STEPHEN DUPONT, JR. RA
5159 FULTON ST., NW
WASHINGTON, DC 20016

07 JUN 04

Ms Jerrily R. Kress, et al
District of Columbia Office of Zoning
441 4thSt.,NW;Ste.210-S
Washington, DC 20001

Re: Special Exception Application for: 1519 "P" St., NW;
case #17172

Dear Ms Kress and Committee Members;

On behalf of Alex and Amanda Marshall, we submit this application for a Special Exception to a residence at 1519 "P" St., NW on the following basis and grounds according to section 223 of Title 11:

DESCRIPTION of Property and Surrounding Neighborhood

The house at 1519 "P" St., NW is in an R-5-B zone and the Dupont Circle Overlay District. It is also in a historic district, the Greater 14th St and Logan Circle District. It has neighbors at 1517 "P" and to the west at 1521 "P" Street.

This tiny house is probably the oldest house on the block, built in the late middle 19th Century. Surely it is the smallest (photos 1, 2, 4).

It is significantly out of sync with the rest of the block as it is placed back from the front property line about 31 feet, so as to be centered in its lot (front to back) and facing east. Thus the front door faces the side. All the other houses are of a more modern type- they are built nearer to and facing the street, typically property line to property line, often with an "el" at the back. The "el" would be set away from one property line with

BZA
Case No. 17172
Exhibit No. 25

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District of Columbia
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windows to let light deeper into the heart of the house. The house to the east, 1517, is of this type.

The structure to the west, 1521/1523, is also old and another oddity; it is a frame duplex with only a three foot sideyard on each side of the double property (photo 2).

Since the buildings at 1517 and 1521/1523 "P" Street are not constructed to the lot lines in the rear, and 1519 is set so far back (31 feet from the front property line) the house at 1519 "P" Street appears to be a fully detached one-family dwelling. (Were this true, the only conforming addition that could be built in this situation would be six feet wide and in the middle of the 22' wide lot, an obviously absurd situation.) However, the 1519 "P" Street house is in fact a one-family semi-detached dwelling because its western wall is located on the lot line with the 1521/1523 P Street duplex. Thus, the proposed addition will convert the existing single family semi-detached dwelling into a by-right row-house.

Internally, 1519 has a problem in that the stair is steeper than 45 degrees and is actually quite unpleasant, even difficult, to negotiate. In order to correct this it would be necessary to turn the stair, cutting and changing significant parts of the fabric of the original construction, as well as altering the characteristic lay out of two square rooms.

The existing kitchen is built in a plywood shed at the north of the house. The furnace and AC are outdoors in the yard by the kitchen with the conditioned air taken into the house by ducts. This equipment performs poorly. Worse, the poor construction of the kitchen itself is providing a haven for rats, which are infesting the house and the neighborhood.

To build a functional addition, and impact the original house as little as possible, we have proposed a new stair (in the one existing side yard), and a new kitchen and master bedroom to the rear (see sheets A2.2 and A2.3), basically wrapping around the original brick house and changing as little of it as possible. This would complete the property line to property line row-house configuration, which is typical for this zone. With the proposed addition, the house will consist of 1,816 usable sq ft.

The proposed addition has been reviewed and approved by Historic Preservation Division (HPD) staff.

SATISFACTION of Standards of Section 223

223.1
The proposed addition creates a problem only regarding Section 406 (court) requirements; the amount of relief required to satisfy that section is only .55 feet, or six

and one half inches. While our initial BZA application and notice indicated that relief was also necessary with regard to the Section 405 (Side Yard) requirement, based on further research we now believe that relief from the side yard requirement is not necessary as the proposed addition will change the structure from a semi-detached dwelling (one family dwelling with one side yard) to a row dwelling (a one-family dwelling with no side yards), thereby replacing a two foot three inch non-conforming side yard condition with a court that is non-conforming by approximately 6 inches. Row dwellings are a permitted matter of right use in the R-5-B zone.

223.2(a, b) Light and Air / Privacy and Use and Enjoyment of Properties
The proposed addition to the 1519 "P" St. property will not create a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property. The rear part of the property to the west (1521 / 1523) is a parking area for six cars, including rental parking (photo 3). Their fence separating that parking from their living area is built in line with the back of the original brick wall of 1519. Our proposed work will be almost invisible from their home, adjacent only to their parking lot.

The neighbor to the east, 1517, always a large house of four stories, now has substantial additions at the rear and on top (photo 4). It is divided into three apartments, two of which run the 70(+) feet from front to back (and the top apartment is two stories). These apartments have balconies at the back (except at grade- a yard) with large expanses of glass looking to the north across the open interior of the square to Church Street. 1517 is also much taller than 1519. The two top floors are above our existing and proposed structures.

Privacy of the 1517 neighbors will not be compromised because 1519 as proposed will have no new, in fact fewer, windows facing toward them. The second floor neighbor did have a privacy concern because his backward facing window looked at the new forward facing window needed by 1519 to provide emergency egress for a bedroom. This condition has been resolved by agreeing to frost the lower sash of the new window at 1519.

Recreational features at 1517 are mostly to the rear or above, and owners' enjoyment of recreation areas so located will not be compromised at all.

1517 has an "el" behind the main front block. There are several windows in that "el" facing 1519, the closest being in a bay. At the ground level apartment the windows serve a hallway and an alcove at the bay which creates a nook near the kitchen. There is an outdoor path in the court (formed by the "el") from a door in the bay leading to the ground floor apartment's back garden and thence the alley (photo 5).

Our proposed addition stays as far to the rear of this bay as possible to provide more light and air to its windows. It is this gesture which creates the non-conforming court in our application.

For all of these reasons, the applicant believes that the light and air available to neighboring properties and the privacy of use and enjoyment of neighboring properties will not be unduly affected or unduly compromised by the proposed addition.

223.2(c) No Intrusion on Scale, Character, Pattern of Houses
The existing house at 1519 is set thirty-one feet further away from the street than any of the neighbors. The proposed addition has been set even further back so that as seen from the street, it will be virtually unnoticed (see sheet A5.1 of the set for a rendering of this condition). Thus, this house, the smallest by far of any on the street, and its addition will not intrude on the character or scale of the street or the existing pattern of houses. At the rear, the new addition will be significantly better and more interesting than the existing plywood kitchen shed with its external HVAC unit (photos 3, 4).

As previously noted, HPD staff has reviewed, suggested changes to and approved this proposed addition. Their approval has been transmitted to the Office of Planning.

223.2(d) Plans/Elevations
Photos and drawings noted above are attached to this letter for your information and orientation. Elevations and a perspective rendering of the proposed work, A5.1 and "un-numbered", are attached as an exhibit showing the state of the design as finally approved by HPD staff.

223.3 Lot Occupancy
The proposed addition will increase lot coverage from 33% to 47% (vs 60 to 70% for other houses on this square). The maximum allowed is 70%. The resulting house, small already, will remain tiny, less than 48 ft deep (vs 73-1/2 for 1517).

223.4 Special Treatment
We have tried a number of different approaches to this addition. Because the house is so small to start with and the addition must also be small, and rooms require certain minimum dimensions to work, none of the alternatives other than the scheme presented have been particularly successful. Even this scheme has impediments, however. The major one is the large tree to the north of the house, an Ailanthus altissima tree. As this tree is a non native and ecologically threatening species that grows to a very large size, the applicant intends to remove it.

The appearance of the rear yard will be significantly improved by removal of the fence and the existing kitchen and exterior HVAC unit. A walk way is planned and we are

discussing some sort of planting (tall narrow trees, perhaps) along at least the west side of the parking pad.

223.5 No Non-Conforming Use
The proposed use is to remain as a single-family residence, which is a permitted use in this R-5-B zone. There will be no non-conforming use.

MEETINGS WITH THE COMMUNITY

There have been several meetings and other ongoing contacts with neighbors to discuss the project and to try to understand any concerns they might have. Many concerns expressed have been by somewhat remote neighbors and about the proposed tree removal. For instance, the top floor neighbor at 1517 is concerned that they will lose greenery at their 3rd and 4th floor balconies and windows. They also don't want to have to look down on AC equipment, although the existing is much more offensive than modern equipment will be.

The second floor neighbor at 1517 "P" Street, as mentioned, had a privacy concern which has been met.

The neighbor at the ground floor of 1517 is concerned about the proximity of the addition to the walkway between their back gate/garden and a door at the bay near their kitchen. This condition will be somewhat mollified, as it appears their fence is as much as a foot to 16 inches on their side of the property line. Also, as described above and as shown on sheet A2.2, we are holding our addition as far to the north (as far from their bay windows) as possible.

The neighbor at 1521, at first not expressing any concerns, has now come out in support of preserving trees, but has not otherwise commented on any zoning aspects of this proposed addition.

We are not aware of any other reactions by any other neighbors to this application; however, we have been invited to present the application to ANC 2B at their next meeting scheduled for June 9th, which we plan to do.

CONCLUSION

At the public hearing on June 22, 2004, the applicant will present two witnesses. The first witness will be Alex Marshall. Mr. Marshall will testify regarding the discussions and meetings that they have engaged in with their immediate neighbors and the surrounding community. The second witness will be Stephen duPont, Jr., the project

architect. Mr. duPont will testify regarding the proposed addition, as well as the steps that have been taken to address issues raised through the community meeting process.

In conclusion, it appears the only relief needed by this application for a Special Exception is for a non-conforming court condition. Further, this court only would exist because of a wish to protect the historic character of the house and to improve the light and air at windows in the area way of the ground floor neighbor at 1517. And as noted above, the extent of the relief needed according to the Zoning Regulation amounts to 6.6 inches in width that the court would be deficient.

Thus, as discussed in this statement and as depicted in the attached drawings, photographs and site plans, the proposed addition will not have a substantially adverse effect on the use and enjoyment of any abutting or adjacent dwellings or property.

We hope you will be able to grant our request for the requested relief on the basis of the evidence provided herein.

Thank you for your consideration in this matter.

Sincerely;

Stephen duPont, Jr. RA

enclosures:
drawings (including site plans)
photographs

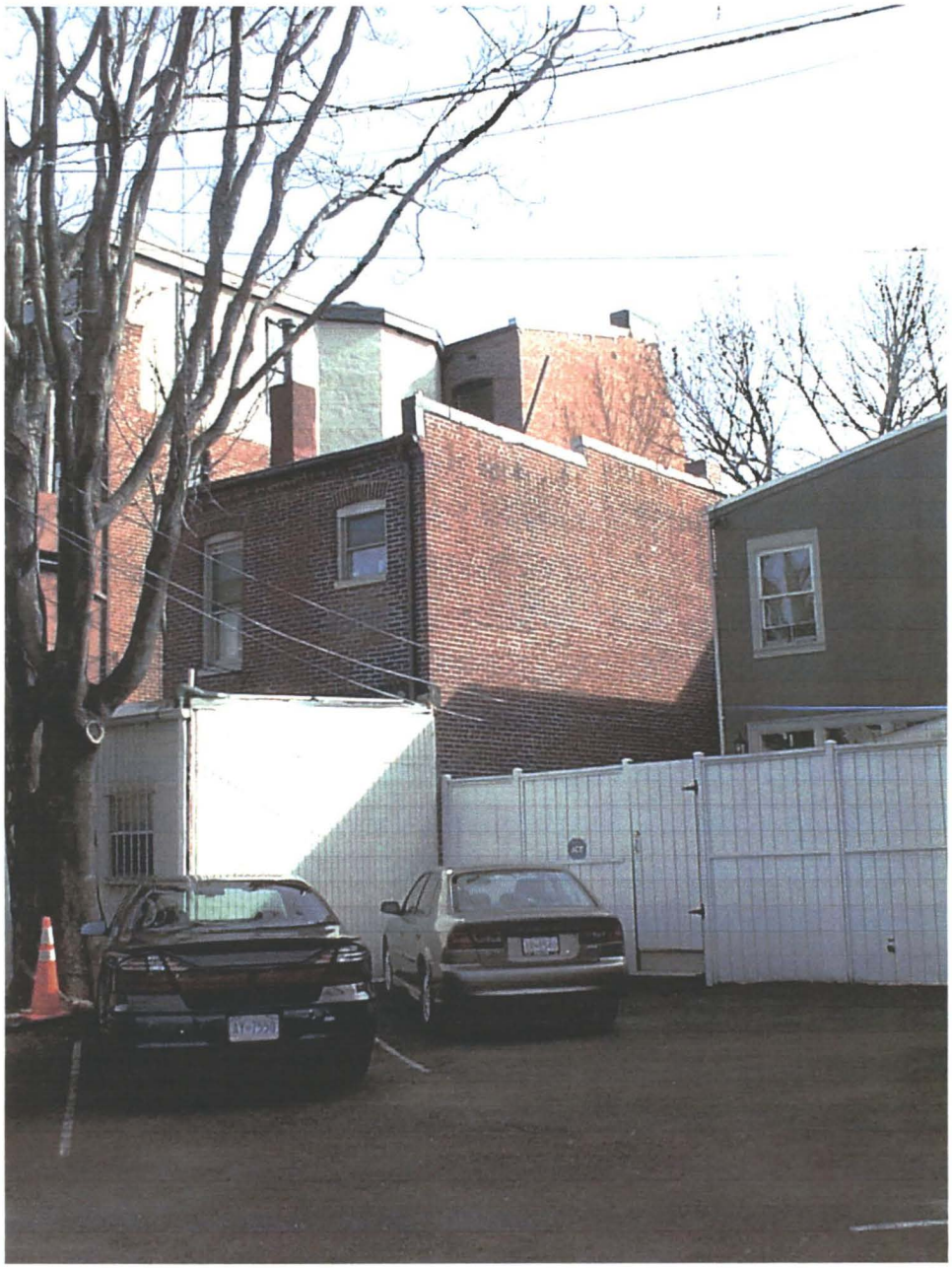
cc: Alex and Amanda Marshall
file



1519 "P" St., NW
Photo 1



1519 "P" St., NW
Photo 2



1519 "P" St., NW
Photo 3



1519 "P" St., NW
Photo 4



1519 "P" St., NW
Photo 5