STATEMENT IN SUPPORT OF
APPLICATION BY CLARENCE E. KETTLER
FOR A SPECIAL EXCEPTION TO CONSTRUCT A NONCOMPLYING
ADDITION TO A SINGLE FAMILY DETACHED DWELLING
AT 3218 WOODLEY ROAD, N.W.

November 5, 2004

I. Nature of Relief Sought

This application requests a special exception pursuant to 11 DCMR § 223 to allow an addition to a single-family dwelling that provides less than the required rear yard setback (§ 404) and less than the required side yard setback (§ 405). The applicant is Clarence E. Kettler, the owner of the subject property at 3218 Woodley Rd., N.W. (Lot 0039, Square 2089). The Property is zoned R-1-B and is within the boundaries of Advisory Neighborhood Commission 3C.

II. Jurisdiction of the Board of Zoning Adjustment

The Board of Zoning Adjustment ("BZA") has jurisdiction to grant the relief requested pursuant to § 3104 of the Zoning Regulations.

III. The Subject Property and Vicinity

The Property is a single-family dwelling located in a quiet portion of the Woodley Park neighborhood. The area lies between the site of the Washington International School and Macomb Street to the north, 34th Street to the east, and Cathedral Avenue to the south.[1] The Property is a two and one-half story, attached, wood frame residence. The neighboring properties to the east and west share party walls with the Property and

[1] See the "Vicinity Map" in *Exhibit A*.

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are similarly constructed single family residences built at or around the same time. The houses along this block of Woodley Rd. have a uniform front yard setback of roughly 19.5 feet, with the first floor entrance elevated from the existing sidewalk grade. There is a concrete alley accessing the rear yards and driveways of the Property and the neighboring houses.[2]

IV. The Proposed Addition and Zoning Relief Requested

The Property is zoned R-1-B, which is a low-density residential zone that allows single-family detached dwellings on lots having a minimum area of 5,000 square feet and 50 feet of width. The maximum permitted building height is 40 feet, 3 stories.

The exiting house is a two and one-half story, attached, single-family dwelling with an irregularly shaped rear yard. The yard measures 49 feet in depth along the western lot line and 38.5 feet in depth along the eastern lot line.[3] The rear yard of the Property includes both a fenced portion at the first floor grade level and a sloped concrete drive down to a prior basement level garage entrance. The plans in the building permit application provide for a rear addition sited over the existing sloped drive along the western lot line at the basement and first floor levels only.[4] The proposed addition includes a basement level storage room and first floor level "morning room." The addition is set back 1 foot from the western lot line and extends into the rear yard 21.5 feet over the existing concrete drive. At grade, the addition is 18 feet in width and 19.5 feet deep, with a 2 foot overhanging bay on the first floor level.

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[2] See the photographs in *Exhibit B.*

[3] See the surveyor's plat in *Exhibit C.*

[4] See the plans attached as *Exhibit D.*

Zoning Issue Number One. Section 404 requires a rear yard depth of 25 feet in zoning district R-1-B. The existing house conforms to the § 404 rear yard depth requirement. The proposed addition would reduce the depth of the rear yard to 27.53 feet as measured along the western lot line and 24.09 feet as measured from the eastern corner of the addition to the rear lot line. The setback would be reduced to 16.95 feet as measured along the eastern lot line by projecting the depth of the addition across the width of the lot. The calculated average depth across the rear yard with the addition as proposed is 23.57 feet. Accordingly, a special exception is requested in this Application to authorize the exception of the area of the addition from the normal rear yard requirement.

Zoning Issue Number Two. Section 405 requires a minimum side yard width of 8 feet in zoning district R-1-B. The existing house is bounded on both sides by party walls and thus there are no existing side yards. The proposed addition is set back 1 foot from the western lot line of the shared concrete driveway. The 1 foot width does not meet either the 8 foot minimum required under § 405.9 nor the special 5 foot minimum allowed for buildings existing prior to May 12, 1958 under § 405.8. Accordingly, a special exception is requested in this Application to authorize this exception of 7 feet from the normal side yard requirement.

V. Compliance with the Special Exception Criteria

The requested special exception may be granted by the Board subject to criteria set forth in § 223 of the Zoning Regulations ("Additions to One-Family Dwellings or Flats"). These criteria are addressed below.

223.1 *An addition to a one-family dwelling . . . that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406 and*

2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The Property is a single-family, attached dwelling and is therefore eligible for this special exception. The requested exceptions are from § 404 ("Rear Yards") and § 405 ("Side Yards").

223.2 *The addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) The light and air available to neighboring properties shall not be unduly affected.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The light and air available to the property abutting 3218 Woodley Rd. to the east (3214 Woodley Rd.) will not be affected by the proposed addition. The depth of the rear yard along the eastern lot line will be unchanged at 38.5 feet, with the rear façade of the existing houses remaining flush at this point. The addition will be fully 39.5 feet from the rear yard privacy fence of 3214 Woodley Rd., and will extend only marginally higher than the height of the existing fence. Furthermore, the large evergreen tree existing in the rear yard of the Property will almost completely shelter the addition from the view of the neighboring property at 3214 Woodley Rd. As to privacy, for similar reasons the privacy and enjoyment of the neighbors will not be impaired by an addition that will hardly be able to be seen from their property. The addition is only one story in height and allows no opportunity for visual sight lines over the fence into the rear yard of 3214 Woodley Rd.

The light and air available to the property abutting 3218 Woodley Road to the west (3222 Woodley Road) will also not be unduly affected by the proposed addition. As

mentioned, the addition will partially fill the area of the below grade sloped drive and extend only to the height of the first floor window header on the rear of the houses. The neighbor's house at 3222 Woodley Rd. has only one double-hung window (approximately 2 x 3.5 feet) potentially affected by the addition. The window in question is currently beneath an existing protruding bay window located on the second floor of 3222 Woodley Rd. The bay window, as well as the large evergreens in the rear of these houses, already cast significant shadows on this window. Any additional shadow cast by the proposed addition to the Property will only impact this window in the early morning hours, and will not unduly affect the amount of light currently available to this property. The area of the sloped drive at 3222 is already below grade on both sides, and the addition will only cast a shadow on this steeply slope drive area in the early morning hours. A degree of light will be lost, but as a result of the existing site conditions (as illustrated by the photographs in *Exhibit B*) the loss will be minor.

As to the impairment of privacy, the plans call for a solid wall along the western elevation of the addition. There are no windows or other opportunity for sight lines presented by the addition which will impair the privacy of the neighbors at 3222 Woodley Rd.

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

The renderings of the rear addition show that it will be an attractive, small addition that is compatible in scale and general character with adjacent and nearby houses. As viewed from the alley, the small rear addition does not make the house appear larger in a visual sense, because it simply fills in an existing void in the sloped

concrete drive. The proposed exterior finishes and fenestration are consistent with the architectural character of the Property and the neighboring houses.

> *(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.*

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts . . .*

The footprint of the existing house is approximately 1363 square feet, which, on the subject lot of 5063 square feet, equals a lot occupancy of 26.9%. The addition will add a footprint of 360 square feet, for a resulting lot occupancy of 33.7%. This complies with the 50% standard set forth in § 223.3.

> **223.4** *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.*

The Applicants believe that the design of the addition does not unduly affect the light, air or privacy of the adjacent or nearby properties. However, the Applicants will accord with any additional requirements deemed necessary by the Board after public hearing.

> **223.5** *The section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The existing use of the dwelling as a single-family residence – a matter-of-right use in the applicable R-1-B District -- will continue after completion of the addition.

VI. Compliance with § 3104

Section 3104 authorizes the Board of Zoning Adjustment to grant special exceptions subject to the specific criteria (as reviewed above), and subject to a finding

that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property.

Approval of this application will be consistent with the general purpose and intent of the Zoning Regulations and Map in that the existing and proposed use is a single-family dwelling, which allowed as of right in the R-1 Districts. The Zoning Regulations contemplate variations in area requirements as requested herein by including a special exception provision for this purpose in Section 223. The special exception criteria for the requested relief focus directly on any potential adverse effects on neighboring properties, and the facts and analysis presented above demonstrate that there will be no adverse effects on neighboring properties or the public.

VII. Conclusion

In the opinion of the Applicants, the facts and analysis presented above indicate compliance with the criteria for approval of this requested special exception, and the Applicants accordingly request approval.

Respectfully submitted,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Attachments