ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

November 27, 2001

BY HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

RECEIVED
D.C. OFFICE OF ZONING
2001 NOV 27 PM 3:44

Re: BZA Application No. 16805
Phil Savopoulos – 2325 S Street, N.W.

To Whom It May Concern:

Enclosed please find an original and ten (10) copies of the Statement of the Applicant on behalf of Phil Savopoulos for the addition of a fourth story to a single family structure located at 2325 S Street, N.W.

If you have any questions, please feel free to contact me at (202) 663-9062.

Sincerely,

Martin Sullivan mmm

Martin P. Sullivan

Enclosures

Document #: 1188657 v.1

BZA
Case No. 16805
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16805
EXHIBIT NO.22

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

RECEIVED
D.C. OFFICE OF ZONING
2001 NOV 27 PM 3:45

Application of Phil Savopoulos

BZA Application No. 16805
Hearing Date: December 11, 2001
ANC 1D

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This application seeks zoning relief pursuant to 11 DCMR 3103.2 for a variance from 11 DCMR 400.1, which limits to three the maximum number of stories permitted in the R-1-B Zone District. Phil and Gail Savopoulos, the Applicant in this matter, propose to add a fourth floor to the single-family house recently purchased at 2325 S Street, N.W. (the "Property"), on Lot 816 in Square 2518. The proposed fourth floor will be set back from the front of the house in order to minimize its visibility and it will not exceed the 40 foot height limit in the R-1-B Zone. The proposed addition has received the support of ANC 1D. The Applicant will live at 2325 S Street, N.W. once the house is renovated and the proposed addition completed.

II.
Jurisdiction of the Board

The Board has jurisdiction to grant the relief requested pursuant to Section 3103.2 of the Zoning Regulations.

III.
Description of Environs

The Property is located on the north side of S Street, N.W., within the boundaries of the Sheridan – Kalorama Historic District. The character of this residential historic district is defined predominately by large, architecturally significant, single-family detached houses and equally impressive rowhouses. Over the years, most of these houses have been converted to diplomatic use, either as embassies or chanceries.

The house at 2325 S Street, N.W. was constructed in the early nineteen-fifties. It lacks the architectural quality and presence of the buildings that define the character of the Sheridan – Kalorama Historic district; it was deemed a "non-contributing" element in the historic district by virtue of its date of construction and lack of design excellence. It is the shortest house on its block and it sits on one of the smallest lots in the surrounding area.

Many of the buildings along this part of S Street are substantially taller and/or have more than three floors. This is particularly true of many of the older houses that contribute to the architectural character of the neighborhood, including 2339 and 2343 S Street, N.W., immediately to the west, and 2320, 2340, and 2346, directly across the street, which have four floors and/or are taller than forty feet. These houses predate the 1958 Zoning Regulations. However, even houses constructed after 1958 and under the R-1-B zoning can exceed, with the approval of the BZA, the limit on stories and height. For example, in 1988 the BZA approved a variance (Order No. 14903, attached as part of Exhibit F) for a fourth story at 2315 S Street, N.W., immediately to the east of the

Savopoulos' home. 2325 S Street, N.W. is unusual for its lack of height and the proportions of its façade suffer as a result, particularly in relation to its neighbors and the neighborhood character.

In addition to being shorter than most of the houses in the neighborhood, 2325 S Street, N.W. also sits in a lot smaller than those of most other detached houses in the area. The area of the Property is approximately 4,860 square feet. The lot is slightly smaller than the required 5,000 square foot minimum required in the R-1-B zone, making the lot non-conforming. However, the addition of a fourth floor is permitted under 11 DCMR 2001.3 because: the house, with the addition, will not exceed the lot occupancy limitations; the addition will conform to the use and structure requirements; and the addition will not increase or extend any existing, non-conforming aspect of the structure and shall not create any new non-conformity.

IV.
Description of the Project

The proposed fourth floor addition is actually only a partial floor – it is set back from the front of the house approximately 12 feet to minimize its visibility. This addition, because of the related alteration to the top of the front façade, will actually improve the proportions and appearance of this house. The raised and reworked parapet (the exact design details must still be developed as part of the historic preservation review process) will be a better, more strongly designed and defined top to the façade. The raised parapet, combined with the set-back of the addition, will mean that the addition

will be slightly visible from across the street and not at all visible from in front of the house or from the street.

The improved design of the façade will be much more compatible with and appropriate for the Sheridan - Kalorama Historic District. This project received conceptual design approval from the Historic Preservation Review Board ("HPRB") September 26, 2001. Approval of the final permit drawings has been delegated to the staff of the HPRB.

V.

Relief Requested - Variance from Floor Area Ratio Requirement

The Zoning Regulations for the R-1-B district allow a maximum height of 40 feet and a maximum of three stories. The subject house is currently approximately 34 feet in height, with three stories. The Applicant proposes to add a fourth story to the house, while keeping its height within the maximum permitted 40 feet.

VI.

The Application Meets the Requirements for

Variance Relief Under Section 3103.2 of the Zoning Regulations

The burden of proof for variance relief is well established. The Applicant must demonstrate that the Property is affected by an exceptional or extraordinary situation or condition, that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant, and that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of

the zone plan. Palmer v. BZA, 287 A.2d 535, 541 (D.C. 1972). As set forth below, the application meets the three-part test for area variance relief.

A. The Property is Affected by an Exceptional Situation or Condition

The D.C. Court of Appeals held in Clerics of St. Viator v. D.C. Board of Zoning Adjustment, 320 A.2d 291 (D.C. 1974) that the exceptional situation or condition standard goes to the "property", not just the "land"; and that "....property generally includes the permanent structures existing on the land [footnote omitted]." *Id.* at 293-294. The Court held that the exceptional situation standard of the variance test may be met where the required hardship inheres in the land, or the property (i.e., the building on the land).

The Property meets the "exceptional situation or conditions" element of the variance test because the house is shorter than the vast majority of its neighbors and because its lot area is smaller than most of its detached neighbors. Additionally, its continued use as a private residence is exceptional in this block of diplomatic and institutional uses.

At three stories and 34 feet, 2325 S Street, N.W., is inconsistent with the visual character of its block and neighborhood. The older houses that contribute to the architectural character of the Sheridan – Kalorama Historic District have much taller ceilings than 2325 S Street, N.W., thus even three – story houses exceed 40 feet. And, indeed, many of the houses have four tall floors. The real and architectural shortness of 2325 S Street, N.W. is especially unfortunate in this block, which is characterized by architecturally-significant houses designed by exceptional architects. Furthermore, the

lack of height and verticality contributes to the unfortunate squat proportions of the façade of 2325 S Street, N.W. The additional height at the parapet will improve the appearance and design of this house and make it a better neighbor for the historic houses on the block.

The small size of this lot also makes it exceptional. It is one of the smallest lots occupied by a detached house in the area. This limits the option for expansion in a way that is typical in the area.

The fact that this house will remain a private residence is also exceptional; 2325 is one of the only two private residences on the north side of this block and there are only 2 on the south side. All the other properties are either diplomatic or institutional in use.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty

The strict application of the height regulations would, in this case, pose a practical difficulty for the Applicant because an addition to the top of the structure is the only (and best) possible alternative for increasing the living space in the subject house. The strict application of the 3-story limit would prohibit the provision of this additional space, even though the height of the structure, with the proposed addition, will not exceed the 40 - foot height limit. This additional story also is more consistent with the other structures in the neighborhood, most of which already have four stories and/or are taller than the subject house. This additional roof area will not negatively impact surrounding neighbors, particularly since the fourth floor is set back from the front of the house. Because of the smaller lot size, increasing the footprint of the house would have a greater

than usual impact on the lot occupancy of the house, and on the rear or side yard setbacks. There is some potential to add to the ground floor of the house; lot occupancy is currently at 32%. However, because the lot is small, the façade alterations necessitated by the new fourth floor will improve the proportions and appearance of the façade, and given that most of the nearby structures are already at least 40 feet, the most appropriate method of renovation is that of adding space on top of the existing structure, rather than increasing the footprint and lot occupancy percentage.

C. Relief can be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

Relief can be granted without substantial detriment to the public good. The granting of a variance would allow the increase in the height of the house only up to the permitted 40 feet. The addition of the fourth story does not negatively impact the surrounding properties. The majority of the structures in this neighborhood are already at 40 feet and therefore this renovation will not make the subject house of exceptional height or density for this neighborhood.

The variance can be granted also without impairing the intent, purpose and integrity of the Zone Plan. The house will remain within the 40-foot building height limit, and it will be an architecturally-better neighbor than it currently is. Additionally, while each case should be decided on the particular facts and circumstances of that case, there have recently been BZA rulings similar to that requested here.[1]

[1] See BZA Order No. 14903 from 1988, mentioned above, which permitted the addition of a fourth story at 2315 S Street,N.W.; Also, BZA Order No. 16737, from July, 2001, in which the Board approved a variance for the addition of a fourth story in an R-3 Zone; Also, BZA Order

Footnote continued on next page

VII.

Community Support

A representative of the Applicant presented this project to the Advisory Neighborhood Commission 1D at its regularly – scheduled monthly meeting on October 16, 2001. At that meeting, ANC 1D voted unanimously to support the granting of the requested variance. Additionally, a detailed letter and project plans were delivered to the property owner at 2315 S Street, N.W. and mailed to everyone within 200 feet of the Property and several other nearby neighbors to insure that everyone was aware of the proposed project.

VIII.

Comprehensive Plan

The Comprehensive Plan's Land Use Map designates the Property for low density residential use. The proposed project is consistent with and fosters the goals and policies of the Comprehensive Plan.

IX.

Exhibits in Support of Application

Exhibit A: Portions of the Sanborn Maps showing the Property outlined in red.

Exhibit B: Portion of the Zoning Map showing the Property outlined in red.

Exhibit C: Plans and Elevations for the Project.

Footnote continued from previous page

No. 16725, from July of 2000, which granted variances and special exceptions to expand a residence very near 2325 S Street and in the same ANC district, 1D. Copies of these three Orders are attached as Exhibit F.

Exhibit D: Photographs of 2325 S Street, N.W. and Surrounding Buildings

Exhibit E: Copy of the HPRB Staff Report.

Exhibit F: Copies of BZA Order Nos. 14903, 16737 and 16725.

Exhibit G: Outline of testimony of Phil Savopoulos, Applicant.

Exhibit H Resume of Anne H. Adams.

Exhibit I Outline testimony of Anne H. Adams, Architectural Historian

Exhibit J Letter of Support from ANC 1D.

Exhibit K Letter of Support from Ambassador of the Netherlands.

X.
Conclusion

For all of the above reasons, the Applicant is entitled to variance relief in this case.

Respectfully submitted,

SHAW PITTMAN LLP

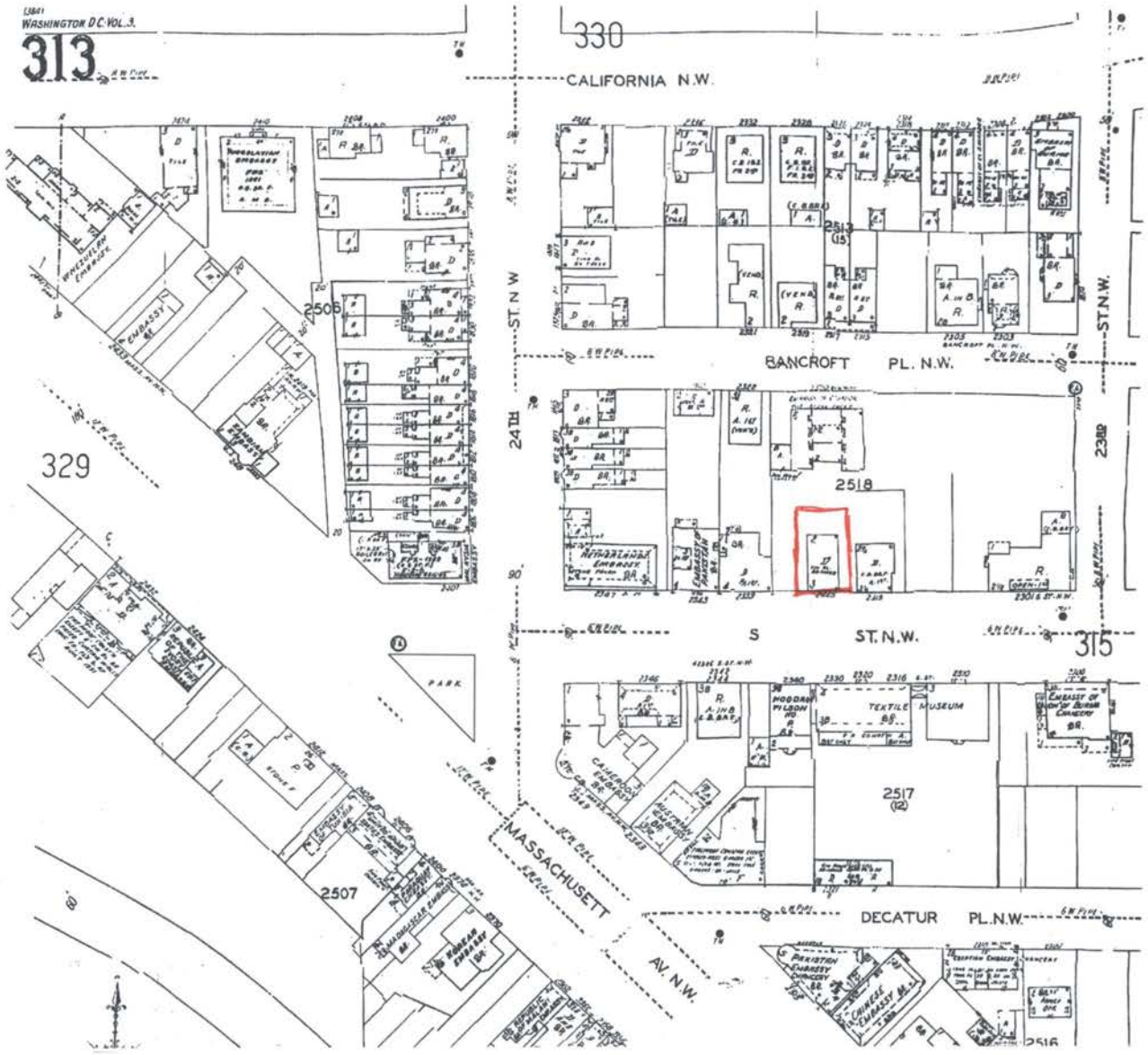
By: _____ 11/27/07
John T. Epting

By: _____ 11/27/07
Martin P. Sullivan

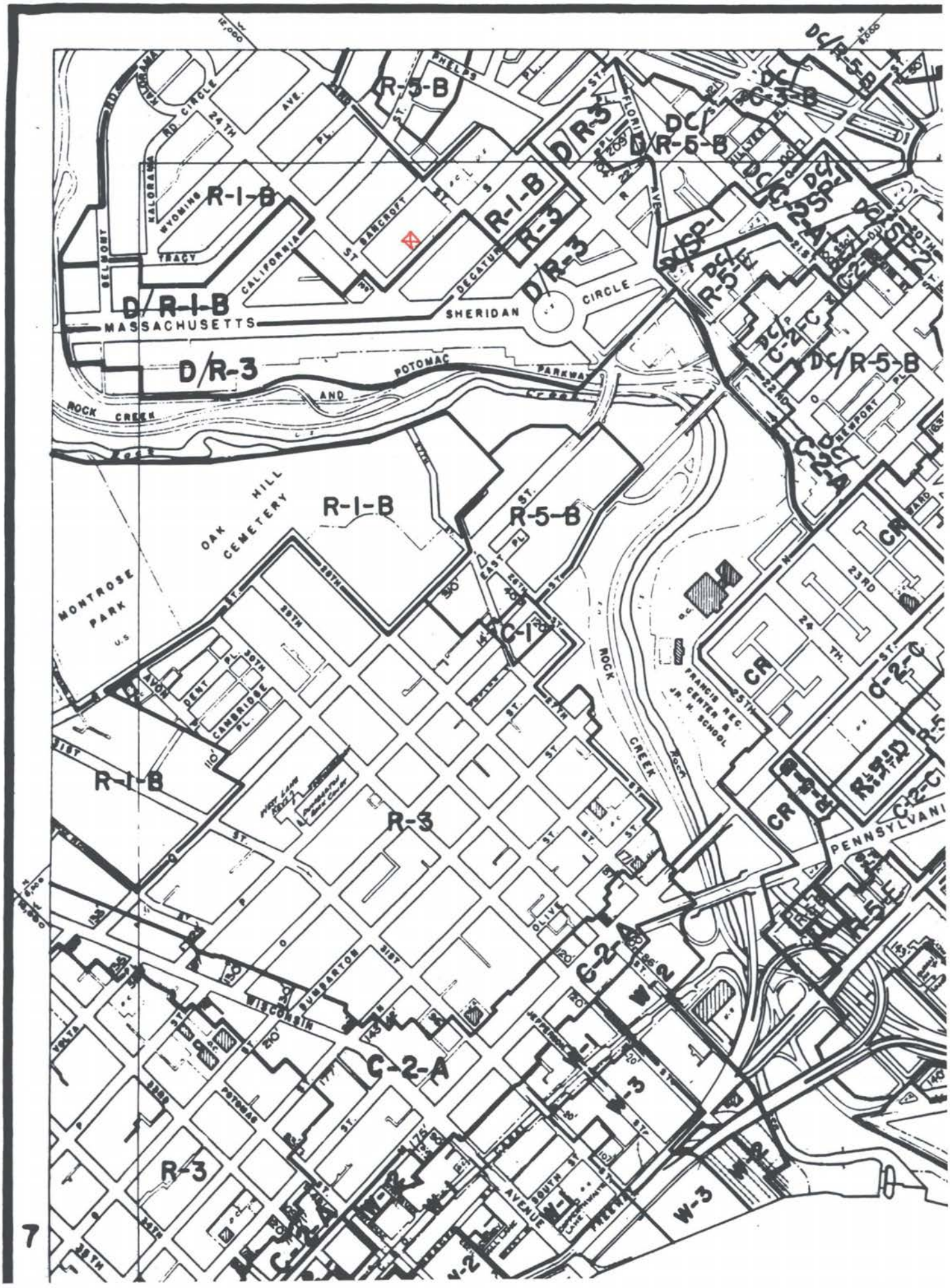
Document #: 1180474 v.6

A


CALIFORNIA STREET
Sq 2519
Sq 2506
BANCROFT PLACE
Sq 2518
23RD ST.
STREET
S. STREET
24 TH.
Sq 2517
MASSACHUSETTS
DECATUR ST.
Sq 2516
Sq 2507
MASSACHUSETTS

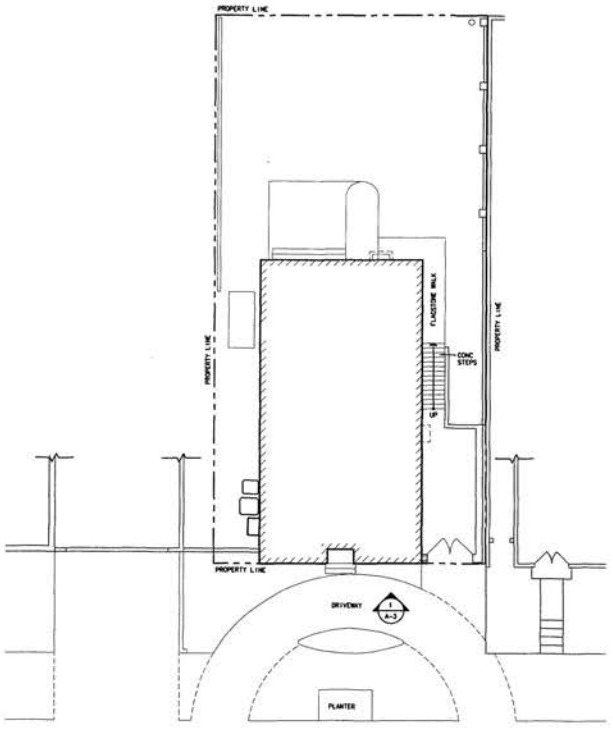

1941
WASHINGTON D.C. VOL. 3.
313
330
CALIFORNIA N.W.
2513
(15)
BANCROFT PL. N.W.
24TH ST. N.W.
23RD ST. N.W.
2518
329
S ST. N.W.
315
2517
(12)
TEXTILE MUSEUM
2505
2507
MASSACHUSETT AV. N.W.
DECATUR PL. N.W.
2516




R-1-B
R-3
R-5-B
D/R-1-B
D/R-3
D/R-5-B
DC/R-5-B
DC/R-3
DC/R-5-E
DC/SP-1
DC/SP-2
C-1
C-2
C-2-A
C-2-B
C-2-C
CR
W-1
W-2
W-3
MASSACHUSETTS
SHERIDAN
CIRCLE
POTOMAC
PARKWAY
AND
ROCK CREEK
OAK HILL CEMETERY
MONTROSE PARK
PENNSYLVANIA
FRANCIS REC. CENTER & JR. H. SCHOOL
WISCONSIN
EAST PL.
CAMBRIDGE PL.
NEWPORT PL.
DENT PL.
AVON PL.
FLORIDA AVE.
CALIFORNIA ST.
WYOMING
TRACY
DECATUR
BANCROFT
PHELPS PL.
KALORAMA RD.
KALORAMA CIRCLE
SOUTH ST.
OLIVE
POTOMAC
SUMPTER
22ND
23RD
24TH
25TH
26TH
27TH
28TH
29TH
30TH
31ST
32ND
33RD
34TH
35TH
36TH

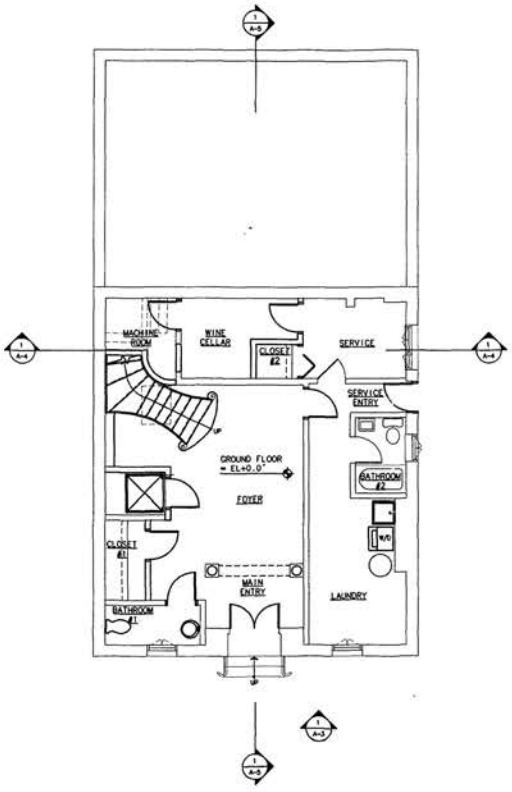


U:\PROJECTS\1110\Zoning Submittal\1110FA01.dwg Tue Nov 27 10:33:20 2001 WSB04



SCALE: 1/8" = 1'-0"

1 / A-1 SITE PLAN - NEW WORK SCALE: 1/8" = 1'-0"



SCALE: 1/4" = 1'-0"

2 / A-1 GROUND FLOOR PLAN - NEW WORK SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT TITLE

2325 S STREET, NW
WASHINGTON D.C. 20008

PROJECT NO. 1110

ALPHATEC PC

DRAWING TITLE

SITE PLAN
AND
GROUND FLOOR PLAN -
NEW WORK

DRAWN: SM | APPRD: KMA

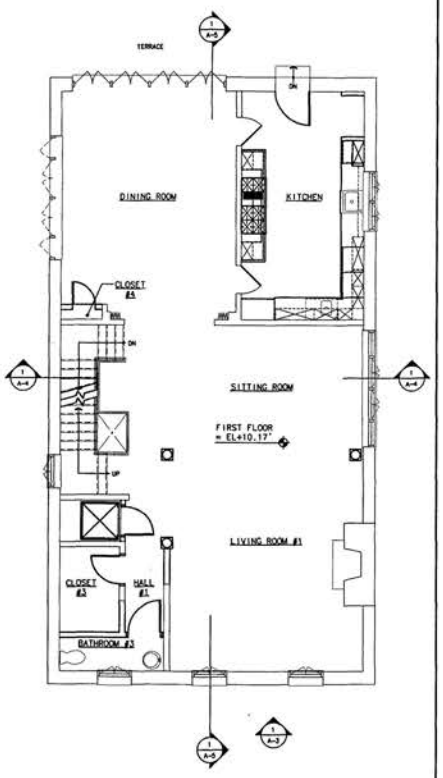
SCALE: VARIES

ISSUE DATE:

DRAWING NUMBER

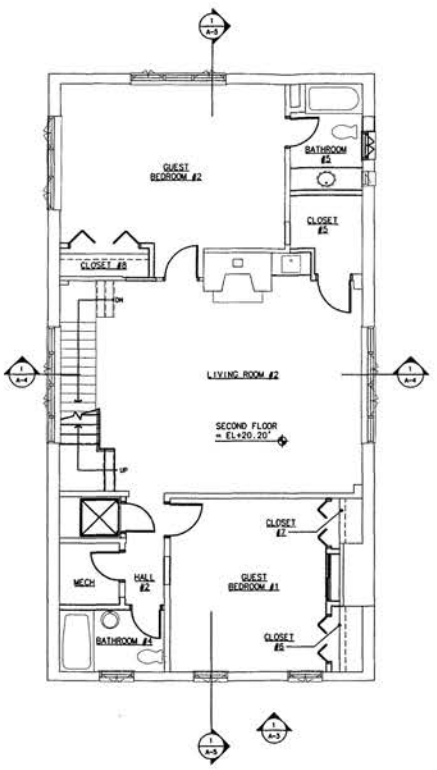
A-1

SHEET OF



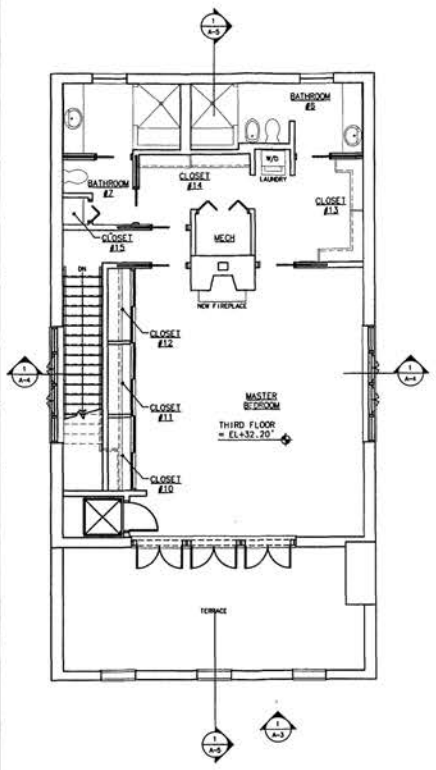
SCALE: 1/4"=1'-0"

1 A-2 FIRST FLOOR PLAN - NEW WORK (+10'-0 1/2")



SCALE: 1/4"=1'-0"

2 A-2 SECOND FLOOR PLAN - NEW WORK



SCALE: 1/4"=1'-0"

3 A-2 NEW THIRD FLOOR PLAN - NEW WORK

REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT TITLE

2325 S STREET, NW
WASHINGTON D.C. 20008

PROJECT NO. 1110

ALPHATEC PC

DRAWING TITLE

FIRST, SECOND AND THIRD FLOOR PLANS - NEW WORK

DRAWN: SM | APPRD: KHA

SCALE: 1/4"=1'-0"

ISSUE DATE:

DRAWING NUMBER

A-2

SHEET OF

U: \PROJECTS\1110\Zoning Submittal\1110FA02.dwg Tue Nov 27 10:33:42 2001 WSB04



1
A-3

NORTH ELEVATION

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT TITLE

2325 S STREET, NW
WASHINGTON D.C. 20008

PROJECT NO. 1110

ALPHATEC PC
ARCHITECTURE
PLANNING
1629 WITH STREET, NW
WASHINGTON, D.C. 20009
TEL 202-797-0000
FAX 202-797-0001

DRAWING TITLE

NORTH
ELEVATION

DRAWN: LCF | APPRD: KMA

SCALE: 1/8"=1'-0"

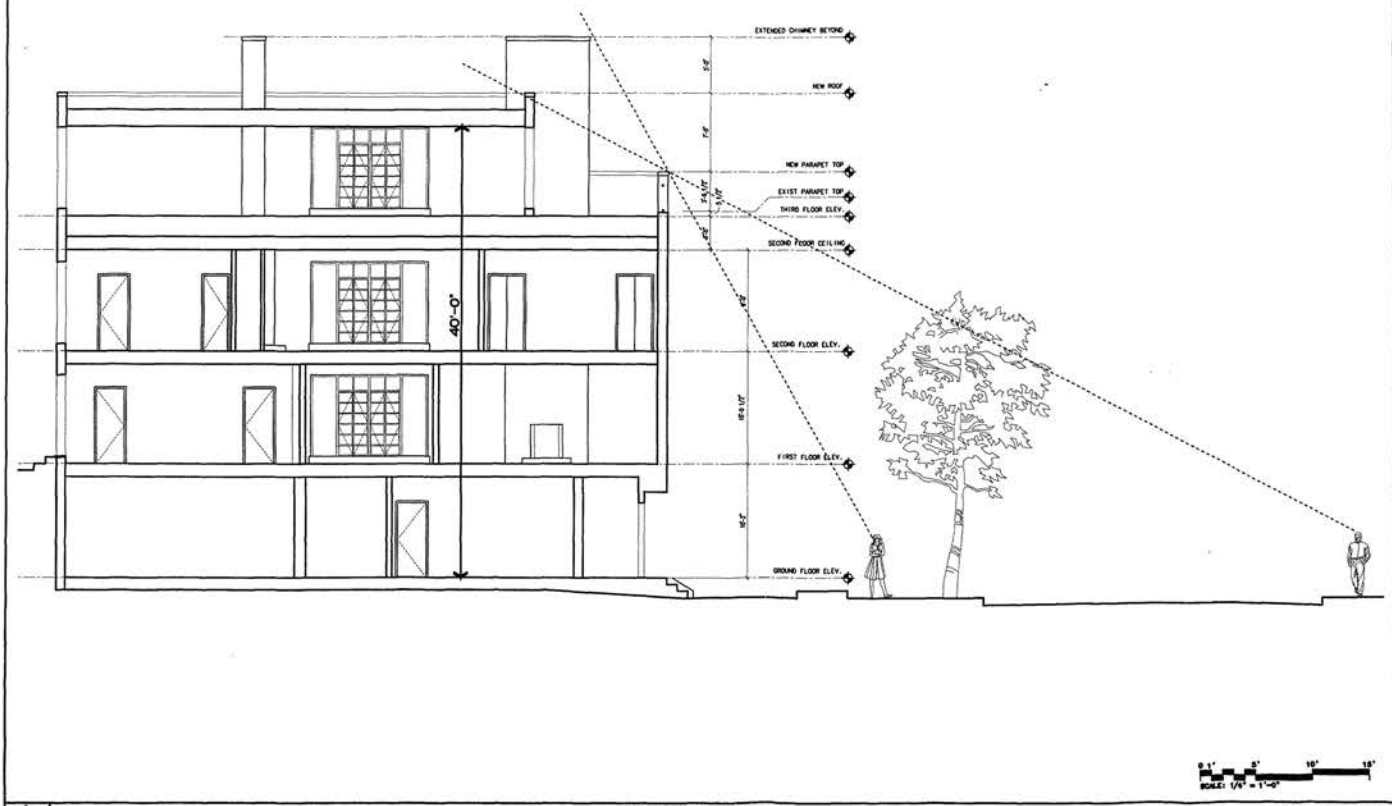
ISSUE DATE:

DRAWING NUMBER

A-3

SHEET OF

U:\PROJECTS\1110\Zoning Submittal\1110EA01.dwg Tue Nov 27 10:33:01 2001 WSB04



1
A-4

BUILDING SECTION

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT TITLE

2325 S STREET, NW
WASHINGTON D.C. 20008

PROJECT NO. 1110

ALPHATEC PC
ENGINEERS
ARCHITECTS
PLANNERS
1828 16TH STREET, NW.
WASHINGTON DISTRICT OF COLUMBIA 20009
TEL. 202-797-9000
FAX. 202-797-9006

DRAWING TITLE

SECTION

DRAWN: LCF	APPRD: KNA

SCALE: 1/4"=1'-0"

ISSUE DATE:

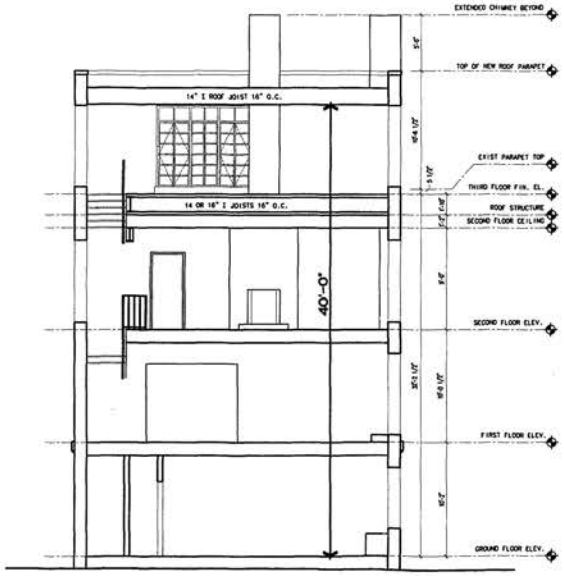
DRAWING NUMBER

A-4

SHEET OF

U:\PROJECTS\1110\Zoning Submittal\1110TA02.dwg Tue Nov 27 10:34:20 2001 WSB04

U:\PROJECTS\1110\Zoning Submittal\1110TA01.dwg Tue Nov 27 10:33:59 2001 WS804



0 1' 5' 10' 15'
SCALE: 1/8" = 1'-0"

1
A-5

BUILDING SECTION

SCALE: 1/4" = 1'-0"

REVISIONS		
NO.	DESCRIPTION	DATE

PROJECT TITLE

2025 S STREET, NW
WASHINGTON D.C. 20008

PROJECT NO. 1110

ALPHATEC PC
ENGINEERS
ARCHITECTS
PLANNERS
1900 16TH STREET, NW
WASHINGTON, D.C. 20009
TEL (202) 797-8800
FAX (202) 797-8804

DRAWING TITLE

SECTION

DRAWN: LCF | APPRD: KNA

SCALE: 1/4"=1'-0"

ISSUE DATE:

DRAWING NUMBER

A-5

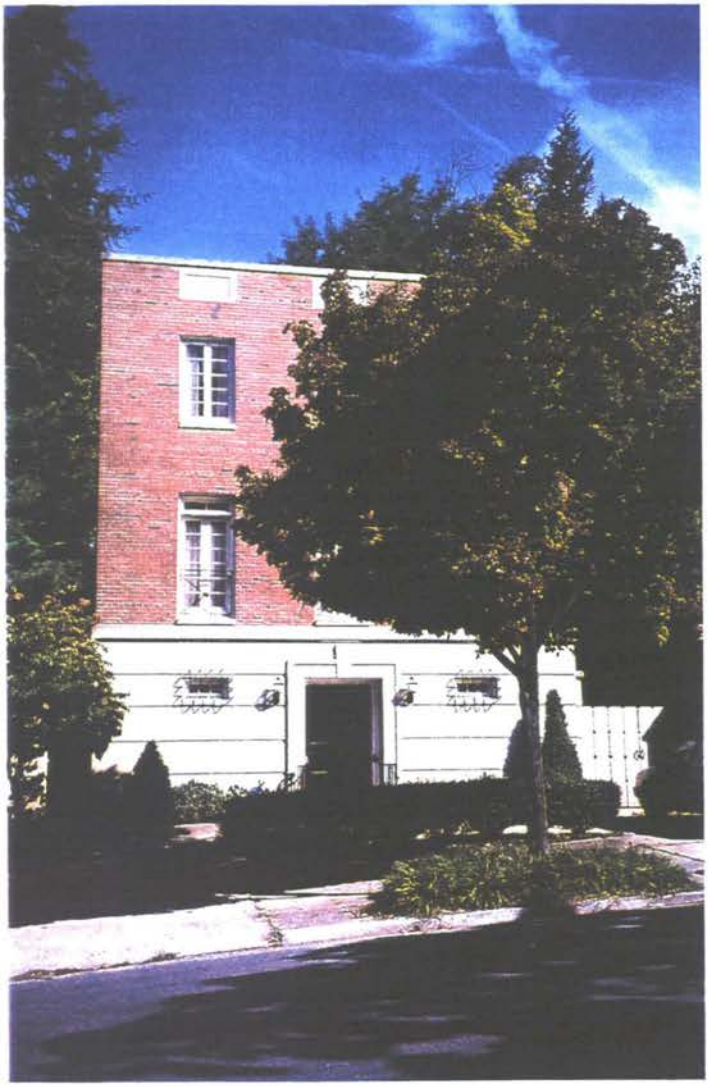
SHEET OF

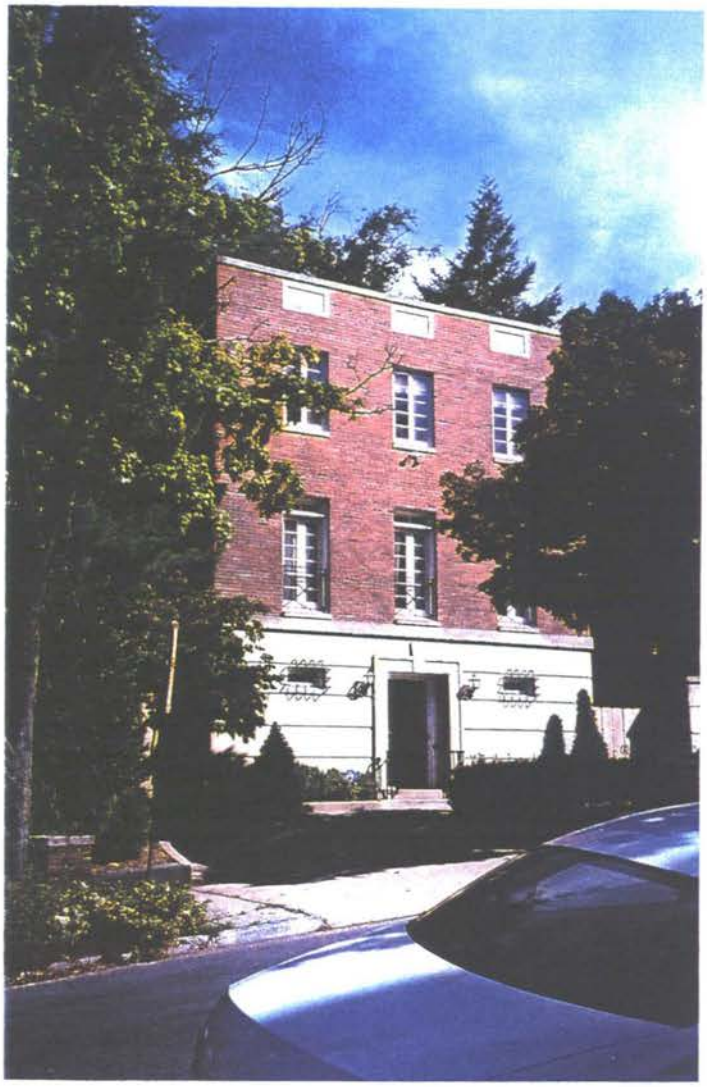






2325 S Street, N.W.
(on the left)
adjacent house to the East





2325 S Street, N.W.
Front View



HISTORIC PRESERVATION REVIEW BOARD
STAFF REPORT AND RECOMMENDATION

Property Address:	**2325 S Street, NW**		Agenda
Landmark/District:	**Sheridan-Kalorama Historic District**	X	Consent Calendar
			Concept Review
Meeting Date:	**August 27, 2001**	X	Alteration
H.P.A. Number:	**01-553**		New Construction
Staff Reviewer:	**Steve Callcott**		Demolition
			Subdivision

The applicant, architectural historian Andi Adams for owner Phil Savopoulos, seeks conceptual design review for the construction of a fourth floor on a three-story house in Sheridan-Kalorama. This Federal styled brick townhouse, constructed in the mid-1950s, does not contribute to the historic district.

The fourth floor addition would be set back approximately 12' from the front façade. The front parapet wall would be extended up by several feet to allow for a new front roof deck and a more generously proportioned cornice. The front face of the addition would feature of a bank of traditional french doors capped by transoms. Sight line and perspective studies indicate that the addition will not be prominently visible from the street.

The staff recommends that the Review Board approve the conceptual design for a fourth floor addition as consistent with the purposes of the preservation act, and delegate final approval to staff.

F

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14903 of Wirt D. Walker, III, Sally W. Walker and Mishal Y. Al Sabah, pursuant to 11 DCMR 3107.2, for a variance from the number of stories requirement (Sub-section 400.1) for the proposed alteration and conversion of an attic into a story of a one-family dwelling in an R-1-B District at premises 2315 S Street, N.W., (Square 2518, Lots 32 and 33).

HEARING DATE: November 30, 1988
DECISION DATE: November 30, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 1D and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 1D. ANC 1D, which is automatically a party to the application, by letter dated October 13, 1988, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 400.1. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested 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 maps. It is therefore ORDERED that the application is GRANTED.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions

of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Lindsley Williams and Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: DEC 16 1998

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14903order/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16737 of John and Laura Chadwick, pursuant to 11 DCMR § 3103.2 for a variance to allow a fourth floor addition to a nonconforming building under subsection 2001.3, and a variance from the story limitations under section 400, in an R-3 District at premises 1406 30th Street, N.W. (Square 1257, Lot 234).

HEARING DATE: July 24, 2001
DECISION DATE: July 24, 2001 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a written statement stating that the ANC does not object to the requested variances.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR § 3103.2. No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR §§ 3103.2, 2001.3, and 400 that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested 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. It is therefore **ORDERED** that this application be **GRANTED.**

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0-1 (Geoffrey H.Griffis, Sheila Cross Reid, David W. Levy and John G. Parsons to approve. Anne Mohnkern Renshaw recusing herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Order.

FINAL DATE OF ORDER: September 17, 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16725 of Richard A. Cantor and Charles L. Grizzle, as amended, pursuant to 11 DCMR § 3103.1 for variances to allow an addition to a nonconforming one-family structure under subsection 2001.3 (a), (b) and (c), and from the lot occupancy requirement under subsection 403.2, and pursuant to subsection 3104.1 for a special exception to allow the establishment of a nonconforming open court and the enlargement of an existing nonconforming open court (section 406) under section 223 in an R-1-B District at premises 2326 California Street, N.W. (Square 2519, Lot 46).[1]

HEARING DATE: **July 10, 2001**
DECISION DATE: **July 10, 2001 (Bench Decision)**

DECISION AND ORDER

PRELIMINARY MATTER:

Dr. Robert E. Wittes, the abutting property owner (who also shares a party wall with the applicant), requested party status (Exhibit No. 20). The Board determined that Dr. Wittes met the requirements as outlined in section 3106 of the Zoning Regulations to be granted party status and, therefore, approved his request.

SUMMARY OF EVIDENCE:

The site is located in Square 2519, on Lot 46. The site is located mid-block on California Street, N.W., at premises 2326, in the Sheridan-Kalorama neighborhood of Ward 1. The lot contains 2,437.5 square feet; it has a width of 25 feet and a depth of 97.5 feet. A three-story plus basement, semi-detached, building that was constructed in 1914 is located on the property.

The owners proposed replacing an existing two-story rear addition that was constructed in 1985 with a three-story brick addition. The rear of the existing structure would be reconfigured, to include adding a second bathroom on the third floor. The addition would extend the third story out an additional 8 feet, so that the rear wall at the proposed third story aligns with the rear wall of the existing house.

The site is zoned R-1-B. The R-1-B District permits matter-of-right development of one-family detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50

[1] **The Board amended the application at the public hearing. The Board determined that the corrected announcement would not change the substantive issues of the case.**

feet, maximum lot occupancy of 40 feet, a minimum side yard depth of 8 feet (each), and a height of 3 stories/40 feet.

The applicants are allowed to occupy 975 square feet of the 2,437 square foot lot (based on 40 percent lot occupancy). The Board was provided with different calculations for the lot occupancy. The Zoning Administrator's computations sheet (Exhibit No. 6), the applicants' construction plans (Exhibit No. 9), and the applicants' calculations at the public hearing (transcript page 84) contain different lot occupancy figures. After reviewing all the scenarios, the Board indicated that the existing building and proposed addition exceeded the footprint by 30 square feet or less (11 percent). The proposed increase in lot coverage would be approximately 1 percent of the total lot area. The footprint of the proposed and existing structures would be very similar.

No zoning relief was needed from the side yard zoning requirements even though the application was initially advertised for relief from section 405 of the Regulations. Eight-foot side yards are required in the R-1-B district. To the east, the applicants share a party wall with their neighbor. To the west, the dwelling is constructed adjacent to the property line. The existing dwelling is built on lot lines on both sides. The existing rear yard has a depth of 42.4 feet; and a 25-foot depth is required. The depth of the rear yard is much larger than that required by the Zoning Regulations.

An existing open court is located on the east side of the property. The applicants' are proposing to construct a bay window on the west side of the property thus creating another open court. Zoning relief is needed for two nonconforming open courts at the site.

The DC Historic Preservation Review Board (HPRB) reviewed the project. The HPRB found that the applicants' proposal to be consistent with the character of the Sheridan-Kalorama Historic District, and therefore approved the design and massing of the addition (Exhibit No. 22).

By correspondence to the Board, Advisory Neighborhood Commission (ANC) 1D indicated that at its April 17, 2001 public meeting, the ANC voted to support the application (Exhibit No. 19).

The applicants prepared a Sun and Shadow Study (Exhibit No. 26) to simulate how sunlight of the abutting neighbor's property would be affected during the seasons of the year if the addition were constructed. The applicants indicated that the addition would have minimal effect on the abutting property. However, for approximately one hour during the afternoon, the proposed addition would cast a shadow on the adjoining property to the east.

OPPOSITION:

Dr. Robert E. Wittes, party to the case, does not object to the addition in general, but does object to the third story. Dr. Wittes indicated that:

- The top story would decrease the amount of sunlight to his property.

- The third floor addition would change his view from that of trees and greenery (a woodsy appearance) to a man-made structure at the rear right of his property.

- The proposed third story addition would block the open space view from the third floor west window.

- The addition would decrease his privacy.

FINDINGS OF FACT:

The lot is nonconforming; the lot size is approximately one-half of that required in the R-1-B District. The subject existing dwelling exceeds the allowable lot occupancy by 11 percent. The lot and existing structure are nonconforming. Any exterior addition to the building requires relief from the Board of Zoning Adjustment.

The addition would cause some shadow changes to the abutting property. However, the changes would be minimal. Two windows would be impacted for short periods of time at particular times of the year. A majority of Dr. Wittes' property, however, would not be substantially affected by a loss of light to most of the windows and rooms. Dr. Wittes provided photographs to show the existing view; however, he did not provide any other documentation to substantiate the extent to which his view would be significantly diminished, nor did he discuss, in-depth, how his privacy would be impaired.

The Board found that the site contains inherent difficulties, which arise out of the land. The lot size and width are approximately one half the size required for the R-1-B District. There are no side yards at the site, resulting in the creation of open courts that cannot meet the zoning requirement. The dwelling is 87 years old; it was built 44 years prior to the effective date of the 1958 Zoning Regulations. The footprint of the original dwelling exceeded the allowable lot occupancy.

The building is located in Sheridan-Kalorama historic district and must meet historic preservation review design requirements. Those design requirements are intended to place specific restrictions on how the addition can be constructed, thus constraining, to some extent, the use of the property. The DC Historic Preservation Review Board approved the project.

The property's rear yard is 17 feet larger than required by the Zoning Regulations. The substantially large back yard adds a measure of open space to the property.

Advisory Neighborhood Commission 1D at a public meeting passed a resolution to support the application.

CONCLUSIONS OF LAW AND OPINION:

The Board is authorized under Section 8 of the Zoning Act of June 20, 1938 (52 Stat. 799, as amended; D.C. Code § 5-424(g)(3) (1994)), to grant variances from the strict application of the Zoning Regulations. Richard A. Cantor and Charles L. Grizzle sought variances and a special

exception pursuant to 11 DCMR § 3103.2 and 3104.1, to permit the construction of a three-story rear addition to a nonconforming semi-detached dwelling. The notice requirements of 11 DCMR § 3113 for a public hearing on the application have been met, as the Office of Zoning provided timely written notice to the applicant, the owners of all property within 200 feet of the subject property, and ANC 1D, and by publishing the notice in the D.C. Register. In addition, the applicant timely posted notice on the property.

The application must meet the three-prong test for area variances, as identified in subsection 3103.1 of the Zoning Regulations. The applicants must demonstrate that: (1) the property is unique because of its size, shape, or topography or other extraordinary or exceptional situation or condition connected with the property; (2) the applicants would encounter practical difficulty if the Zoning Regulations were strictly applied; and (3) granting the variance will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The applicants must also demonstrate that based on 11 DCMR subsection 3104.1, the requested relief can be granted in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect, adversely, the use of neighboring property in accordance with the Zoning Regulations and Map.

Based on the summary of evidence and findings of fact, the Board finds that the site is zoned R-1-B and semi-detached dwellings are not permitted as a matter-of-right in the R-1-B District. The lot area, lot width, lot occupancy, side yard and open courts cannot meet the zoning requirements. The building was constructed 44 years prior to enactment of the 1958 Zoning Regulations, and is unable to meet current zoning requirements. These zoning constraints render the property and structure to be nonconforming. Further, the site is located in a historic district and the project is required to meet design guidelines specifically tailored to the Sheridan-Kalorama neighborhood. These physical restrictions create an exceptional condition at the site and inhibit the applicants' ability to reasonably develop the property. As such, a practical difficulty exists at the site, which prevents the applicants from reasonably using the property.

The Board found the applicants arguments persuasive, supported by the Sun and Shadow Study, that the addition would not create substantial adverse impact on the abutting or nearby properties. The addition would cause a limited amount of shadow and sunlight changes to the abutting property and would minimally change the view from the rear windows. However, it would not prevent the abutting property owner from continuing to enjoy the view and privacy from his home. The Board is of the opinion that approving the application would not be in disharmony with the Sheridan-Kalorama neighborhood and would be in accord with the general purpose and intent of the Zoning Regulations and Map.

The Board considered the views of Advisory Neighborhood Commission 1D and gave the ANC the "great weight" to which it is entitled.

The Board was persuaded that the applicants have met the burden of proof for area variances and special exception to construct the proposed rear addition. Therefore, it is hereby **ORDERED** that the application be **APPROVED**, in accordance with the building plans identified at Exhibit 9 of the record.

VOTE: 5-0-0 (Geoffrey H. Griffis, Anthony J. Hood, Susan Morgan Hinton, Anne Mohnkern Renshaw and Sheila Cross Reid to approve.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring Board member approved the issuance of this Order.

FINAL DATE OF ORDER: September 18, 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OF THE D.C. CODE. *SEE* D.C. CODE § 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

OUTLINE OF TESTIMONY OF PHIL SAVOPOULOS; OWNER 2325 S STREET, N.W.

I. Introduction

II. Description of the Project

III. Need for additional space

IV. Relationship with the Community

Document #: 1188538 v.1

H

ShawPittman LLP

Anne H. Adams
Architectural Historian

Shaw Pittman
2300 Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8884
andi.adams@shawpittman.com

Anne H. Adams has worked in the field of historic preservation for almost twenty-five years. After completing her Master's thesis on an early-twentieth century Washington architect, Ms. Adams went to work for Don't Tear It Down, currently known as the D.C. Preservation League. In 1977, she joined the District of Columbia Historic Preservation Office staff as an architectural historian. In that capacity she served as a staff member for the Historic Preservation Review Board and its predecessor board, the Joint Committee on Landmarks, and the State Historic Preservation Officer. During her six and a half years in that position, Ms. Adams gained extensive experience with local landmark and historic district designation, nominations for listing in the National Register of Historic Places, historic preservation certifications under the Economic Recovery Tax Act of 1981, review of projects seeking approval under D.C. Law 2-144, the city's historic preservation legislation, and other related aspects of historic preservation. Since joining Wilkes Artis, Chartered, in May, 1984, Ms. Adams has handled local landmark designations, nominations to the National Register of Historic Places, design and permit review under D.C. Law 2-144 and the Shipstead-Luce Act, Tax Act certifications, preservation aspects of various institutional campuses, including The George Washington University 1985 Campus Plan, and other preservation-related projects in a number of jurisdictions. She has also been qualified as an expert witness by numerous boards, commissions, and courts.

Employment

8/00 to Present	Shaw Pittman Architectural Historian
5/84 to 8/00	Wilkes Artis, Chartered Architectural Historian
10/77 to 5/84	District of Columbia Historic Preservation Office Architectural Historian on the staff of the State Historic Preservation Officer, the Joint Committee on Landmarks, and its successor board, the Historic Preservation Review Board
2/77 to 10/77	Don't Tear it Down (currently the D.C. Preservation League), Architectural Historian and Administrative Assistant

9/74 to 8/76	University of Maryland Department of Art, Teaching Assistant
5/73 to 8/74	Memorial Art Gallery, Rochester, New York Membership Department; Lending and Sales Gallery
5/73 to 9/73	Memorial Art Gallery, Membership Department

Qualified as Expert Witness in Architectural History and Historic Preservation Before:

District of Columbia:
- Joint Committee on Landmarks
- Historic Preservation Review Board
- Mayor's Agent for D.C. Law 2-144
- Zoning Commission
- Board of Zoning Adjustment

Maryland National Capital Park and Planning Commission
Howard County, Maryland Historic Preservation Commission
Montgomery County, Maryland:
- Historic Preservation Commission
- Board of Appeals and Review

Prince Georges County, Maryland:
- Historic Preservation Commission
- County Council

Rockville, Maryland Historic District of Commission
Arlington County, Virginia Board of Architectural Review
Fairfax County, Virginia Board of Architectural Review

Representative List of D.C. Landmark Applications and National Register Nominations

Alumni House – George Washington University
Concordia German Evangelical Church and Rectory
Corcoran Hall – George Washington University
Downtown Historic District
Dupont Circle Historic District
Fifteenth Street Financial Historic District
Lisner Auditorium – George Washington University
Luzon Apartments
National Metropolitan Bank Building
Northumberland Apartments
Park Road, N.W. – south side of 1600 Block
Park Road, N.W. – north side of 1800 Block

President's Offices – George Washington University
Schneider Triangle
Seventh Street, N.W. – east side of 1000 Block
Sixteenth Street Historic District
Stockton Hall – George Washington University
Strong Residence Hall – George Washington University
Van Ness Mausoleum
Wardman Park Annex (Wardman Tower)
Woodhall House – George Washington University

Representative List of Properties Evaluated for Historic Significance

Alban Towers – 3700 Massachusetts Avenue, N.W.
3901 Connecticut Avenue, N.W.
Western Presbyterian Church – H Street, N.W.
Circle Theater – 2100 Block of Pennsylvania Avenue, N.W.
Governor Shepherd Apartments – 2121 Virginia Avenue, N.W.
Park Lane Apartments – 2025 H Street, N.W.

Representative List of Projects Reviewed Pursuant to D.C. Law 2-144

1901-13 Massachusetts Avenue, N.W. and 1512-24 Connecticut Avenue, N.W. – Exterior restoration of buildings owned by Riggs Bank

312 and 323 8th Street, N.E. – exterior restoration of houses, rear addition, and bridge over alley

Victor Building, 724 9th Street, N.W. – restoration of significant elements of individually-designated landmark and new construction

Shoreham Building, 800 15th Street, N.W. – restoration of facade and significant interior spaces in conjunction with new construction

Square 428 – restoration of facades and new construction at northwest corner of 7th and I Streets, N.W.

Square 347 – redevelopment of west half of square bounded by 10th, 11th, E and F Streets, N.W., including restoration, reconstruction, and relocation of historic facades

Square 456 – 500 block of 7th Street, N.W. and 500 block of E Street, N.W. – restoration of buildings and facades, additions, and new construction

Bowen Building and National Bank of Washington, 813 and 825 15th Street, N.W. – restoration of facades and significant interior spaces in conjunction with new construction

910-916 F Street, N.W. – restoration and rehabilitation of three historic buildings and incorporation of same into new hotel tower

National Cathedral School Athletic Facility, 3500 Woodley Road, N.W. – construction of a below-grade athletic facility with above-grade entry pavilion

Representative List of Tax Act Projects

Mann's Potato Chip Factory, 1042-54 29th Street, N.W.
Alperstein's Furniture Store, 1015 7th Street, N.W.
Miller Furniture Company Store, Pennsylvania Avenue and D Street, S.E.
Thomas Sim Lee House, 3001-03 M Street, N.W.
Hard Rock Cafe, 999 E Street, N.W.
Manhattan Laundry, 1326-46 Florida Avenue, N.W.
Wardman Row, 1416-40 R Street, N.W.
1731 Willard Street, N.W.
1644-66 Park Road, N.W.
901 Massachusetts Avenue, N.W.
Buckingham Apartments, Arlington, VA
21 Federal Street, Nantucket, MA

Education

Graduate:	University of Maryland, College Park, Maryland, M.A. in Art History, with a concentration in American Architecture, 1976 Thesis title: An Examination of the Life and Work of Frederick Bennett Pyle, Washington Architect
College:	University of Rochester, Rochester, New York B.A. with Honors - 1974, Major - Art History; Elizabeth M. Anderson Award for Excellence in Art History
Secondary:	Laurel School, Shaker Heights, Ohio - 1970

Positions and Memberships Held

Positions Held

Decatur House Council (House museum owned and operated by the National Trust for Historic Preservation), 1995-present
Chairman, Collections and Acquisitions Committee; Building and Grounds Committee; Finance Committee

Chevy Chase Village Historic Preservation Committee, 1995-97

Chevy Chase Village Local Advisory Panel, 1998-99
Local Advisory Panel reviews and makes recommendations to the Montgomery County Historic Preservation Commission of projects under review within the Chevy Chase Village Historic District

D.C. Preservation League
Advisory Committee for two grant projects funded by the National Park Service through the D.C. State Historic Preservation Office, 1984-87

Washington Decorative Arts Forum
Board of Directors - 1995-present
President, 1995-98

Washington Metropolitan Chapter, Victorian Society in America
Vice-President for Programs, 1979-81 and 1988-90; At-Large Member of Board, 1981-83; President, 1985-87; Ex-Officio Member of Board, 1987-88; Chairman, Nominating Committee, 1995

Association for Preservation Technology Foundation
Treasurer, 1985-87

Washington Chapter, American Institute of Architects
Historic Resources Committee, 1984-present; Development Committee, 1987-89

Washington Animal Rescue League
Capital Campaign Committee, 1994-96; Board of Directors, 1995-99

The Textile Museum
Board of Trustees, 1987-93

Washington Textile Group, Inc.
Treasurer, 1984-85

Columbia Hospital Women's Board
Antiques Show, Gift Shop and Washington International Horse Show Committees, 1982-92

Washington Antiques Show
Loan Exhibit Committee, 1986-87, Catalogue Committee, 1987, Co-Chairman, Board Volunteers/Admissions, 1988-95

Memberships

Chester County Historical Society
Chevy Chase Historical Society
D.C. Preservation League
The Historical Society of Washington, D.C.
Latrobe Chapter, Society of Architectural Historians
Montgomery County Historical Society
National Trust for Historic Preservation
Society for Commercial Archaeology

987905



OUTLINE OF TESTIMONY OF EXPERT WITNESS ANNE H. ADAMS ARCHITECTURAL HISTORIAN 2325 S STREET, N.W.

I. Introduction

II. Description of the Project

III. Description of Neighborhood and Sheridan Kalorama Historic District

IV. Conceptual Design Approval from the Historic Preservation Review Board

V. No Substantial Detriment to the Public Good

VI. Will Not Substantially Impair the Intent, Purpose and Integrity of the Zone Plan

ل

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 1D

D.C. OFFICE OF ZONING
RECEIVED
2001 NOV -7 PM 4:06

November 6. 2001

Government of the District of Columbia
Office of Zoning
441 4th St., N.W. Suite 210-S
Washington, DC 20001

RE: BZA Application No. 16805 – Application of Phil Savopoulos

Dear Ms. Kress:

At the regularly scheduled meeting on October 16, 2001 for which notice was posted 7 days in advance, Commissioners Carter and Salonia met, thus forming a quorum, and voted unanimously to support the application to add a fourth story to the residence at 2325 S Street, NW with the caveat to bring final architectural details to the Sheridan Kalorama Historical Association Review Committee for final review.

Thank you for your consideration.

Sincerely,

Marlis Carter
ANC 1D – Vice-Chairman

BZA
Case No. 16805
Exhibit No. 20



Ambassade van het
Koninkrijk der Nederlanden

Washington, DC, October 16th 2001

Dear Ms Adams,

Thank you for your letter of October 11th concerning the renovation of 2325 S Street. I should like to confirm to you that the Netherlands Embassy has no objection against the plans as set out in your letter.

If you allow me a personal remark: virtually everything you will do to the house in question is bound to be an improvement for the neighborhood. I walk my dog past it many times a day and I have often wondered how the original builders managed to obtain the necessary permits for its construction.

I wish the new owners all success with their project.

Yours sincerely,

Joris M. Vos
Ambassador of the Netherlands

Ms Anne H. Adams
Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037-1128