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

A pre-existing fence is located between the subject property and adjacent property. The distance from the pre-existing fence to the subject property measures five feet, two inches (5ft 2ins.) On that basis, a plat was submitted by the contractor on December 20, 2002 to the DC Office of the Surveyor, Building and Land Regulation Administration (BLRA) showing dimensions of the existing and proposed addition with an existing side yard setback of five (5) feet.

The project plat was approved on February 26, 2003, and a building permit (B448996) for the proposed project was obtained by the contractor 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. The wall check was disapproved and the close-in denied, because the side yard setback did not meet requirements under section 405.

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Board of Zoning Adjustment
District of Columbia
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Details Supporting the Requirements in the Zoning Regulation Under Section 223 for a Special Exception:

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. Thicker wall construction and heavier insulation than building specifications require prevents possibility of any noise to surrounding area.

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.

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 exterior of 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 %, substantially less than the allowed 50 %.

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