May 1, 2003

D.C. OFFICE OF ZONING
2003 MAY 13 PM 12: 23

District of Columbia Office of Zoning
441 4th Street, NW Ste. 210-S
Washington, DC 20001

RE: Special Exception for Proposed Infill Addition to 1247 35th St, NW

We are writing to request a special exception for the proposed infill addition to our home at 1247 35th Street, NW. Our home is an existing non-conforming one-bedroom single-family row house, which is in the shape of an "L." Our proposal is to add an infill addition of 3.4 ft. by 10.1 ft., or a total of 34.34 sq. ft. to the rear of our house. The infill addition would change the footprint our home from an "L" to a basic rectangle.

We were told when we applied for our building permit, that we would need a special exception because the addition would, in several cases, not meet the minimum lot dimension requirements. However, I am not sure if we actually need a special acceptance. Zoning Regulation 404.4 clearly states that "In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building in the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958." By zoning regulation definition, "the term 'building area' shall include all side yards and open courts less that five feet in width, and all closed courts less that six feet in width." Since our home was built prior to 1958, and our infill addition would only be 3.4 feet wide, and is by definition, already included in the building area, we should, by regulation 404.4, be allowed to build our infill addition.

However, if I incorrectly understand this regulation, I still believe that our addition meets the basic Burden of Proof for a Special Exception, which is:

> How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations, and granting the application will not be inconsistent with those regulations.

By definition, the general intent of the Zoning Regulations is to: "(a) Provide adequate light and air; (b) Prevent the undue concentration of population and the overcrowding of land; and (c) Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities, and that will tend to further economy and efficiency in the supply of public services."

Our proposed infill addition has already received concept approval from the Commission of Fine Arts, and when we proposed the plan to our local ANC, it went through on the consent calendar. The addition, since it would be so small, would not create any light or air barriers to any of our neighbors. Our neighbors have seen our plans and approve of the addition and agree that it will not adversely affect their properties or quality of life. We have included a note from our next-door neighbor at 1249 35th St. who would be most affected by the addition as well as our neighbor to the rear who would be able to see the

BZA
Case No. 17036
Exhibit No. 7

Board of Zoning Adjustment
District of Columbia
CASE NO. 17036
EXHIBIT NO. 7

addition. Because the addition is so small and on the rear of our home, it will be invisible to everyone except these few neighbors and they are not opposed to it. The addition will also not "create an increase in the overcrowding of the land or population," because the proposed addition is already considered part of the building area (as defined earlier) of our home. By adding on this small addition, we will be making our house into a two-bedroom home with a larger kitchen. This will make the property a more suitable place for a family to live; versus the rental property it was when we first moved into it. Making the property an owner occupied home will improve the concern, care, and safety of the neighborhood and bring the property more in line with the general intent of the zoning regulations.

In addition, we would like to point out that the physical characteristics of our property are unique and it is this uniqueness that will prevent our addition from "overcrowding our property." As noted in the paperwork from the Zoning Administrator, the size of our lot of record is quite a bit smaller than zoning regulations now permit. Our lot area is approximately one quarter of the minimum lot area of 2000 sq. ft. now set forth in the zoning regulations. However, what makes our lot unique is the fact that our "actual lot" is much larger than recorded in the city surveyor's office. We discovered when we purchased our home that, in fact, our whole front yard and 5 feet of our back yard are not included in our lot of record (see attached diagram). According to city records, even though we maintain this property and it is part of our fenced in yard, this additional space in our "actual lot" is in fact public space, which we can never build upon. This additional property, as it is for the other nine houses in our row, appears and is used as part of our property. It has been this way for at least 20 years as noted on our plat. Therefore, if these open areas of public space that adjoin our property were considered, the square footage of the lot that we maintain and use is 775.5 sq. ft. Although including this public space wouldn't make our lot meet the minimum width, or depth of rear yard requirements, it would mean that our house, ***with*** the addition, would cover 447.68 sq. ft. or only 57.7% of our "actual lot", which is within the zoning regulation maximums for a R-3 home.

Finally, we would also like to submit that the house at 1245 35th St. has already been added on to, in excess of the 60% maximum of their lot. We are not sure when the addition was made, but in fact, their home now covers 100% of their lot of record. We believe that the precedent has been set in our row of houses to permit the expansion of our home in excess of the 60% lot coverage maximum. Because of these reasons, we feel we should be granted a special acceptance to put on our 34 sq. ft addition.

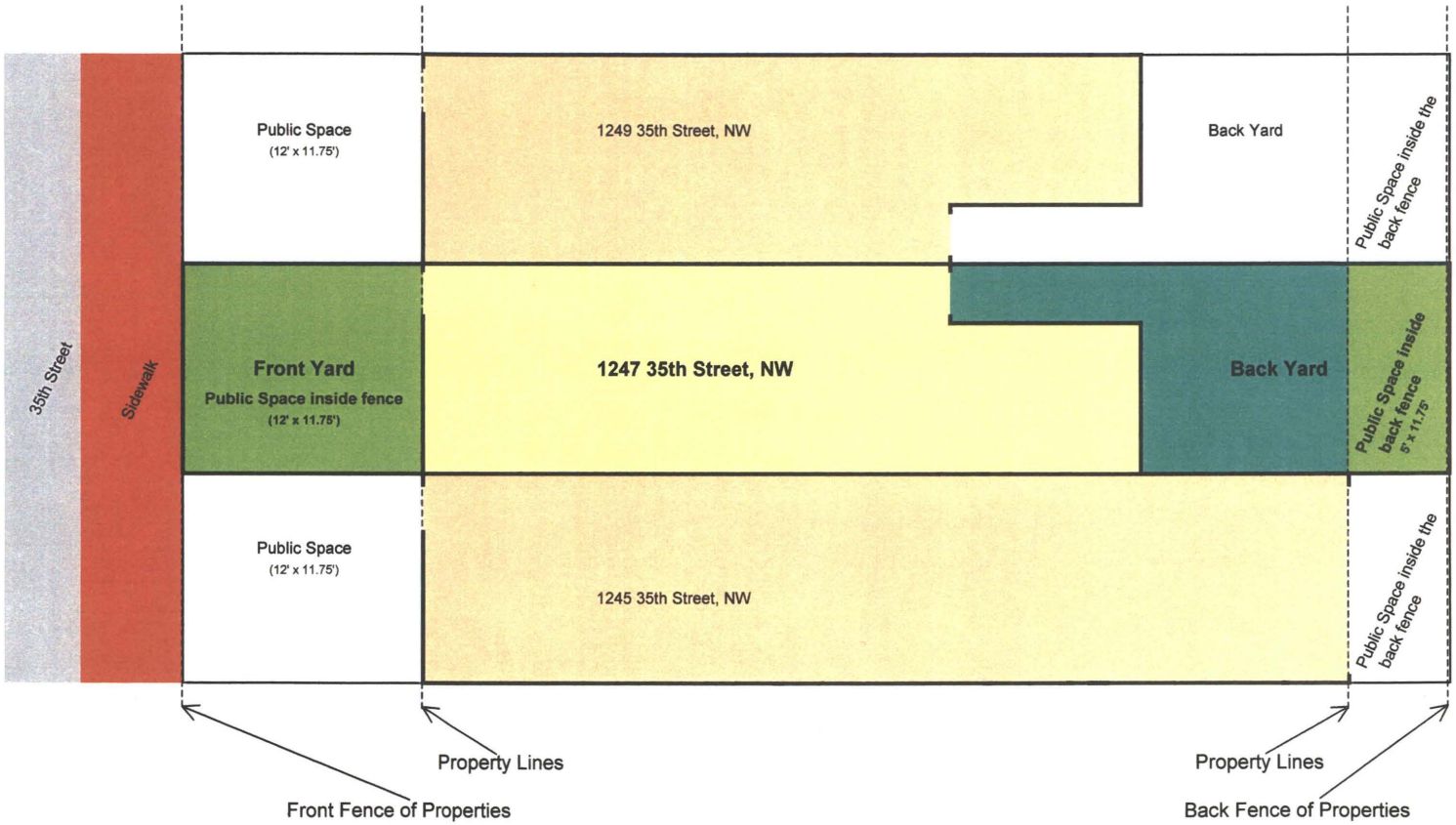
Thank you for your careful consideration.

Sincerely,

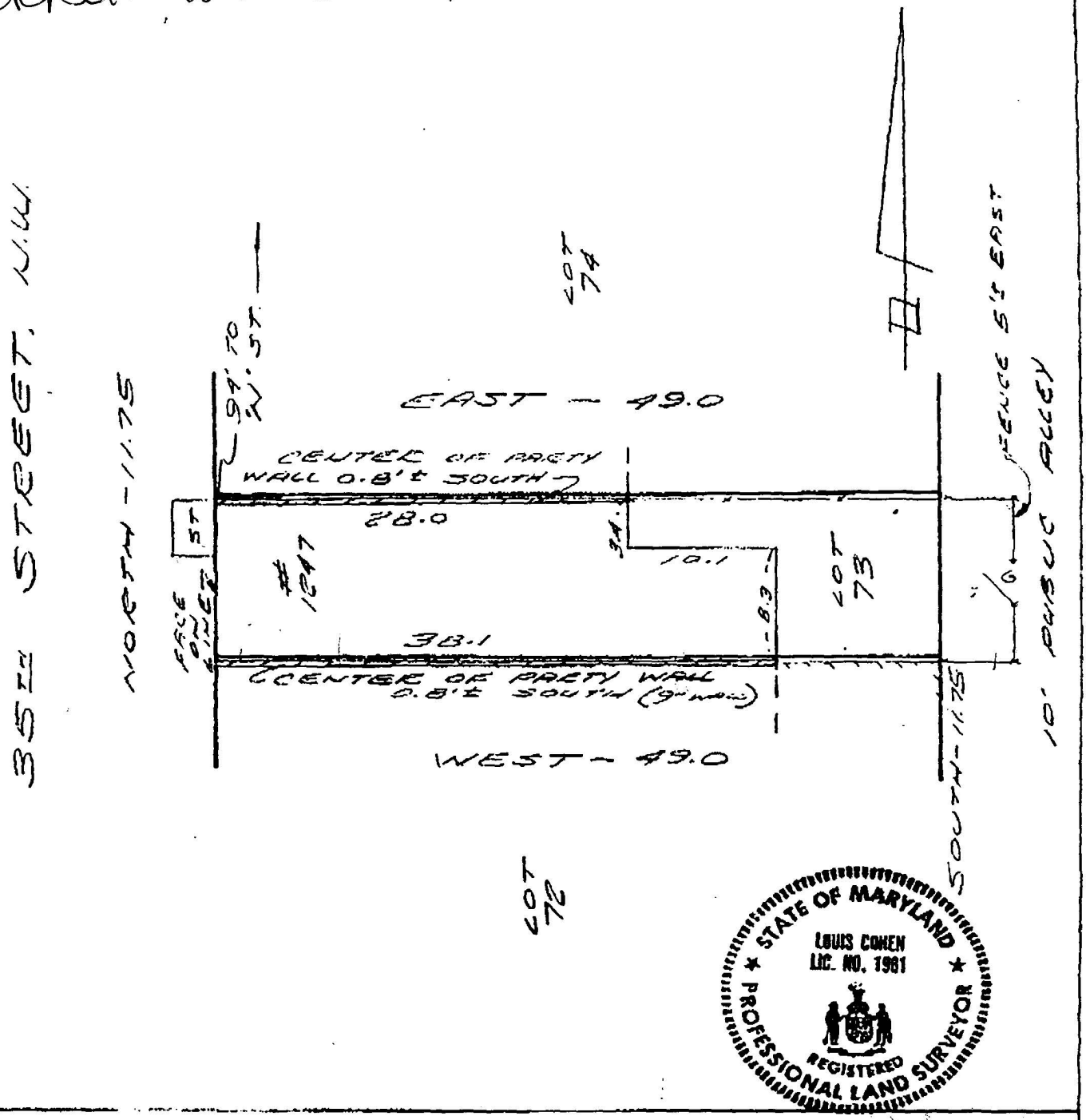
Stephen and Meredith Peterson

Stephen and Meredith Peterson

Property lines of 1247 35th Street and the other house of the row



Peterson - 1247 35th St. NW



CAPITOL SURVEYS

NOTE: This drawing is not intended to establish property lines nor is the existence of corner markers guaranteed. All information shown hereon taken from the land records of the county or city in which the property is located.

HOUSE LOCATION
LOT ~ 73 SQUARE ~ 1251
Block → 1081

DISTRICT OF COLUMBIA
Recorded in Liber ~ A.E.S. Folio ~ 163 Scale 1" = 10'

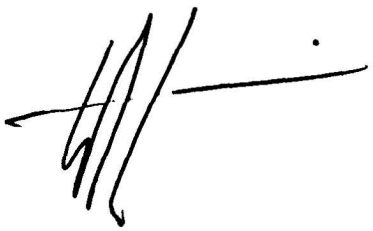
DATE: AUG. 15, 1980 CASE: CH17D64 FILE: 10566

I hereby certify that the position of all of the existing improvements on the above described property have been established by a transit tape measurement and that unless otherwise shown there are no visible encroachments.

LOUIS COHEN
Registered Land Surveyor
Maryland No. 1961

To: Whom It May Concern
From: David Kassir, 1249 35th Street, NW
Re: Meredith & Stephen Peterson's
proposed addition to 1247 35th Street, NW
Date: October 2, 2002

I am writing this letter in support of the proposed in-fill addition to 1247 35th Street, NW. I live at 1249 35th Street, and am the neighbor who would be most directly affected by the addition. I have seen their plans and have no objections to them. The Peterson's have my full support of the project.



David Kassir

1259 35th Street, N.W.
Washington, D.C. 20007
November 10, 2002

To Whom It May Concern:

As a 28-year resident of 1259 35th Street, I support the addition to 1247 35th Street proposed by the Petersons. In the time I have lived here, the houses on this block have been used mainly as short-term rental units. The small size of the houses (under 700 sq. feet) is generally not conducive to long-term residence. However, the small addition planned here would counteract this situation by making a viable second bedroom and storage possible. Moreover, an infill that adds a mere 30 sq. feet to the footprint of the building would have no adverse impacts on the surrounding area; rather, it would contribute to a more stable neighborhood.

This project is a win-win arrangement that I would urge you to approve.

Sincerely,

Karen T. Cruse

Karen T. Cruse

NANCY MC KEON

October 27, 2002

To whom it may concern:

I am the owner, and resident, of the house at 3422 N Street NW in Georgetown. The western edge of my backyard is separated by only a narrow walking alley from the rear of 1247 35th Street NW. The owners of the 35th Street property, Stephen and Meredith Peterson, have shown me drawings of an infill addition they hope to make, and have requested comments.

I have no problem with the Petersons' proposed project. In fact, I believe it will enhance the surroundings.

The ten narrow brick dwellings that constitute the bulk of the 1200 block of 35th Street NW are quite old. In the sixteen years I have been on this block, the little houses have suffered greatly from deferred maintenance, mostly by absentee landlords who pump a constant stream of short-term rental tenants onto the block (leading to the annual discarded mattress in my backyard, but that's a different story, a different letter).

Because the 35th Street houses are extremely small, many prospective homeowners understandably reject them. Anything that can make these houses more livable in modern terms, without destroying the historical fabric, should, in my view, be encouraged. Improving the livability of the houses can only improve the stability of the immediate neighborhood. And attracting more committed homeowners like the Petersons can only enhance Georgetown as a whole.

Please allow the Petersons to improve their house.

Sincerely yours,

Nancy McKeon

Neighbor of 1247 35th Street NW

3422 N STREET NW • WASHINGTON, D.C. • 20007
PHONE: 202-342-0838 • FAX: 202-334-5059