Special Exception. The difference between a Variance and a Special Exception, although perhaps unknown to most people, is distinct and important. While a Variance requires proof of "hardship " in addition to being evaluated on physical criteria, a Special Exception is only required to meet certain physical and historic preservation criteria. I have attached a copy of the definitions of these BZA actions for your review.

We believe that this project meets these zoning criteria and that is does not

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unduly affect the light and air of surrounding properties. The historic preservation criteria would seem to have been met in that the Old Georgetown Board approved the project in concept at its July 3 meeting. We also believe the proposal to be eminently reasonable especially if these same criteria were to be applied to the surrounding properties.

One of the reasons that Section 223 of the Zoning Regulations which allows for the requested Special Exception relief was adopted is to allow reasonable flexibility in the application of the zoning regulations to properties, especially those in historic districts, which were developed before the regulations were enacted in 1958, which properties might otherwise be unduly limited in expansion if a strict interpretation of the regulations were to be applied.

2. Dr. Katz specifically mentions the lot coverage issue. The Merriam property and the Katz property are of a similar size. As I have mentioned in prior letter to you and to Dr. Katz this proposal, and as illustrated on the attached site plan, seeks a modest, one story addition to the Merriam House which if approved and completed would result in a lot coverage of 48%, significantly smaller that the Katz house. It is worth noting in this context that Dr. Katz's own house covers 71% of his lot. Furthermore the Katz house is predominantly three story and impacts the light and air of the Merriam's house far more than their proposed addition would impact the Katz house.

Dr. Katz mentions that the proposed addition will bring the Merriam house 7'-0" closer to his own house. While this is true it is important to note that if the addition is approved the Merriams house will be no closer to the property line than Dr. Katz's house. Furthermore Dr. Katz's house is a significantly longer and higher than the Merriam's house.

Dr. Katz also mentions that the project "negatively impact the openness and light exposure to several adjacent residences, our own included." While Dr. Katz may be of this opinion, we believe an objective assessment will show this not to be the case.

In closing I believe that any impact Dr. Katz's foresees from the proposed addition should be taken in the context of the impact that his own house already has on the Merriam property.

I would like to request the ANC-2E support for this project. We have made this addition as small as it could possibly be in an effort to be as reasonable at the start as possible, as opposed to proposing a larger addition with a view to scaling back in negotiations with neighbors. We believe it to be extremely

reasonable on its own merits and especially so when seen in the context of the surrounding properties. Clearly all of the surrounding properties benefit significantly from looking into the Merriam garden. While the Merriam certainly do not begrudge the benefit their property brings to their neighbors it seems reasonable that they should be able to enjoy more of it for their own use as well.

I will be in town this week and over Labor Day weekend should it be determined that a meeting with Dr. Katz is desirable.

Thank you for your attention to this matter.

Sincerely,

Outerbridge Horsey, AIA

cc: Dr. Barrett Katz
Board of Zoning Adjustment
Commission of Fine Arts
ANC-2E
Caroline and John Merriam



ick here for Extended BZA Agenda

t Public Hearing Notices for all cases before the ublished in the District of Columbia Register.

BZA Actions

Variances

stration (BZA) is authorized to vary or modify any part of the Zoning Regulations onal situation, the strict application of the Zoning Regulations result in "exceptional tional and undue hardship" upon a property owner. Such hardship may result from physical characteristics which make the property unique or difficult to use. To approve an application for a variance, the Board would have to find that granting the request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the Zoning Regulations.

Special Exceptions

A Special Exception may be granted for a particular use of land or for a particular building. In general, a Special Exception is a conditioned permitted use in a particular zone district; that is, the use is permitted provided certain specific criteria are met. The Zoning Regulations set out standards for the Board to consider when deciding whether or not a particular special exception use should be allowed.

Non-Conforming Uses

A Non-Conforming Use is an existing use of land or of structure which was once permitted under the Zoning Regulations, or which pre-existed the application of the Regulations, but which is no longer permitted under current Regulations. These uses may be continued but are controlled to a greater degree than uses normally permitted by Zoning Regulations. The Zoning Regulations give BZA the authority to allow the expansion of such uses under certain circumstances and to allow certain changes in the use itself. The substitution of uses may also be permitted.

Appeals

In the case of appeals, the BZA is authorized to hear cases where it is alleged that the decision of any administrative officer or body related to the enforcement or administration of the Zoning Regulations is incorrect.

Foreign Missions

Under the Foreign Mission Act of 1982, the location, expansion, or replacement of a chancery in certain mixed use areas of the city is subject to the review and possible disapproval of the Board. Six criteria are applied when considering applications.

221.3 There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

221.4 The proposed facility shall meet all applicable code and licensing requirements.

221.5 The facility shall not have an adverse impact in the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

221.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

221.7 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers' home in a square or within one thousand (1,000 ft.) of each other.

221.8 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with the reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, to the State Historic Preservation Officer.

SOURCE: §3101.416 of Regulations effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3489 (August 7, 1981); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); renumbered by Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); and by Final Rulemaking published at 40 DCR 726 (January 22, 1993).

222 [RESERVED]

223 ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1)

223.1 An addition to a one-family dwelling or flat, in those districts where a flat is permitted, that does not comply with all of the requirements of §§401, 403, 404, 405 or 406 of this title shall be permitted if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of Chapter 31 of this title, subject to the provisions of this section.

223.2 The addition shall 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 shall not be unduly affected;

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

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

(d) In demonstrating compliance with ¶¶(a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and view from public ways.

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 percent (70%) in the R-3, R-4 and R-5 Districts.

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.

299 DEFINITIONS

299.1 The provisions of §199 chapter 1 of this title, and the definitions set forth in that section, shall be incorporated by reference in this section.

AREA PLAN

1" = 16'-0"

ASK	SCALE: 1" = 16'	MERRIAM HOUSE	HORSEY AND THORPE, ARCHITECTS
7.2	DATE: JULY 2, 2001	1316 30TH SREET, NW WASHINGTON, DC	1229 1/2 31ST STREET, NW WASHINGTON, DC 20007 TEL. 202 337 4826 FAX. 202 337 6658

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