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17 January 2003

Ms. Jerrily Kress
Director, Office of Zoning
441 4th Street, NW
Suite 210 South
WDC 20001

Re: Zoning Self-Certification for 3348 Military Road, NW
STATEMENT

Dear Ms. Kress;

This Special Exception request is for an existing Single family detached residence in the R1B Zone at the above address. The house will remain a Single family detached residence.

The existing house sits on a lot area 762 SF less than required and has a rear yard 14.4' less than required. We are requesting 2 (two) Special Exceptions.

1) The first is to build two additions to the residence on the existing lot, which is smaller than currently required. This Special Exception is required under SS223.1 as it relates to SS 401. Section 401 requires a minimum lot size of 5,000 SF and the current lot is 4, 238 SF.

2) The second Special Exception is required under SS 223.1 as it relates to SS 404 is to allow a rear yard smaller than required. Section 404 requires a 25 foot rear yard. The current yard is technically calculated at 10'-7". The proposed rear yard is 4'-6"

The existing building was built before the Zoning Act of 1958. It does not and should not be expected to fully comply with those regulations. The current owner of the property has owned the residence since 1991 and purchased the property with the current non-conformance. The owner has made no structural changes to the property during his ownership

The property is a corner lot which is constrained by 2 set back lines at each bordering street, Military Road and Nevada Avenue. The current condition presents a practical difficulty to the owner because in order to comply with the setback on these two streets (which represent the two longest property lines of the property, and therefore the most significant portions of the property); the allowable building area is reduced significantly so as to result in the current non-compliant rear yard.

It is pertinent to note that even with the proposed additions, the percentage of lot occupancy remains significantly below the maximum 40% allowed (35%). The setbacks alone prohibit a lot occupancy greater than 16.7% (708 SF)

5232 44TH STREET NW SUITE 3
WASHINGTON DC 20015
V:202.966.9449 F:202.966.8661

BZA
Case No. 16996
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 16996
EXHIBIT NO. 4

Under SS 223, each special exception must comply with four criteria as listed below.

a. **The light and air available to neighboring properties shall not be unduly affected.**

Allowing the additions will not unduly affect the light and air available to neighboring properties. The proposed one story and basement addition encroaches no closer to the existing rear lot line than the existing two-story house. The proposed addition reduces in height as it approaches the neighboring house to the south, (5379 Nevada Avenue, NW) thereby mitigating its impact on that property. Additionally, this addition will cast no shadows on the adjacent property by virtue of its position North of that property.

The smaller, basement-only, addition to the east of the existing house does not project above the level of the first floor of the house and therefore does not affect the light and air of adjacent properties at all.

b. **The privacy of use and enjoyment of neighboring properties shall not be unduly compromised**.

Allowing the additions will not unduly compromise the use and enjoyment of neighboring properties. There is an existing tall fence between this property and the property to the south. (5379 Nevada Avenue, NW). which provides privacy for the adjacent yards. Also, the one-story and basement addition, built at the rear of the property will face the side of the garage addition of the neighboring property to the south. There are no windows along either level of the neighboring property's garage addition. No portion of the proposed addition will be built opposite first floor windows of the adjacent properties

The smaller, basement-only, addition to the east of the existing house does not project above the level of the first floor of the house and therefore will not compromise the use and enjoyment of (5379 Nevada Avenue, NW) because of the high fence.

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.**

The proposed additions do not deviate with the pattern of development along Nevada Avenue or Military Road. That is, the rear yard of this property as it appears from Nevada Avenue will match or exceed the typical side yards along that street. The scale of the proposed additions match the adjacent properties due to the materials and windows used and the fact it is a 1-story and basement addition built next to a 2-story and basement house.

The Special Exception under SS 223.1 & SS 404 would not decrease the distance from the rear yard line to the house as compared to the existing condition, though the technically calculated "depth of rear yard" does change due to the irregular placement of the house.

This request is respectfully submitted so that the Owner of the house can accommodate the functions of their family, similar to others throughout the neighborhood, as well as the fine arts home studio currently permitted. We hope the BZA will give favorable consideration to this variance request.

Sincerely,

Matthew M. Ossolinski, AIA
Principal