OSSOLINSKI
ARCHITECTS

14 July 2004

Ms. Jerrily Kress
Director, Office of Zoning
441 4th Street, NW
Suite 210 South
WDC 20001

Re: Zoning Self-Certification for 3360 18th Street, NW
STATEMENT – BURDEN OF PROOF FOR VARIANCE

Dear Ms. Kress;

This variance request is for an existing 2-unit townhouse in an R-4 Zone at the above address. The townhouse will remain a 2-unit townhouse.

The existing townhouse has a 70.1% lot occupancy, and a 16' rear yard. We are requesting a variance to 3 subparagraphs of the zoning code.

1) The first portion of the variance is required under SS 403.2 relating to Lot Occupancy. The existing lot occupancy is 70.1%. We propose to remove a small, 35 SF covered porch and replace it with a small, 72 SF screened porch resulting in a Lot Occupancy of 71.9%, or a 1.8% increase.

The existing building was built before the Zoning Act of 1958 and should not be expected to fully comply with those regulations. The current owner of the property has owned the residence since 1999 and purchased the property with the current non-conformance.

The physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations. The current condition of the site presents practical difficulties to the owner in that it is impractical to actually use the existing porch. Placing any place furniture on the porch, in an effort to actually sit there, would block egress from the house and access to the rear yard. Even the existing kitchen doors, when opened, nearly hit the rail to the existing porch, momentarily blocking egress to the steps to the rear yard located at the side of the porch. Replacing this rail with steps would necessitate taking up much of the small rear yard with the steps themselves and would still not allow the owners to sit on the porch. Not only does the current porch represent an impracticality, it may impede egress in the event of fire.

The variance under SS 403.2 would increase the existing lot occupancy by a very small amount, 1.8%. Additionally, the proposed structure would not be fully enclosed; it would be open by virtue of the screen mesh proposed.

The existing row dwelling sits on an unusually shallow lot for this neighborhood, caused by houses on the same square facing perpendicular streets. This house and the few houses immediately adjacent, have lot depths of only 77 feet. All other lots on the square, west of this property, have 124 foot depths. Similarly, lots in the square across 18th Street, vary in depth from 90' to 173'. All other adjacent squares typically have larger lot depths (with similar variations caused by corners or other unusual site conditions. The 77 foot depth of the subject lot constrains the site such that the original

5232 44TH STREET NW SUITE 3
WASHINGTON DC 20015
V:202.966.9449 F:202.966.8661

BZA
Case No. 17217
Exhibit No. 6

Board of Zoning Adjustment
District of Columbia
CASE NO. 17217
EXHIBIT NO. 6

house takes up a greater percentage of the lot than allowed by current code, precluding any matter-of-right additions.

2.) The second aspect of the variance is required under SS 404.1 because the proposed plan would result in a rear yard smaller than the 20 feet required in an R-4 zone. The existing rear yard is 14.33 feet. The new rear yard resulting from the proposed screened porch would be 11.83 feet, a decrease of 2.5 feet.

The existing building was built before the Zoning Act of 1958 and should not be expected to fully comply with those regulations. The current owner of the property has owned the residence since 1999 and purchased the property with the current non-conformance.

Here again, the physical characteristics of the property make it difficult for the owner to use the property in compliance with the Zoning Regulations. The current configuration of the property presents practical difficulties to the owners in terms of usability of their rear porch. The proposal increases the size of the current rear porch from 3.0 feet to 5.5 feet, a total increase of 2.5 feet. This represents a minimum size for a screened porch.

The resulting rear yard will also remain keeping with the original and current rear yards of the neighboring houses by leaving a larger yard than any of the neighboring houses as they have been modified in more recent times as demonstrated below:

A. The property 3 houses North (3366 18th Street) has a rear yard of approximately 11.33 feet because of a 3' porch. This yard is presumed to be original because the porch matches that of 3364.

B. The property 2 houses North (3364 18th Street) has a rear yard of approximately 11.33 feet because of a 3' porch. This yard is presumed to be original because the porch matches that of 3366.

C. The property next-door to the North (3362 18th Street) has a rear yard of 14.33 feet but originally was built with a rear porch which was recently demolished after years of deterioration. Should this porch ever be replaced, a logical need, the rear yard would revert to the previous estimated 11.33 feet

D. The property next-door to the South (3358 18th Street) has a rear yard of approximately 8 feet because of a 2nd floor deck.

E. The property 2 houses South (3356 18th Street) has a rear yard of approximately 8 feet because of a 2nd floor deck.

F The property 3 houses South, and across the side alley (3354 18th Street) has NO rear yard because of a garage with roof top deck.

The proposed rear yard of the subject property therefore, would remain larger than those of all of the 18th street neighbors with the sole exception of the house with the deteriorated and removed rear porch. Therefore, the proposed porch would be in keeping with the overall development pattern of the immediate surrounding area.

3) The third aspect of the variance is required under SS 406.1 which requires a wider dimension for an open court when one is provided. The calculated requirement for the width of a court in this location is

10 feet. (4"/ft x 30 ft.= 10 ft.). The current court is 5.8 feet wide. The proposed court is 4.625 feet wide at the narrowest point.

The existing court is adjacent to the court of the next-door neighbor to the south (3358 18th Street.) While courts must be measured only to the property line without consideration of neighboring open space, the particular condition of this site allows the 2 courts to work together, and would be 9.0 feet wide at the narrowest point and approximately 11.2 feet wide typically. The resulting widths, show that the spirit of the court requirement for the purposes of light and air is respected in fact, if not to the letter of the zoning ordinance.

Granting this application will not be of substantial detriment to the public good. Because the use remains residential in a residential zone, and replaces one porch with another, there will be no increase of traffic, noise, lighting, etc associated with granting this variance. As demonstrated, above, granting the application will result in a structure remaining less massive than almost all surrounding neighboring properties.

Granting this application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map. The property is and will remain a residential use consistent with the surrounding residential uses in the R-4 zone. The requested variance will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. The subject dwelling, and most of the houses in the Mount Pleasant community, are row dwellings, constructed before 1958. Small to Medium size row dwellings (such as the subject property) predominate this community. The proposed rear porch will be consistent with most of the neighboring properties, where rear porches and other additions characterize the block. Because the proposed porch is to be at the rear of a row house on an interior lot, there will be no intrusion on the character, scale, or pattern of the street frontage, as viewed from 18th Street.

This request is respectfully submitted so that the Owners of the townhouse and their young child can enjoy the light and air of their rear yard without being endangered by mosquitoes and other insects. We hope the BZA will give favorable consideration to this variance request.

Sincerely,

Matthew M. Ossolinski, AIA
Principal, Ossolinski Architects, PLLC
Agent for the Owner