BZA Case No. 17139

Application of Linda E. and Thomas W. Waltz for a special exception to allow for an addition to a single-family detached dwelling under section 223, not meeting side yard requirements (section 405) in the R-1-B District at premises 4529 Lowell Street, N.W. (Square 1605, Lot 67)

Form 120

Existing and Intended Use of Property:

Linda and Tom Waltz (property owners) have lived for over seventeen years at 4529 Lowell Street, N.W., an existing single-family detached dwelling, built in 1927, in an R-1-B District, and intend to use the property with addition as a single-family detached dwelling for many more years. The enlargement of a small room with no closets into a full bedroom, and provision of a second bathroom on the same floor, would make it possible to accommodate the owners' elderly parents to reside with them for extended periods of time.

Background

The project plans and plat were approved on February 26, 2003, and the contractor was granted a building permit (B448996) for the proposed project from the BLRA on February 28, 2003. Construction commenced in May 2003. The footings were inspected and approved by BLRA on May 29, 2003. A registered land surveyor was then recruited to undertake the wall check, which was completed July 18, 2003, and submitted to the DC Office of the Surveyor, BLRA. *[However, the results of the wall check were not released to the owners or contractor until December 12, 2003, more than 5 months later.]*

In the meantime, permits required for associated plumbing and electrical work were duly obtained. Upon completion, that work was inspected and approved by BLRA plumbing and electrical inspectors, respectively, by December 2, 2003, and the addition was ready for the close-in inspection. However, ten days later, on December 12, 2003, the inspector unexpectedly denied the anticipated close-in inspection and approval. The contractor and owners were then informed, for the first time, that the wall check undertaken in July found that the side yard was only 3.1 feet wide. (In fact, the original fence post placements, located for at least 21 years in the areas immediately adjacent to the new addition to our house, measured a setback of 5+ feet). The wall check was disapproved and the close in denied, because the side yard did not meet the 5 feet setback requirements under section 405.

Details Supporting the Requirements in the Zoning Regulation Under Section 223 for a Special Exception:

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Board of Zoning Adjustment
District of Columbia
CASE NO. 17139
EXHIBIT NO. 22

The owners of the dwelling respectfully request the Board of Zoning Adjustment to grant a special exception ruling under section 223 to permit a side yard not meeting the requirements under section 405. The building project meets all the specific test requirements under section 223 to support the Special Exception rule.

The addition does not have a substantially adverse affect on the use or enjoyment of any abutting dwelling (there are none) or adjacent dwelling or property, in particular:

a. The light and air available to neighboring properties is not unduly affected. A large silver maple, approximately 60 ft in height, previously shaded our house and the adjacent property. Enclosed is a photo of the silver maple showing its height and broad canopy. Also submitted is a photo of the remaining stump of the silver maple, showing where it stood in relation to the new addition and the adjacent property. A large holly tree on the adjacent property (about 30 ft in height) remains in the background. A copy of the invoice from JL Tree Service, Inc., confirms that the silver maple was removed on April 14, 2003, one month before construction began. Together, the photos and invoice support our view that the adjacent property receives even more light today than it did prior to removal of the maple tree.

b. The privacy and use and enjoyment of neighboring properties are not unduly compromised. The location of a window was specifically placed out of alignment with that of adjacent property owner's window to enhance privacy. Thicker wall construction and heavier insulation than building specifications require prevents possibility of any noise to surrounding area.

c. The addition, together with the original building, as viewed from the street, alley, and other public way, does not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The addition is finished in stucco to blend attractively with that of the existing house, as well as others in the area. The addition is compatible with the surrounding neighborhood and does not create any neighborhood traffic risks or obstruction.

d. Photographs, plans and drawings are attached showing front, rear and sides of the property in support of (a), (b), and (c) above.

The lot occupancy of the dwelling including addition is only 24.25 percent, substantially less than the allowed 50 percent.

The owners would like to thank the Board of Zoning Adjustment for its time and consideration in this matter.

BZA Case No. 17139

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/22/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Susan C. Green

3115 Foxhall Rd. NW

4529 Lowell Street, N.W., Washington DC 20016

2/22/04

Date:

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Leonard E. Lewis

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/22/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Lynn Walla

4509 Lowell St.

4529 Lowell Street, N.W., Washington DC 20016

Date:

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

4546 Conch St. NW WDC 20016

2/22/04

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/21/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Ruben G. Echeverria

3218 45th St. NW

Washington DC 20016

4529 Lowell Street, N.W., Washington DC 20016

Date:

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

[signature]
2/21/04

4210 45th St. NW.

4529 Lowell Street, N.W., Washington DC 20016

Date: Feb 21 2004

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Elyse Lucas

4500 Lowell St NW

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/21/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

4529 LOWELL ST, NW.

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/19/03

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

4512 Macomb St NW

4529 Lowell Street, N.W., Washington DC 20016

Date:

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

[signature] - 2-21-04

4532 Macomb St NW

DC 20016

202-686-8222

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/21/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.



DAVID C. JORY
4528 Macomb St. NW
DC 20016

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/5/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Craig M Wine

4522 LOWELL STREET N.W.
WASHINGTON, DC 20016

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/14/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Warren Patten

4501 Lowell St NW/
Washington DC 20016

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/15/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Elinor P. Tucker [Elinor Tucker]
4518 Lowell Street, NW

4529 Lowell Street, N.W., Washington DC 20016

Date: Feb 15 2004

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Carol Horn & Steve Weissman

4536 Lowell St. NW

4529 Lowell Street, N.W., Washington DC 20016

Date: 2/15/04

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

4537 Lowell St NW
Washington DC 20016

Date: Feb 15, 2004

To Whom It May Concern:

I have no objection to the new addition at 4529 Lowell Street N.W.

Rosario Vandone

4541 Lowell st. N.W.

4529 Lowell Street, N.W., Washington DC 20016

Date: 032104

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Michaela K Grant

4526 Lowell st, NW
Washington D.C, 20016

February 28, 2004

Dear Betsy and Chuck,

I hope that you are both well and wish you all the best in 2004. As you may have heard, we are seeking a special exception to a side yard ruling for an addition we are building on the left side of our house. A permit from D.C. was granted a year ago and construction began in May last year. However, in December during the last stages of construction, the District informed us that because we had only about 3 feet between our existing house and the property line (and a 1958 ruling changed the law to 5 feet), we would have to obtain this special exception to the side yard rule. As part of this process, we have been asked by the Advisory Neighborhood Commission to canvass our neighbors to see if they have any objection.

If you would like to meet with us to discuss further, or if you have any questions, please let us know.

In the event that we do not hear from you within the next week or two, we will conclude that you have no objection.

Best regards,

Linda and Tom

Linda and Tom
(202) 363-2923

Betsy Ellens (personal friends)
4505 Lowell Street

February 28, 2004

Dear Becky,

I hope that you are well and fully recovered from your eye surgery. As you may have heard, we are seeking a special exception to a side yard ruling for an addition we are building on the left side of our house. A permit from D.C. was granted a year ago and construction began in May last year. However, in December during the last stages of construction, the District informed us that because we had only about 3 feet between our existing house and the property line (and a 1958 ruling changed the law to 5 feet), we would have to obtain this special exception to the side yard rule. As part of this process, we have been asked by the Advisory Neighborhood Commission to canvass our neighbors to see if they have any objection.

If you would like to meet with us to discuss further, or if you have any questions, please let us know.

In the event that we do not hear from you within the next few days, we will conclude that you have no objection.

Best regards,

Linda and Tom
(202) 363-2923

Rebecca Wright (personal friend)
4521 Lowell Street

4529 Lowell Street, N.W., Washington DC 20016

Date:

To Whom It May Concern:

I have no objection to the newly built addition to 4529 Lowell Street. It enhances the character of the house, is harmonious with the other homes along Lowell Street, and adds an attractive improvement to the neighborhood.

Anne and Robert Bell 4533 Lowell Street NW

Verbal "No objection" on

February 15, 2004