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(202) 234-8950 • Fax (202) 234-0358

District of Columbia
Virginia

INTRODUCTION

Good afternoon Chairman Griffis and members of the Board of Zoning Adjustment. My name is Edward S. Grandis. I am a DC licensed attorney with offices in the Dupont Circle neighborhood of the District of Columbia. It is my pleasure to be here today before the Board of Zoning Adjustment on behalf of the applicant James A. Firkser regarding Application No. 17185.

This Application is pursuant to 11 DCMR Sec. 3103.2, for a variance to allow construction of a deck in a rear yard of a single family dwelling under section 321 that does not meet the lot area, lot width, rear lot, lot occupancy, open court and is a non-conforming structure, in the R-3 District at premises 2130 Leroy Place, N.W. (Square 2531, Lot 41), the Sheridan-Kalorama neighborhood of the District.

With me this morning is the owner, James A. Firkser. Mr. Firkser is available to answer questions regarding the design of the proposed rear deck.

I have attached my legal outline of the case and am prepared to discuss if the Board desires.

We ask that the Board review the Office of Planning analysis of the requested variance dated September 14, 2004 and is a part of the record. It is our position that we have met the burden as required by the various sections of the Title 11 of the DCMR allowing the Board to grant the relief sought. In addition, we ask that the Board accept the Office of Planning recommendation of approval and give great weight to the ANC 2D recommendation of approval.

I am prepared to address questions that the board may have.

Thank you...

BZA
Case No. 17185
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17185
EXHIBIT NO. 35

LEGAL OUTLINE OF CASE FOR APPLICATION NO. 17185

Request pursuant to 11 DCMA 3103.2, for a variance from the rear yard requirements (section 401), a variance from the lot occupancy requirements (403), a variance from the open court requirements (section 406), and a variance from the nonconforming structure provisions (section 2001), to construct a 244 square foot rear deck addition with room for parking below to an existing single-family row dwelling in the R-3 District at premises 2130 Leroy Place, N.W. (Square 2531, Lot 41).

Increase in lot occupancy – 403.3

The square was divided prior to the adoption of the zoning regulations. Many of the lots are irregular and smaller in lot area than the required conforming lot size of 2,000 sq. ft. specifically, this lot is 1,206 sq. ft. The square contains many other lots that have been improved with lot occupancies in excess of the maximum permitted 60 percent. The exceptional circumstances of the subject square contain legally existing nonconforming lots predating the adoption of the Zoning Regulations of 1958.

Additional burden of meeting variance standard.

- The exceptional condition of specific property – building and lot only 16.67 feet wide.
- The lot is on a significant slope that causes the main level at the front of the lot to become the first floor above a full basement in the rear.
- The property is zoned residential R-3 and this addition is to maintain the residential characteristics while affording the occupants ease out of the main level of the house.
- the additions will not have a substantial adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property
  - Light and air will not be unduly affected
  - Privacy will not be unduly compromised
  - The addition does not substantially visually intrude upon the character scale or pattern of houses along the alley frontage, instead the deck will improve the character of the structure
  - Personal and property safety will be enhanced with the occupants being able to park under the deck

Reduction in rear yard requirements – 404.1

As this is an irregular lot smaller in lot area and the dwelling is constructed at an angle to the rear lot line an addition of the deck will reduce the rear yard to 2.5 ft. However, this lot and the surrounding lots all boarder a paved alley. The subject deck will allow the occupant's vehicles to be fully under the deck providing safety and a clear demarcation between the subject property and the public alley. This neighborhood has a number of embassies and offices and parking is a premium. The deck will better protect

the occupant's private property from being encroached by drivers seeking a parking space in the alley.

Reduction in the minimum width of open court – 406.1

The addition of a fence along the deck along the property line will further reduce the court area which is already below the required 6 ft. However, this fence will be of a material to not adversely affect the light and air of the contiguous dwelling. The addition of the fence is to protect the property rights of the occupants.

Deck construction onto the dwelling will increase the nonconforming aspect of the structure – 2001.3(a) and (b).

The original structure is legally non-conforming since it pre-dates the adoption of the Zoning regulations. The variances requested will allow the construction of a deck which will delineate an off-street parking area for the subject property within the subject's rear yard. Should this application be approved they will be permitted as a result of the Board's action and not as a nonconforming situation predating the adoption of the Zoning Regulations.

Reduction in minimum 20 foot lot width and minimum lot area of 2,000 feet – 401.3

The existing lot with a structure built nearly 100 years ago and predates the Zoning Regulations. There is no adjoining property available to reassemble this lot to meet the minimum lot width or lot area. Any use that may be constructed on the subject property will result in the need for a variance. The extraordinary an exceptional situation calls for a variance to reduce the lot area to 1,206 square feet and a lot width of 16.67 *"without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map"*. (3103.2)

Section 3103.2 provides for the requested variances when an extraordinary or exceptional situation was created prior to the existence to the adoption of the Zoning Regulations and there are no vacant or unimproved properties that the subject property could be combined with to allow conformity with any of the impacted characteristics.

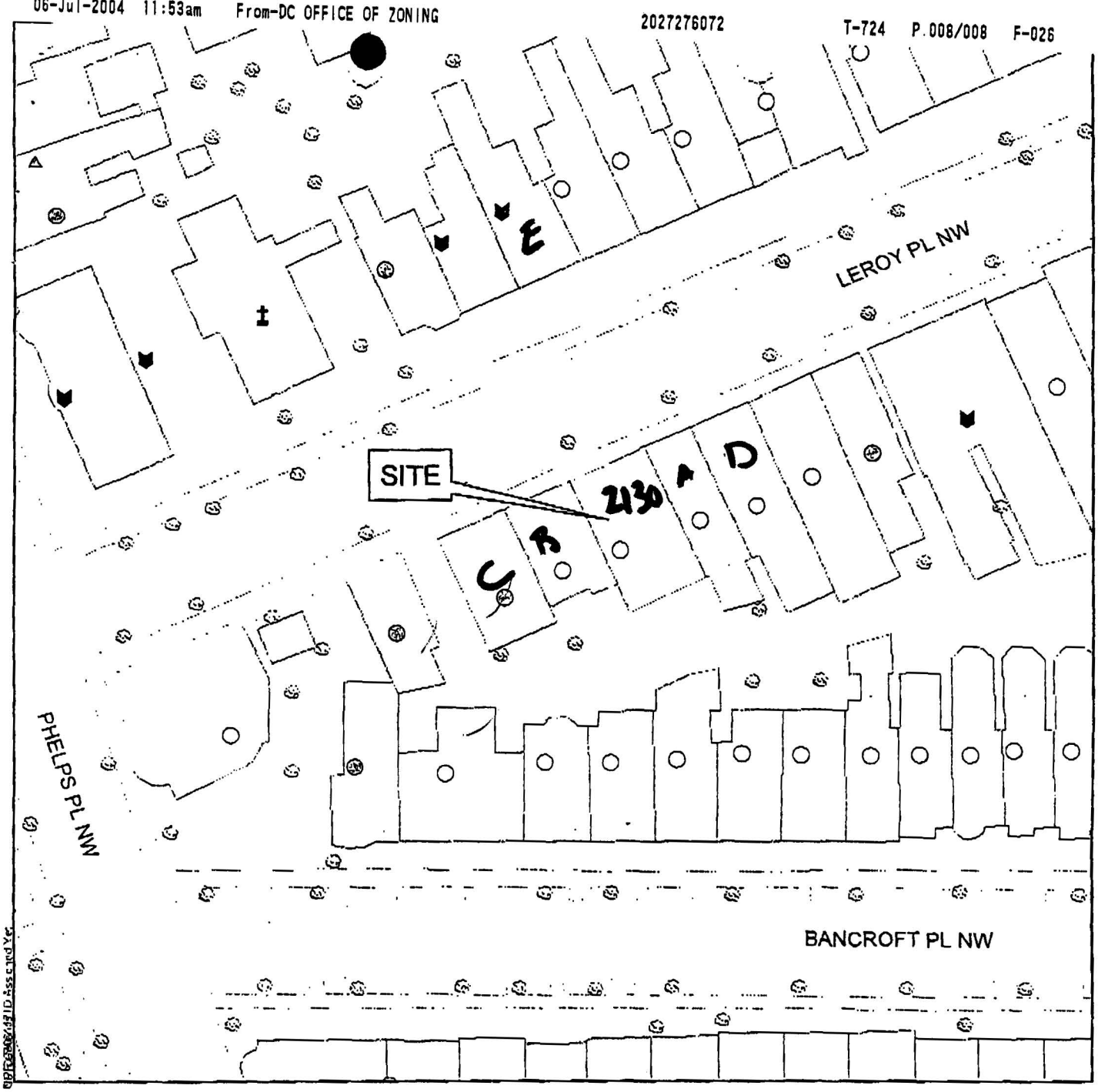
The subject property is an R-3 row house in a Historic District and was built in the early 1900's. It is red brick construction typical of the neighboring row houses. The deck addition is consistent to similar rear decks along the alley within this square. The topography of the site is steep and further decreases the property owner ability to meet the requirements of the zoning requirements. The design has received concept approval from the Historic Preservation Review Board.

Currently, the way the non-conforming square is configured it is extremely difficult to distinguish the alley from the private property line. There is stiff competition between embassy employees and property owners for the limited off street parking available in this mix-use area. The deck will clearly distinguish the private property and also create increased safety for the vehicles and occupants.

Section 3103.2 specifically allows relief "where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code ... would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property ... "

The applicant intent is to further the goals of the Comprehensive Plan and believes his rear deck with parking will "preserve the design quality of the historic and special streets and places in Ward 2 (section 1319.1(c) and will "conserve and enhance existing residential neighborhoods in Ward 2 (section 1326.1(a)).

Therefore, we respectfully request that the variances requested be granted. To do so will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.



BZA APPLICATION NO. 17185

2130 Leroy Place, N.W.

N

Feet

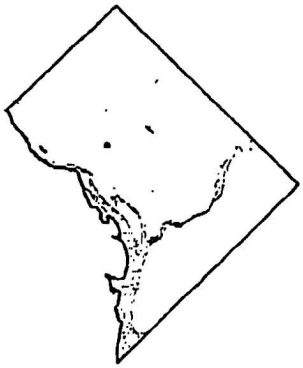
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★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ June 15, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Rowhouse
- Single-Family Semi-Detached
- Single-Family Detached
- Multi-family
- Embassy or Chancery



A

June 15, 2004

Neighbor, 2130 Leroy Pl NW, Washington, DC 20008

Sub: **Proposed Variance request for rear deck with room for parking below July 6, 2004 BZA # 17185**

Dear Neighbor:

As you know, I have applied to the SHKA, the Historic Association and the L'Enfant trust over the past months for permission to build a deck off the main level of my house. This deck would be off the back of the house and still accommodate parking for two cars below. I have sent notices and copies of the plans to you in the past and have received permission from all three groups to proceed. Now, I need a variance from the city in order to obtain the work permit. As you have not objected in the past to my request for such a deck, I am asking you to note below your approval of this plan by signing below and dropping this off in my mail slot at your earliest convenience. Of course I will manage the construction crew carefully so as not to inconvenience my neighbors and the project should be complete in one month from the start date. Please feel free to contact me directly with any questions or concerns at any time at 202 747 1002 or email me at jimfirkser@erols.com

Thank you in advance again for your assistance,

Best regards,

Jim Firkser
2130 Leroy Pl. NW

Name [signature], Address 2132 Leroy date 6-16-04

B

June 15, 2004

Neighbor, 2130 Leroy Pl NW, Washington, DC 20008

Sub: **Proposed Variance request for rear deck with room for parking below July 6, 2004 BZA # 17185**

Dear Neighbor:

As you know, I have applied to the SHKA, the Historic Association and the L'Enfant trust over the past months for permission to build a deck off the main level of my house. This deck would be off the back of the house and still accommodate parking for two cars below. I have sent notices and copies of the plans to you in the past and have received permission from all three groups to proceed. Now, I need a variance from the city in order to obtain the work permit. As you have not objected in the past to my request for such a deck, I am asking you to note below your approval of this plan by signing below and dropping this off in my mail slot at your earliest convenience. Of course I will manage the construction crew carefully so as not to inconvenience my neighbors and the project should be complete in one month from the start date. Please feel free to contact me directly with any questions or concerns at any time at 202 747 1002 or email me at jimfirkser@erols.com

Thank you in advance again for your assistance.

Best regards,

Jim Firkser
2130 Leroy Pl. NW

Name: Ann G. Wolcott Address 2128 Leroy Place, date 6/16/2004
National President
American Gold Star Mothers, Inc.

American Gold Star Mothers, Inc.
Ann Y. Sherman Wolcott
National President
2nd 2001

NATIONAL HEADQUARTERS
2128 LEROY PLACE, NW
[illegible] DC 20008

1701 Westwood Road
York, PA 17403-3620
717-854-2334

C

June 15, 2004

Neighbor, 2130 Leroy Pl NW, Washington, DC 20008

Sub: **Proposed Variance request for rear deck with room for parking below July 6, 2004 BZA # 17185**

Dear Neighbor:

As you know, I have applied to the SHKA, the Historic Association and the L'Enfant trust over the past months for permission to build a deck off the main level of my house. This deck would be off the back of the house and still accommodate parking for two cars below. I have sent notices and copies of the plans to you in the past and have received permission from all three groups to proceed. Now, I need a variance from the city in order to obtain the work permit. As you have not objected in the past to my request for such a deck, I am asking you to note below your approval of this plan by signing below and dropping this off in my mail slot at your earliest convenience. Of course I will manage the construction crew carefully so as not to inconvenience my neighbors and the project should be complete in one month from the start date. Please feel free to contact me directly with any questions or concerns at any time at 202 747 1002 or email me at jimfirkser@erols.com

Thank you in advance again for your assistance,

Best regards,

Jim Firkser
2130 Leroy Pl. NW

Name [signature] ~~Address~~ 2126 Leroy date _____

D

June 15, 2004

Neighbor, 2130 Leroy Pl NW, Washington, DC 20008

Sub: **Proposed Variance request for rear deck with room for parking below July 6, 2004 BZA # 17185**

Dear Neighbor:

As you know, I have applied to the SHKA, the Historic Association and the L'Enfant trust over the past months for permission to build a deck off the main level of my house. This deck would be off the back of the house and still accommodate parking for two cars below. I have sent notices and copies of the plans to you in the past and have received permission from all three groups to proceed. Now, I need a variance from the city in order to obtain the work permit. As you have not objected in the past to my request for such a deck, I am asking you to note below your approval of this plan by signing below and dropping this off in my mail slot at your earliest convenience. Of course I will manage the construction crew carefully so as not to inconvenience my neighbors and the project should be complete in one month from the start date. Please feel free to contact me directly with any questions or concerns at any time at 202 747 1002 or email me at jimfirkser@erols.com

Thank you in advance again for your assistance,

Best regards,

Jim Firkser
2130 Leroy Pl. NW

Name [signature] Address 2134 Leroy Pl date 6/16/04

E

June 15, 2004

Neighbor, 2130 Leroy Pl NW, Washington, DC 20008

Sub: **Proposed Variance request for rear deck with room for parking below July 6, 2004 BZA # 17185**

Dear Neighbor:

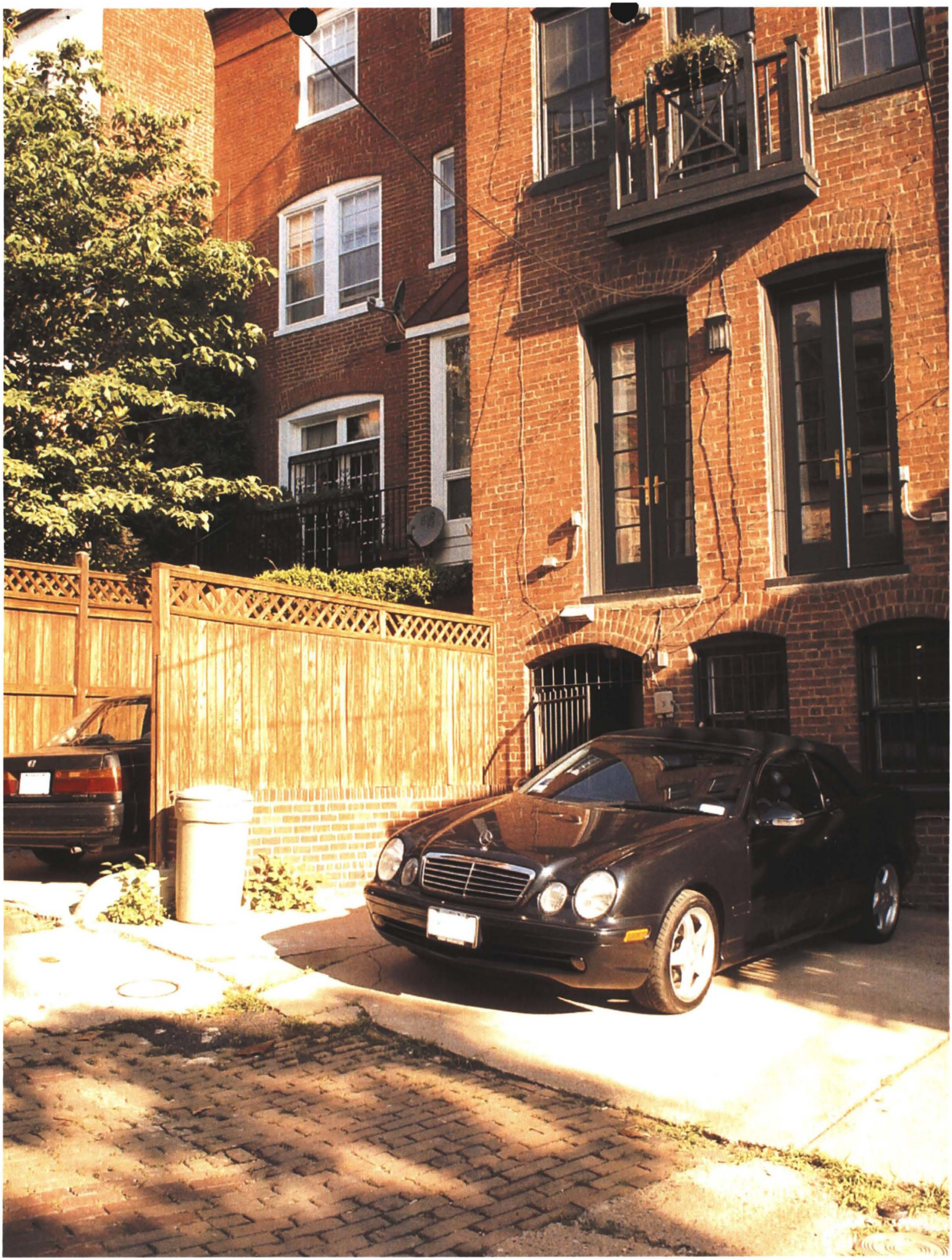
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Thank you in advance again for your assistance,

Best regards,

Jim Firkser
2130 Leroy Pl. NW

Name D S Kidney Address 2129 Bryant Place date 6/15/04






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8-0910






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C & A ELECTRIC, Inc.



