STATEMENT OF APPLICANT FOR 906 T STREET, N.W.

General Overview

Applicant seeks a Special Exception (from Lot Occupancy set forth in Section 223.1) and an Area Variance (from the number of stories and height limitations set forth in Section 400.1) of the Zoning Regulations, for addition to an existing row structure in the R-4 District. Applicant submitted her initial Building Permit Application in 2001 which indicated that the proposed Addition (to accommodate the conversion from a single family dwelling to two (2) family flat), would increase the height in stories and feet. Both the Surveyor's Plat and the drawings attached to the Application, clearly identified the extent of the renovation and addition. The initial Building Permit (#B438630) was issued on September 19, 2001 for the demolition and renovation; and later minimally revised in February 2002 (#B444065). Later, a subsequent Building Permit application was submitted in order to address concerns about the number of stories to the then converted structure. That subsequent application has led the Applicant to seek both a Special Exception and a Variance from the strict compliance with the Zoning Regulations.

Subsection 3104.1 (Special Exception)

The general permissible lot occupancy of a Flat in the R-4 District is 60%. The Lot area for this property is 1,803.25 Sq.Ft. Therefore, the maximum permitted usage of this Lot as a Flat would be 1,081.95 Sq.Ft. The then existing single-family dwelling (997.6 Sq.Ft.) and the addition (167 Sq.Ft.) created a combined lot occupancy of 1,165.3 Sq.Ft., which exceeded the generally permitted lot occupancy by 83 Sq.Ft. (or an excess of 4.6%; or a total of 64.6% of lot occupancy).

However, pursuant to Subsection 223.1 and 223.3, when there is an Addition constructed to an existing one-family dwelling or flat, and the resulting structure does not meet the applicable requirements of Subsection 403 (Lot Occupancy), then the Addition "shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Section 3104, subject to the provisions of Section 223; not to exceed of seventy percent (70%) in the R-4". Here, the lot occupancy of the dwelling or flat, together with the Addition, is 64.6% and does not exceed seventy percent (70%) permitted under Subsection 223.3 of the Regulations.

Additionally, the Addition does not have a substantially adverse affect on the use and enjoyment of any abutting or adjacent dwelling or property, in particular,

(a) the light and air available to neighboring properties are not unduly affected;

(b) the privacy of use and enjoyment of neighboring properties are not unduly compromised;

(c) the addition, together with the original building, as viewed from the street, alley, and other public way, do not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

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Additionally, approval of the Special Exception is consistent with the general intent and purpose of the Zoning Regulations and Map. Both the Regulations and Map contemplate the construction and/or conversion of single-family dwellings and Flats. This renovation, addition and conversion, is fully consistent with the Interpretation and Application of the Zoning Regulations (Section 101.1), which is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare by:

(1) providing adequate light and air;

(2) preventing undue concentration of population and the overcrowding of land; and

(3) to provide a plan for the distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational and cultural activities; and that will tend to further economic and efficiency in the supply of public services.

Finally, the structure and addition are consistent with the Historic nature of the surrounding community and was fully reviewed and approved by the Historic Preservation office.

Subsection 3103.2 (Area Variance)

The physical characteristics of the now renovated and constructed addition, would create a financial hardship on the owners if they were required to bring the property into compliance with the Zoning Regulations. The initial Building Permits were issued by the DCRA, upon submission of the fully-detailed and explanatory drawings. Those drawings clearly indicated that the Applicant sought permission to increase the height of the existing structure by one (1) story, up to a height of 41.75 feet. The Application was granted and demolition and construction soon commenced. Only after the structure was built and the majority of the interior space was completed, did the DCRA require that the Applicant submit a new Building Permit application (submitted September 14, 2002) to revise the earlier issued Permits by deleting the addition which created the offending 4th story and the excess height of 1.75 feet.

No Stop Work Orders were ever issued at the site.

To now require Applicant to remove the additional story and/or the 1.75 feet, would create an undue financial hardship.

In contrast, granting of the Application will not be of substantial detriment to the public good. No burdensome traffic, noise, lighting or other offensive activity will be evident as a result of the approval of the additional height Variance. The site will create two (2) new homes for District Residents; provide two (2) parking spaces (where only one is required); provides a rear yard of over 31 feet (where only 20 feet is required); and, is in accordance with the review and approval by the Historic Preservation office and the other structures in the surrounding community.

Additionally, approval of the Area Variance will not be inconsistent with the general intent, purpose, and integrity of the Zoning Regulations. Zone R-4 provides for row-dwellings, conversions and apartments. This "conversion" from a single-family dwelling to a two-family flat is not only consistent with the use contemplate by the R-4 zone, but also with other structures that have been renovated and/or constructed in the immediate area. Specifically, the properties located at 1511 S Street, N.W. and those located at 1916-1922 12th Street, N.W., are similarly constructed, and also create a minimal intrusion as a result of their additional height.

Conclusion

Although the Applicant has suffered greatly as a result of the DCRA's approval and later retraction of the excess height and lot occupancy, she has otherwise complied with the requirements of her Building Permits and the Historic Preservation office. However, pursuant to Subsection 223.4 of the Zoning Regulations, she is receptive to any requirements that the Board may impose as "alterations" to the structure that may include additional design, screening, exterior or interior lighting, building materials or other features that are intended to protect adjacent or nearby properties