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May 10, 2004

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2004 MAY 11 AM 10:32

Re: 1557 33rd Street, N.W. Square 1272, Lot 872

Dear Mr. Griffis:

Enclosed is the Prehearing Statement of Reasons for a Special Exception for the renovation of an accessory building at the rear of the property and its use for a library, wine cellar, wine closet, and full bath.

We will call Christian Zapatka (AIA) as an expert witness. Witnesses will also include Mr. and Mrs. Bennett.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

Enclosure

BZA
Case No. 17162
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17162
EXHIBIT NO. 22

PREHEARING STATEMENT

AND CORRECTED STATEMENT OF EXPLANATIONS AND REASONS SUPPORTING AN APPLICATION TO THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FOR A SPECIAL EXCEPTION

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

1557 33rd Street, N.W.

(SQUARE 1272, LOT 872)

BZA Case No. 17162

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of James and Mary Bennett (hereinafter "applicants") for alterations to an old carriage house at the rear of their single family attached home at 1557 33rd Street, N.W. (Square 1272, Lot 872), between Volta and Q Streets. They seek special exceptions, pursuant to Section 223 of the D.C. Zoning Regulations, to cover more than 30 per cent of the rear yard, to cover more than 60% of the lot with structures, and to alter a non-conforming structure. The applicants also seek a ruling that they may, consistent with the Zoning Regulations, use the structure for a library, wine cellar, wine closet, full bath, and storage. Originally, applicants had sought a special exception for a non-conforming court so that they could connect the accessory building to the main building by means of a covered walkway. Because of objections registered by the Old Georgetown Board, they have abandoned that plan.

DESCRIPTION OF THE APPLICANTS

James and Mary Bennett, the applicants, purchased their home less than a year ago. They are now faced with the problem of what to do with a dilapidated approximately 15' by 18' carriage house (with a 7'by 7' L-shaped extension) in the rear yard adjacent to the rear property line. Historic Preservation staff and Old Georgetown Board staff have advised them that the carriage house is a contributing building and, therefore, may not be torn down without engaging in a long and costly administrative process.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is located at 1557 33rd Street, N.W. in Georgetown. Square 1272, Lot 872. It is a row dwelling on two floors plus basement. The building is in an R-3 Zone, which permits single-family row dwellings. At the rear of the property is an accessory building measuring approximately 15 by 18 feet with a first floor and cellar. There is also an approximately 7' by 7' L-shaped extension. It is in extreme disrepair and will not long survive without remedial attention. Since there is no direct vehicular access to the structure, it may not be used for parking. Well below the level of the rear yard, there are two one car garages accessed by a public alley. The applicants' choices are limited since the structure is considered a contributing building to the Georgetown Historic District. They knew that the renovation would be costly but they reasoned that they could make use of it as an adjunct to their house by renovating it and installing a library, wine cellar, wine closet, full bath, and storage space.

B. Area Surrounding the Property

The property is in a large area of single family attached houses on 33rd Street, north of P Street. All the uses around them are single family uses.

C. Zoning History, Use History, and Historic Preservation

The area is zoned R-3 which permits single row dwellings. The property is also in the Georgetown Historic District. The main house was built around 1905 and the carriage house in the late 1800's. They are, in all likelihood, contributing buildings.

REASONS IN SUPPORT OF THE APPLICATION FOR SPECIAL EXCEPTION

A. Compliance with D.C. Zoning Regulations

Once the covered walkway was eliminated from the plans, it could be argued that this property does not need a special exception to renovate the accessory structure according to the plans:

1. 60% Lot occupancy and 30% rear yard limitations: Since the accessory building has been located on the property for well over a hundred years (before the 1958 Zoning Regulations), it could be argued that it may continue to exist and be brought up to code as a non-conforming structure as a matter-of-right. (11 DCMR §2001)

2. Use: Plans call for a library, wine cellar, wine closet, storage, and full bath. These are customary incidental uses subordinate to the principal use and located on the same lot. §204.1(c). The regulations forbid an apartment which is defined as a dwelling unit with a kitchen. (Definitions §199) There is no bedroom or kitchen. There is no direct separate entrance from the street or alley. Rather, the entrance is through the garage.

Nevertheless, we seek a ruling from the BZA either granting the special exception or acknowledging that no special exception or variance is necessary to renovate in accordance with the plans. The reason for making this request is the insistent opposition of a rear neighbor whose back yard is adjacent to the rear of the accessory structure. Mr. Mahoney has challenged the use, height, size, and coverage of the accessory building. We are fearful that if the Zoning Administrator approves the plans, he will appeal to the BZA. A ruling by the BZA in this hearing will forestall such an appeal.

The applicant satisfies the requirements for grant of the Special Exception. The Board is authorized to grant special exceptions where, "in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property ..." 11 DCMR §3104.1

B. No Adverse Effects

The building when fully renovated will be the same size and shape as the current building, with the exception of a parapet rising 2 feet above the current roof. There is no window on the rear of the building which faces the rear yard of Mr. ____ Mahoney, who is the only neighbor to express concern about the project. We fail to see how the project will in any way cause unwanted effects on any of the neighbors. Indeed, neighbors on both sides of the Bennett's house as well as nearly all of the other nearby neighbors have expressly supported the project. They see the renovation as removing an eyesore and blight from the neighborhood. Knowing that plans have been submitted to renovate the building they have expressed concern about the delays in getting started.

With respect to traffic and parking, it should be noted that the house will continue to be a single family house with the rare distinction in Georgetown of having two off-street parking spaces.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

This renovation fits well within the uses encouraged in the R-3 zone.

B. Historic Preservation

The subject property is a contributing building in the Georgetown Historic District. Section 804.1 of the Comprehensive Plan calls on the District and Federal Governments to

> (f) Provide sufficient administrative flexibility in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public. (46 DCR 1562, Feb. 19, 1999)

Section 805.1 provides,

> Every effort should be made to provide for the continued, appropriate use of all historic properties.

Among the objectives of Section 1319.1 of the Comprehensive Plan are the following:

> (b) to preserve and reuse historic landmarks and buildings in historic areas in Ward 2, and
>
> (d) to preserve and protect existing buildings and small scale and open spaces in historic areas in Ward 2. (46 DCR 1752, Feb. 19, 1999)