Pillsbury
Winthrop
Shaw
Pittman LLP

2300 N Street, N.W.
Washington, D.C. 20037-1128

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

April 12, 2005

**Ashleigh D. Horne**
202-663-8428
ashleigh.horne@pillsburylaw.com

By Hand Delivery

District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, DC 20001

**Re: BZA Application No. 17314 -- Application of Stephen W. Warren**
**Prehearing Statement of Applicant**

Dear Members of the Board:

Enclosed please find the pre-hearing statement of Stephen W. Warren, the applicant in the above-mentioned BZA application. The applicant looks forward to presenting his case to the Board at the public hearing on April 26, 2005.

Sincerely,

Ashleigh D. Horne

Enclosures

cc: John Moore, Office of Planning – by hand
Michael Nelson, ANC 2F06 – by hand
Stephen W. Warren and Betsy Garside – by hand

Document #: 1472867 v.1

BZA
Case No. 17314
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO. 17314
EXHIBIT NO. 24

**BEFORE THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**

Application of Stephen W. Warren

Hearing Date: April 26, 2005
ANC 2F06

## STATEMENT OF THE APPLICANT

This is an application of Stephen W. Warren for a special exception to allow an addition to an existing, nonconforming, single-family dwelling under § 223, not meeting the lot occupancy (§ 403) and rear yard (§ 404) requirements in the R-4 District at premises 1002 N Street, N.W. (Square 340, Lot 78) (the "**Property**").

## I. NATURE OF RELIEF SOUGHT

This application was filed on February 25, 2005, by the representative of the owner of the property that is the subject of this application, Stephen W. Warren (the "**Applicant**"). The Applicant was directed by the Zoning Administrator ("**ZA**") of the Department of Consumer and Regulatory Affairs to file for relief with the Board of Zoning Adjustment (the "**BZA**" or the "**Board**") after the ZA reviewed his plans to construct a three-story addition to his single family dwelling. The Applicant requests special exception relief pursuant to § 223 to permit the construction of an addition to a single family dwelling not meeting the lot occupancy and rear yard requirements of the R-4 District.

## II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to § 3104.1 of the Zoning Regulations (11 DCMR § 3104.1).

## III. BACKGROUND AND DESCRIPTION OF THE PROPERTY

The Property that is the subject of this application is located in the R-4 Zone District at 1002 N Street, N.W., in Square 340, Lot 78 (See Exhibits A and B). It abuts a public alley to the

west and a single family dwelling to the east. The Property abuts the rear yard of a single family row dwelling to the south. The properties to the east of the public alley are zoned C-2-A, and the properties located to the south and west of the Property are zoned R-4. The immediate area consists of a mixture of residential and commercial uses.

The Property is 1,641 square feet in size and is improved with a two-story plus basement dwelling constructed in 1895 (the "**Building**"). The Building, together with the neighboring dwelling to the east, is situated at the north end of and perpendicular to a series of rowhouses fronting on 10th Street. The location of the Building, adjacent to the alley, positions it in line with the back yards of its rowhouse neighbors. Photos of the Building and the Property are attached as Exhibit C.

The Applicant purchased Lot 71, on which the Building formerly was located, in 1993. He has used the Building as his primary residence for over twelve years. At the time he purchased the Property, it provided no rear yard. In 1997, the Applicant purchased a vacant lot immediately abutting Lot 71 to the south (Lot 809) at a tax sale. He was granted that property by the Superior Court of the District of Columbia pursuant to an action to quiet title in 1999. The Applicant has since combined Lot 71 and a portion of Lot 809 into record lot 78, which is the subject of this application. The remainder of Lot 809 is now known as Lot 828, as shown on Exhibit B. After the portion of Lot 809 was incorporated, the Property provided a nonconforming 15.12 foot rear yard for the Building. The Property currently provides a 12 foot side yard. The Property also is nonconforming with regard to lot area.

## IV. DESCRIPTION OF THE PROJECT

The project consists of a modest addition to the rear of the Building (the "**Project**"). The proposed addition will update the home and make it more comfortable for a growing family. As

shown on the plans attached as Exhibit D, the proposed addition to the lower level will be a garage that features two doors that would facilitate entertaining in the side yard. The first floor addition will offer a new kitchen with a breakfast area. The second, uppermost, floor will feature a new master bedroom and master bath.

As shown on drawings A 5 and A 6, the Project has been designed to be sensitive to the historic architecture of the Building. The Project will have no windows on the rear elevation that abuts the neighboring property to the south. The Project will feature windows appropriate to the historic character of the home on both the east and west elevations. The exterior finish of the Project will feature recycled brick on the east and west facing walls to match the bricks of the Building and will feature brick block on the south elevation. The addition will be stepped back from the existing east-facing wall of the home, to reflect the historic character of a dependency.

As set forth above, Lot 78 has a lot area of 1,641 square feet, and the Property currently has a lot occupancy of 42.3%. The lot occupancy provided by the Project will be 69.8%, which is greater than the 60% lot occupancy permitted in the R-4 District. The Project will provide no rear yard, but will maintain the existing 12 foot side yard.

## V. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER SECTIONS 223 AND 3104.1 OF THE ZONING REGULATIONS

The Applicant is seeking a special exception under § 223 of the Zoning Regulations for an addition to a nonconforming one-family dwelling that does not comply with all the applicable area requirements of §§ 403, 404, and 2001.3. Section 223 requires the applicant to prove that the addition does not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property. In particular, the applicant must demonstrate: (1) the light and air available to neighboring properties will not be unduly affected; (2) the privacy of use and

enjoyment of neighboring properties will not be unduly compromised; (3) 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; (4) the Applicant demonstrates compliance with § 223.2 by using graphical representations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways; and (5) the lot occupancy of the dwelling, together with the addition, will not exceed seventy percent in the R-4 District. In addition, 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 Project meets these requirements.

### A. The Project will not Unduly Affect Light and Air Available to Neighboring Properties

The Project will not unduly affect light and air available to neighboring properties. The Project will not affect the neighboring property to the east, because the addition will be stepped-back on the eastern side. Although the Project may have some effect on the property to the south, it will not impede that property from receiving sunlight traveling from east to west. The light and air received by that property also is ensured by the public alley abutting that property to the rear and the rear yard of the property abutting that property to the south. To the west, the Property abuts a public alley. Thus, no property to the west will be affected.

### B. The Project will not Unduly Compromise the Privacy of Use and Enjoyment of Neighboring Properties

The Project will not unduly compromise the privacy of neighboring properties. To protect the rear yard of the homeowner to the south, the addition has been designed with no windows on the southern elevation. Furthermore, the Property is already separated from the

property to the south by an existing privacy fence. The addition will feature windows on the east elevation, but they will not be intrusive into the privacy of the eastern neighbor because the addition has been stepped-back from the existing east-facing wall of the Building. The Project will retain the 12 foot side yard, which also will protect the privacy of the neighbor to the east. The Project also features windows on the west elevation, but these are buffered from the nearest property owner by a 15 foot public alley.

**C. The Addition, Together with the Original Building, as Viewed from the Street, Alley, and Other Public Way, will not Substantially Visually Intrude upon the Character, Scale, and Pattern of Houses along the Subject Street Frontage.**

The Project has been designed to be in keeping with the historic character of the Building and the neighborhood. The addition is located at the rear of the Building, and will have no effect on the N Street frontage. Indeed, because it has been stepped back from the east, it will have even less visual impact from the N Street vantage point. The addition will improve the visual character of the alley by replacing the weathered privacy fence with an historically appropriate building elevation with attractive windows.

**D. The Applicant has Submitted Graphical Representations Sufficient to Represent the Relationship of the Project to Adjacent Buildings and Views from Public Ways.**

The attached materials and those submitted with the application, including photographs from various angles, elevation and section drawings, and portions of the Sanborn Atlas showing adjacent buildings, provide graphical representations demonstrating the relationship of the Property and the Project to adjacent buildings and public ways.

### E. The Lot Occupancy of the Project will not Exceed Seventy Percent in the R-4 District

Under § 223.3, the lot occupancy of the Building, together with the addition, may not exceed seventy percent (70%) in the R-4 District. The Project will add 449 square feet to the existing 697 square feet used to calculate lot occupancy, resulting in a total of 1,146 square feet. As set forth above, the lot area of the Property is 1,641 square feet. Accordingly, the lot occupancy of the Project will be 69.8%, which is within the 70% limit set forth in § 223.3.

## VI. COMMUNITY OUTREACH

The Applicant has made significant efforts to seek input on this application from the neighboring community. On March 22, 2005, the Applicant presented to Project to the Community Development Committee of ANC 2C and received unanimous support. On February 16, 2005, the Applicant presented the Project to citizens and members of the board of The Blagden Alley Association, which voted unanimously to support the Project. The Applicant also presented the Project to the Logan Circle Community Association, which found the design "quite compatible with both the house and the neighborhood." Other community members also submitted letters in support. Letters in support of the Project are attached as Exhibit E.

## VII. LIST OF WITNESSES EXPECTED TO TESTIFY

The following witnesses are expected to testify at the public hearing on behalf of the Applicant:

1) Stephen W. Warren and Betsy Garside, the Applicants; and

2) Project Architect.

## VIII. EXHIBITS IN SUPPORT OF APPLICATION

Exhibit A: Portion of the Zoning Map showing the Property outlined in red.

Exhibit B: Portion of the Sanborn plat showing the Property outlined in red.

Exhibit C: Photos of the Property and the Building

Exhibit D: Plans, Elevations, and Zoning Computations for the Project.

Exhibit E: Letters in Support of the Project.

Exhibit F: Outlines of Testimony.

## IX. CONCLUSION

For all of the above reasons, the Applicant is entitled to the requested special exception relief in this case.

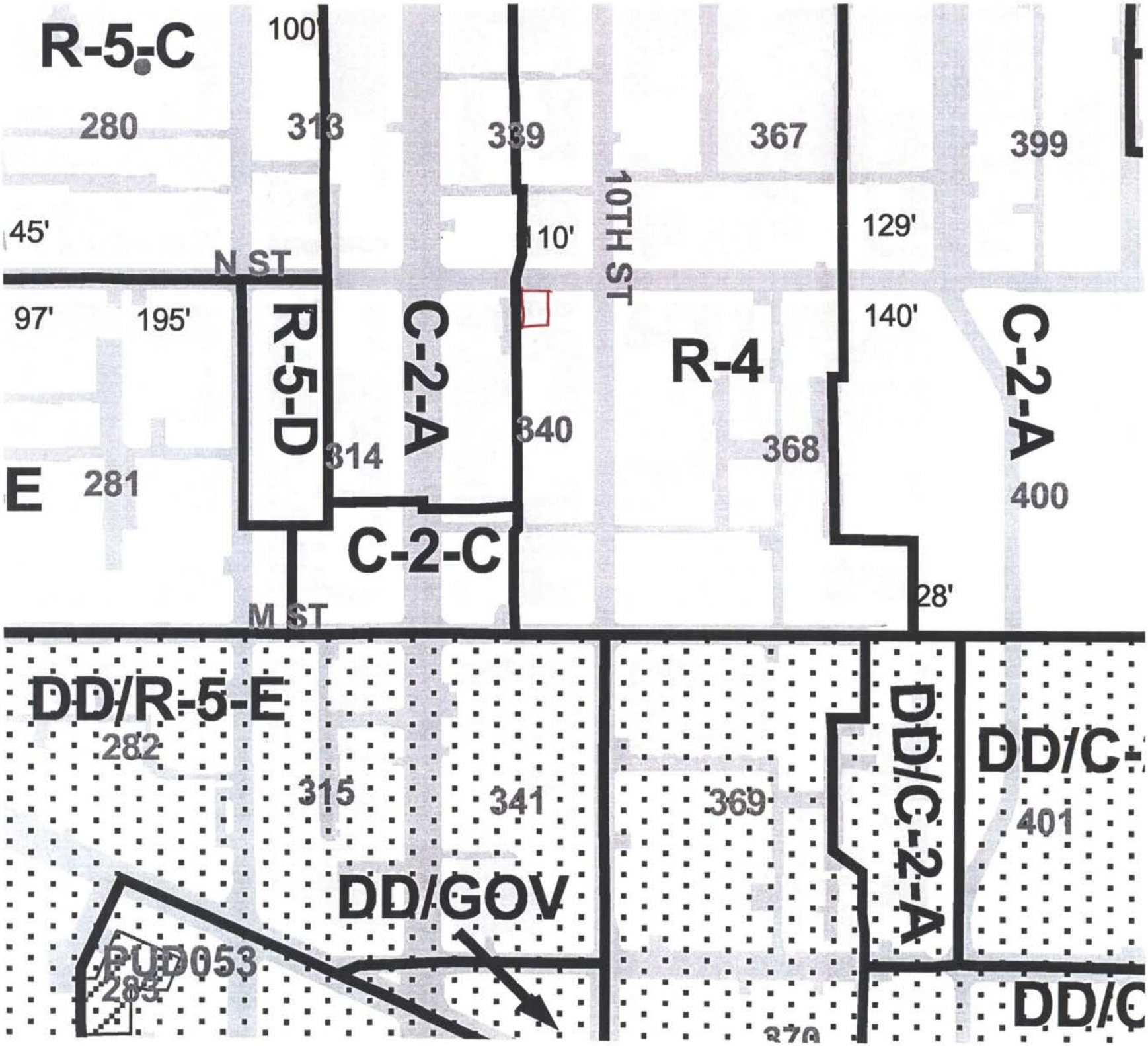
Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

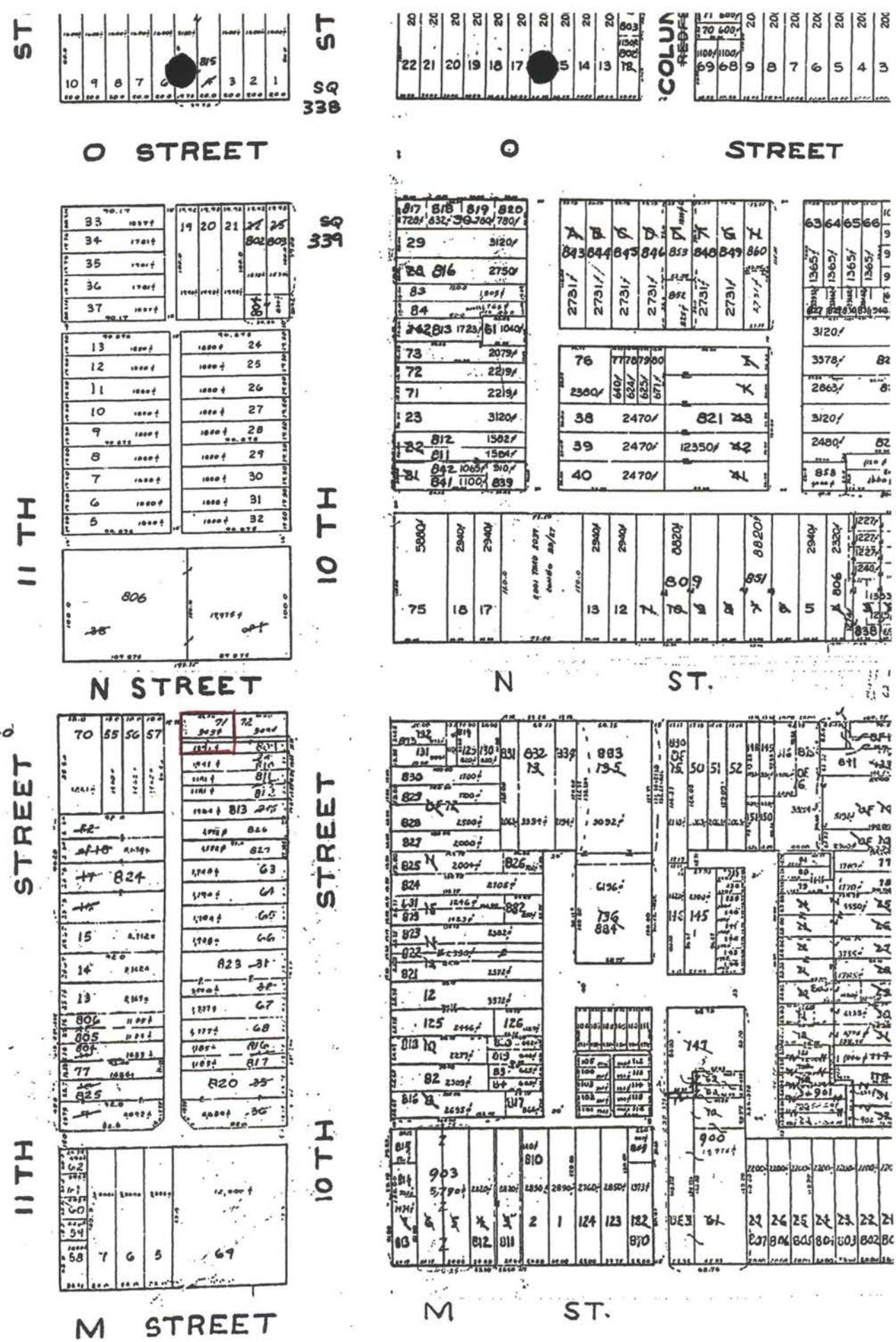
By: 
Ashleigh D. Horne

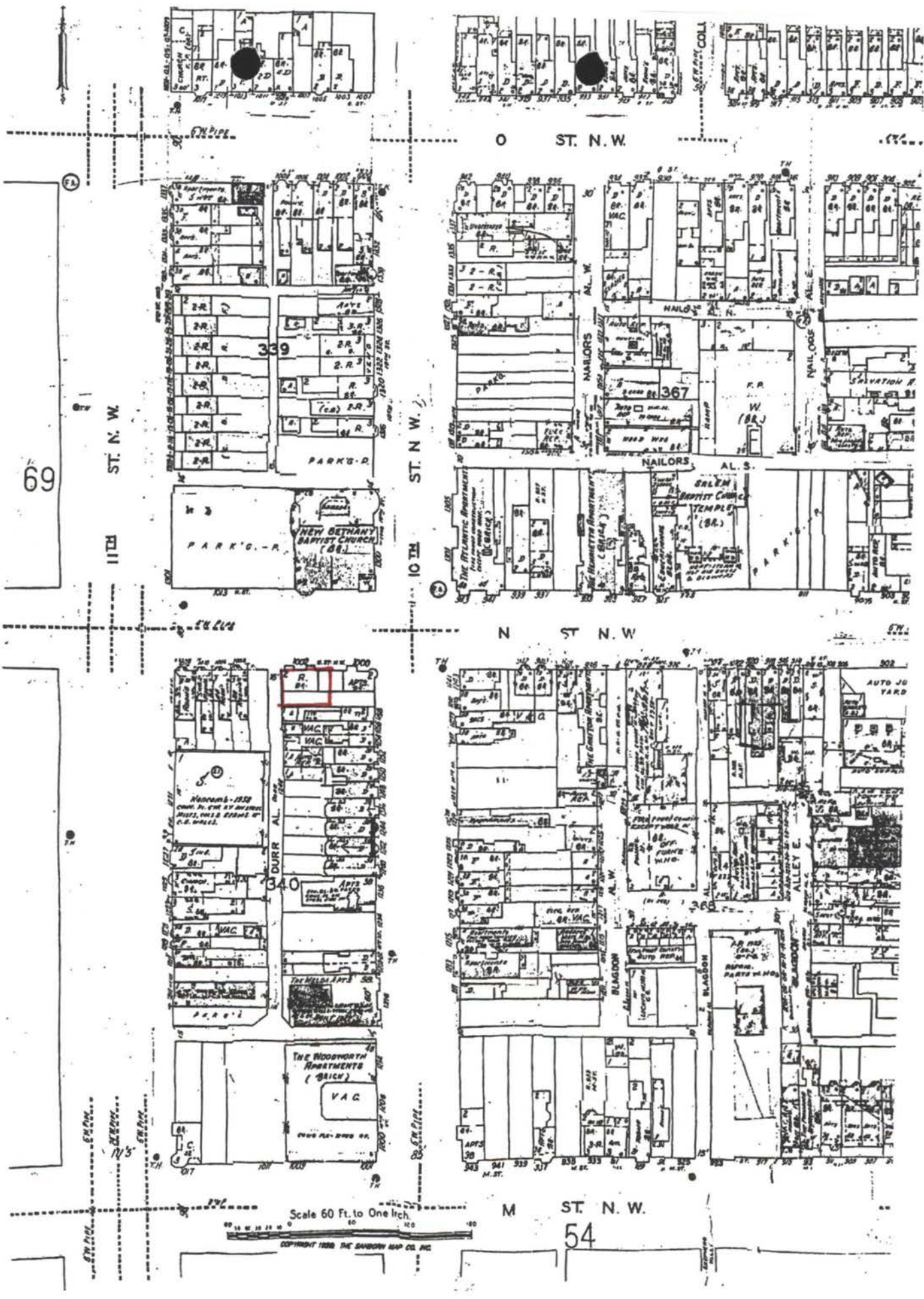
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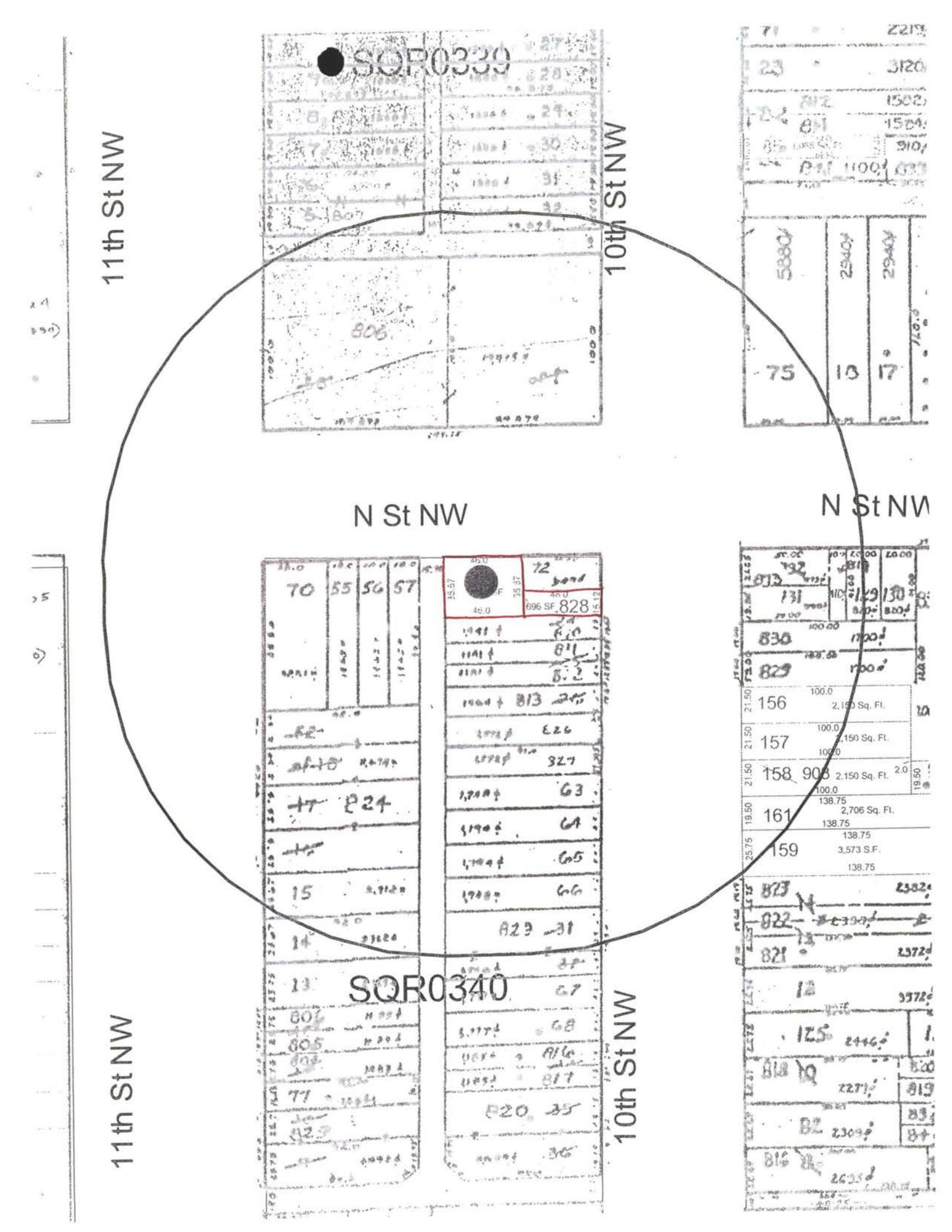
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368
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281
400
C-2-C
28'
M ST
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DD/GOV
PUD053
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DD/C
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# B

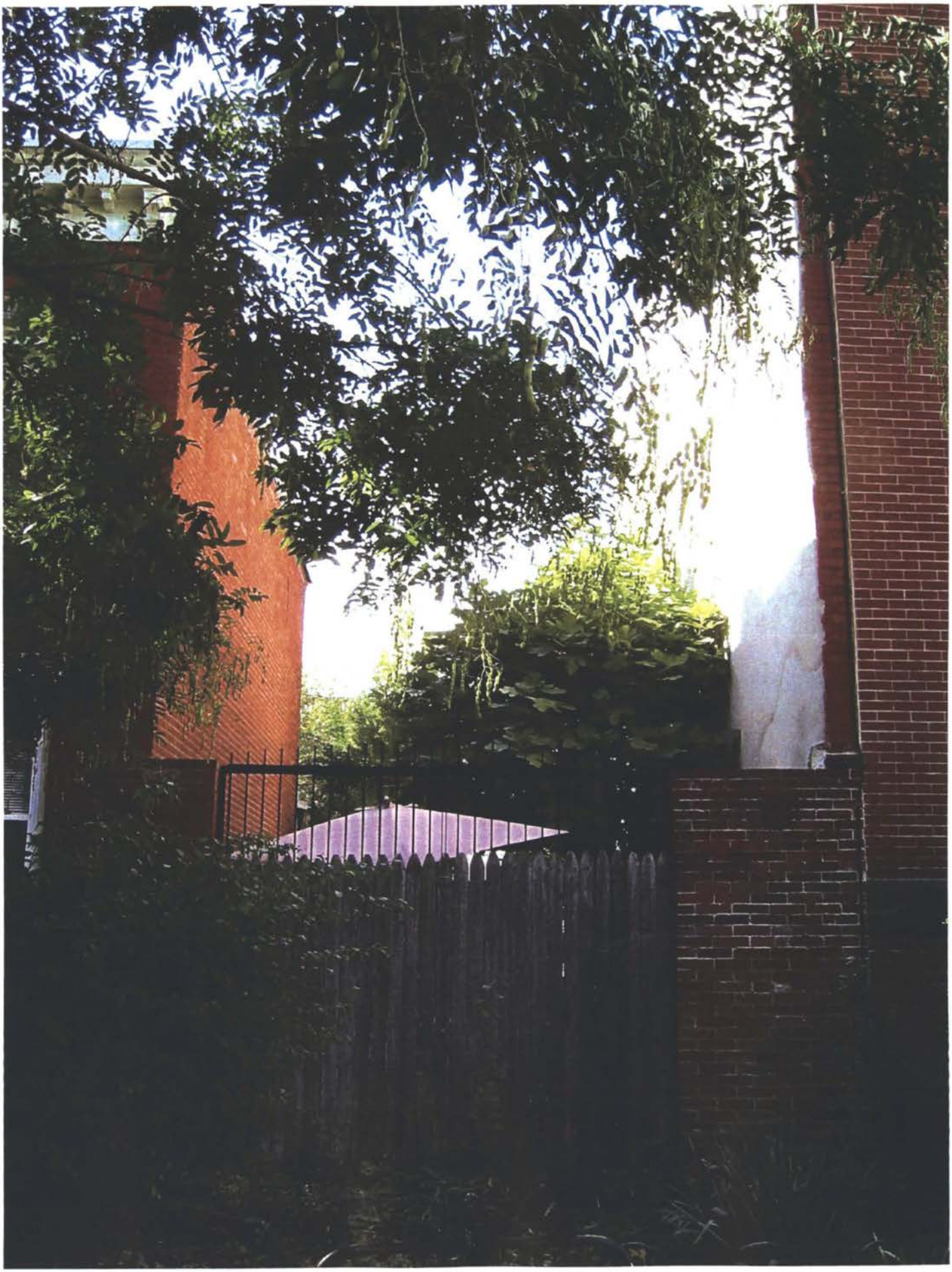

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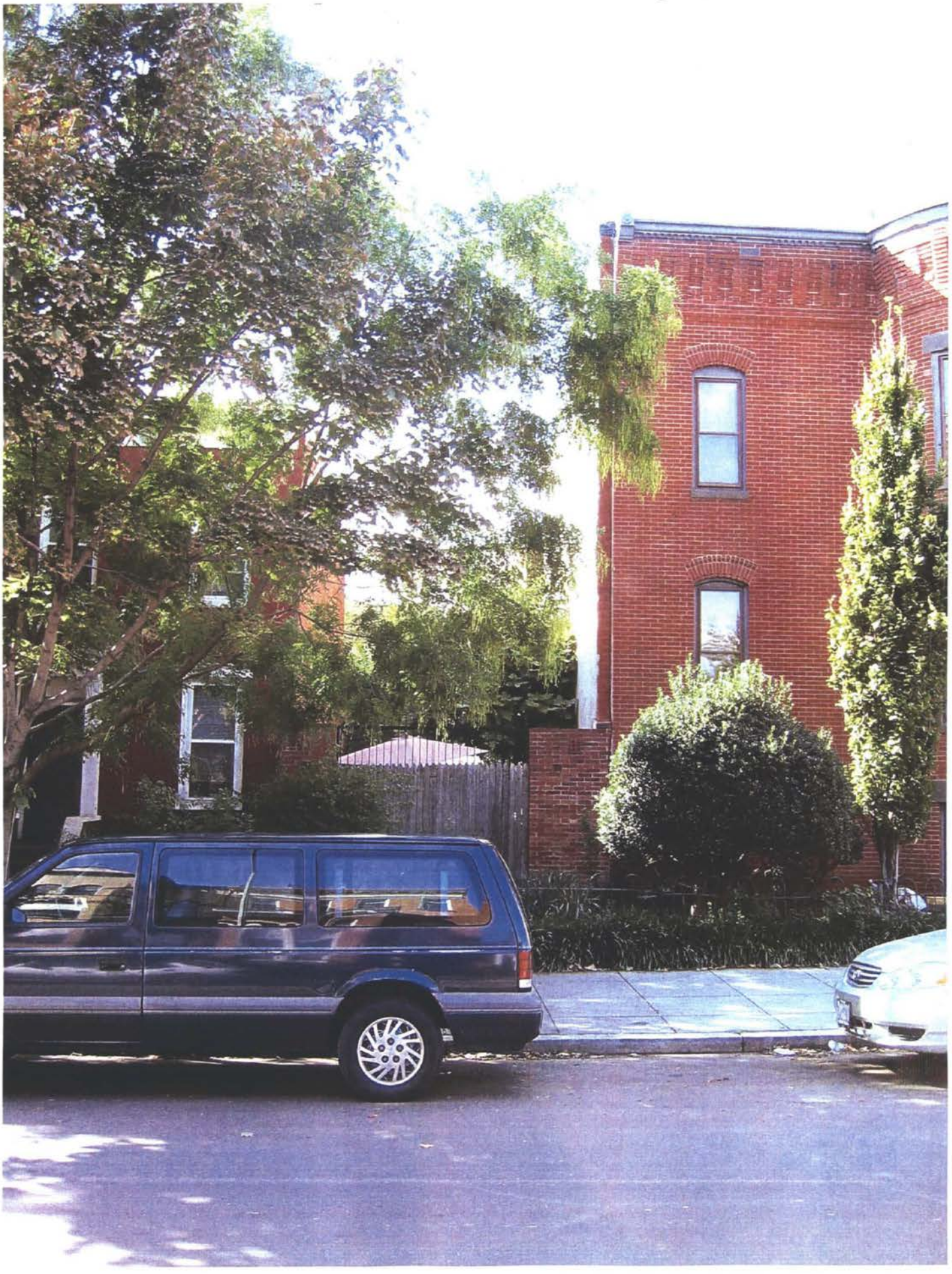

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339
340
367
NAILORS
NAILORS AL. S.
NEW BETHANY BAPTIST CHURCH (Bk.)
SALEM BAPTIST CHURCH TEMPLE (Br.)
THE WOODWORTH APARTMENTS (BRICK)
VAC.
DURR AL.
ALLEY E.
BLAGDON
54
Scale 60 Ft. to One Inch.


SQR0339
SQR0340
11th St NW
10th St NW
N St NW
N St NW
11th St NW
10th St NW

# C


ONTHLY
ARKING
22) 289-8474
EX. 101





# D

# NOTES AND COMPUTATIONS

ADDRESS: LOT(S): SQUARE:

ZONED:

| | REQUIRED | ALLOWED | PROVIDED | VARIANCE |
|---|---|---|---|---|
| LOT AREA | 1,800 Sq. Ft. | | 1,641 Sq. Ft. | |
| LOT WIDTH | 18' | | 46' | |
| LOT OCCUPANCY (60%) | | 985 Sq. Ft. | Exist. 697 Sq. Ft.<br>Add. 449 Sq. Ft.<br>Total 1,146 Sq. Ft. (69.8%) | 161 Sq. Ft. (9.8%) |
| FLOOR AREA RATIO () | | N/A | N/A | |
| PARKING SPACES | 1 | | Existing | |
| LOADING BERTHS | | N/A | N/A | |
| FRONT YARD | | N/A | N/A | |
| REAR YARD | 20' min. | | 0' | 100% |
| SIDE YARD | N/A | | 12; | |
| COURT, OPEN | N/A | | N/A | |
| COURT, CLOSED | N/A | | N/A | |

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D.C. OFFICE OF ZONING
2005 FEB 25 PM 3:15

# RESIDENCE AT

# 1002 N STREET, N.W.

# WASHINGTON, D.C.

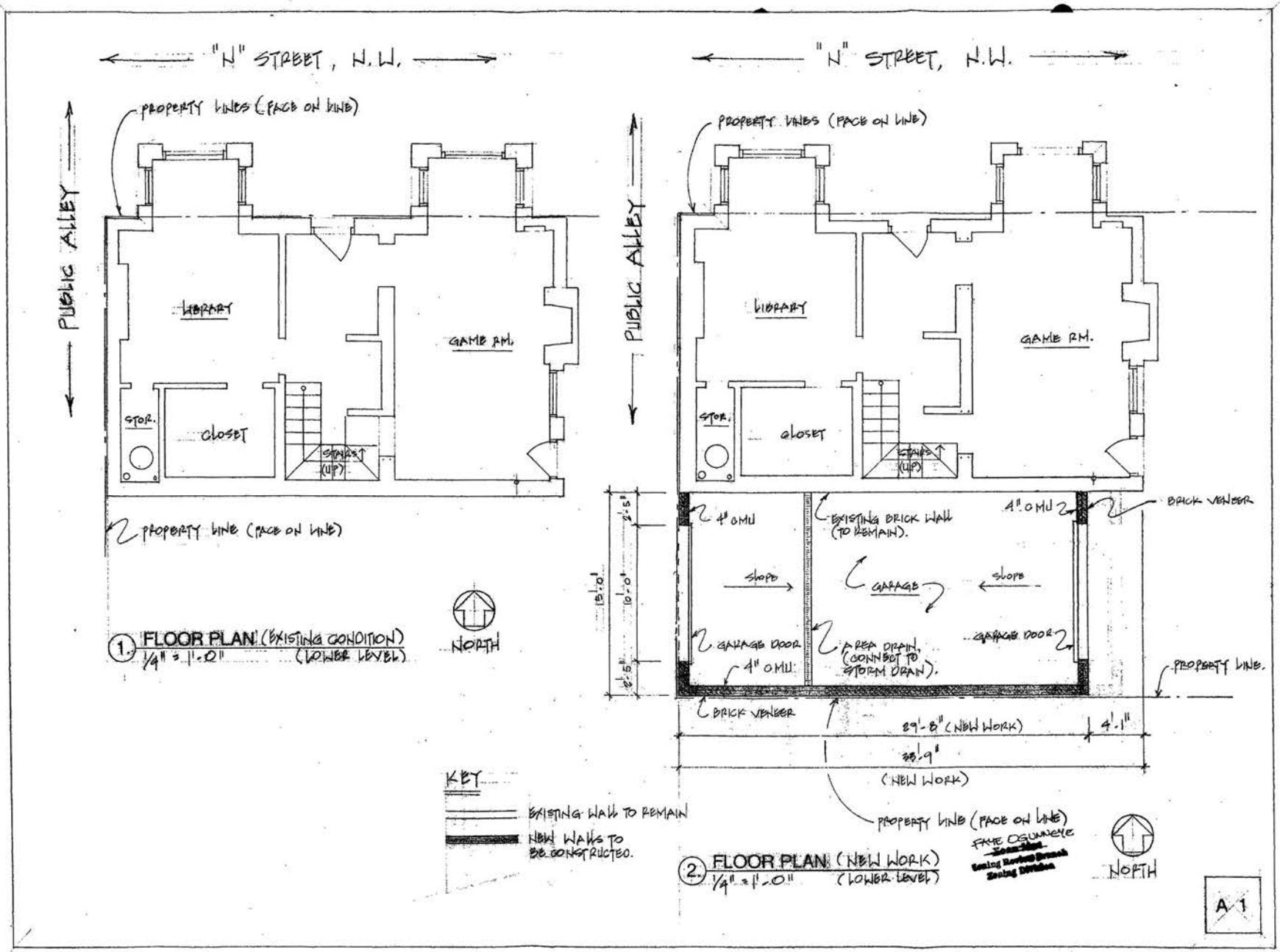
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02-12

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CASE NO. 02-12
EXHIBIT NO. 1

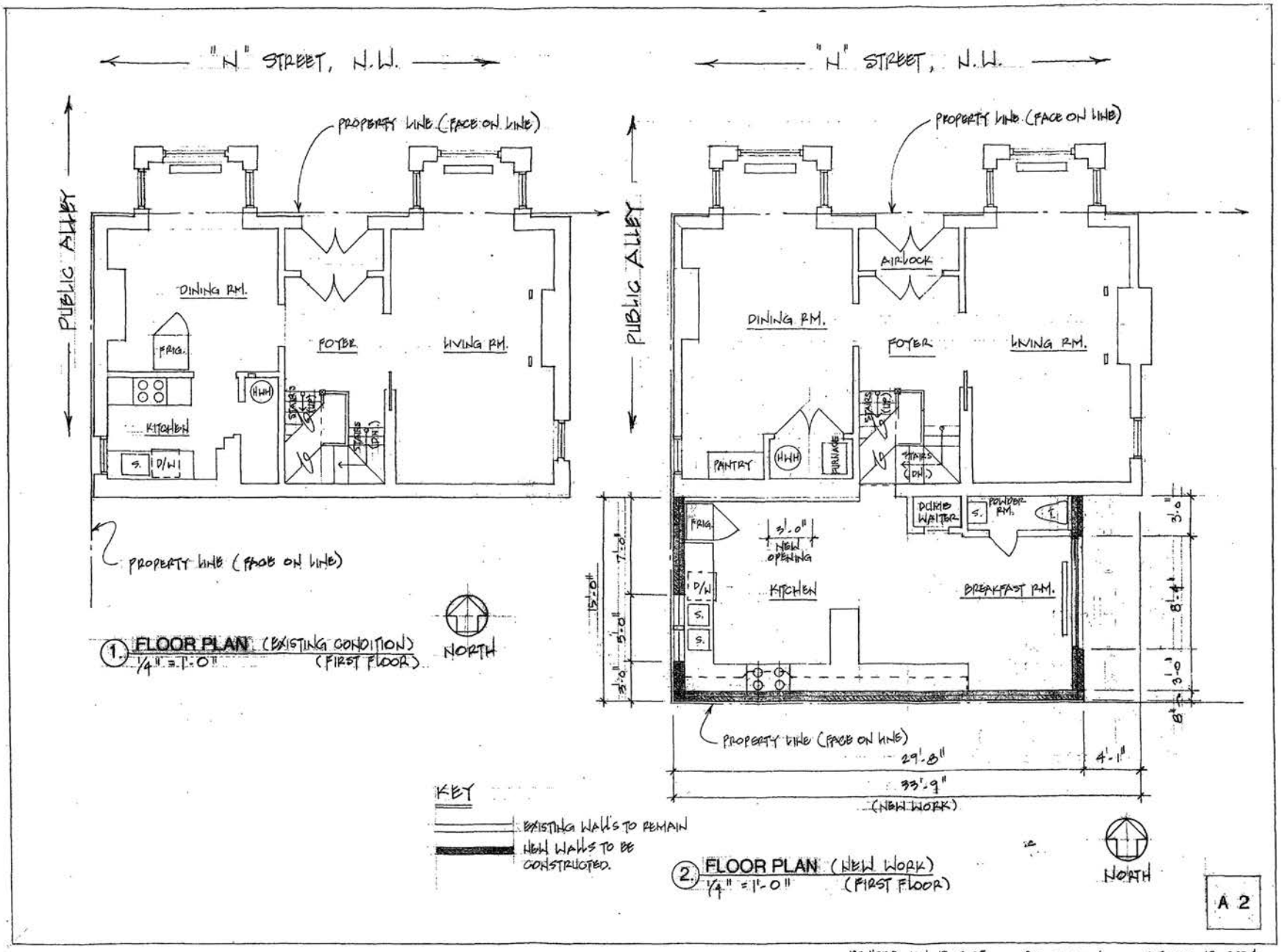
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FAYE OGUNNEYE
Zoning Review Branch
Zoning Division

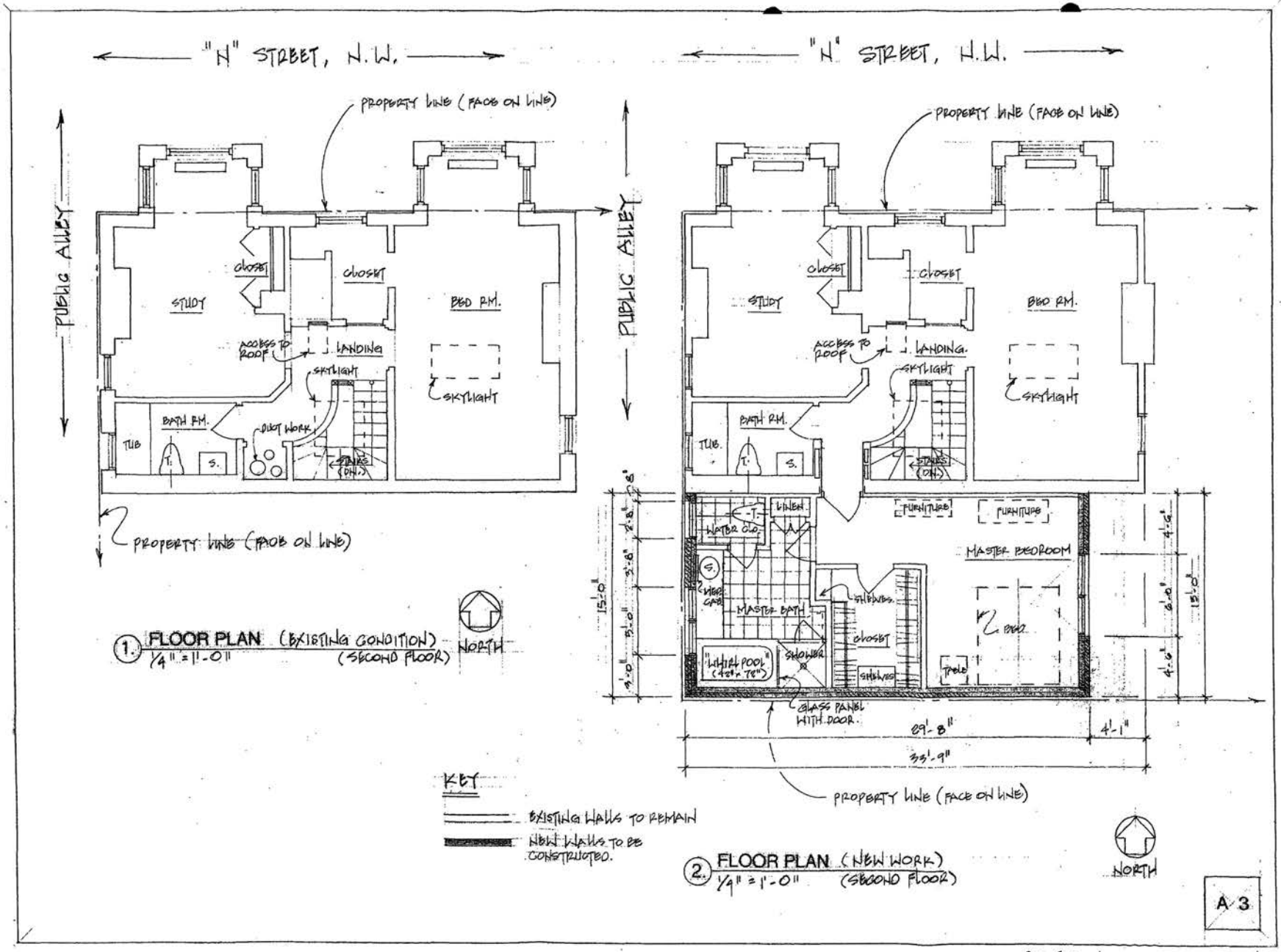
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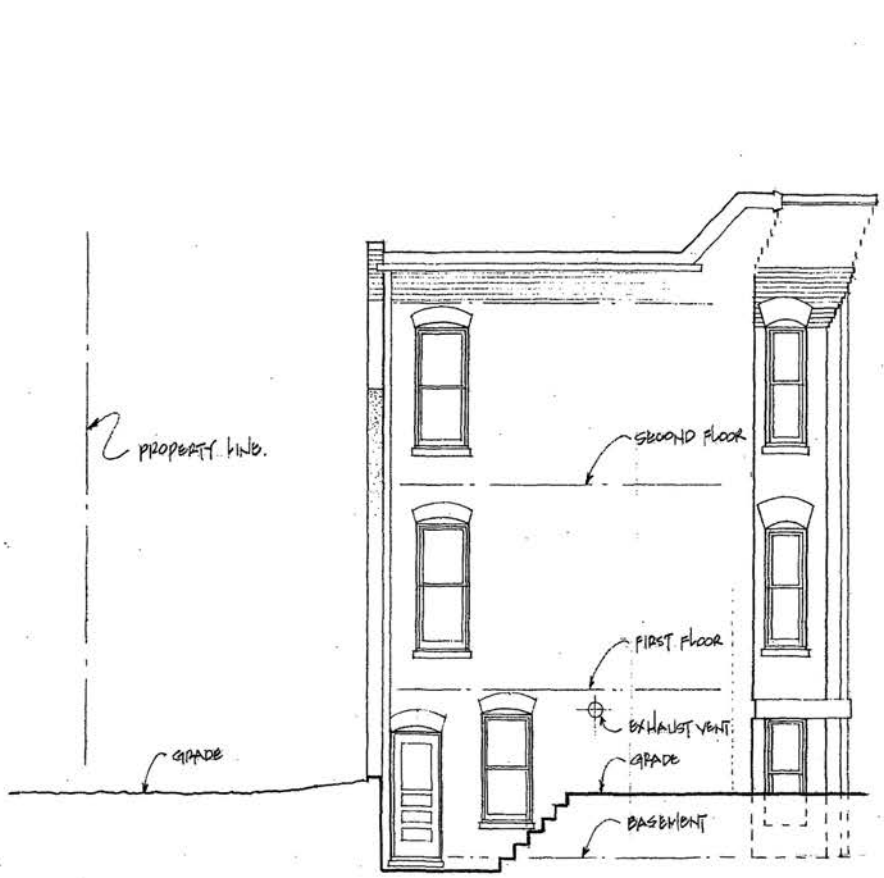



PERSPECTIVE (VIEW FROM "N" ST ALLEY
NO SCALE

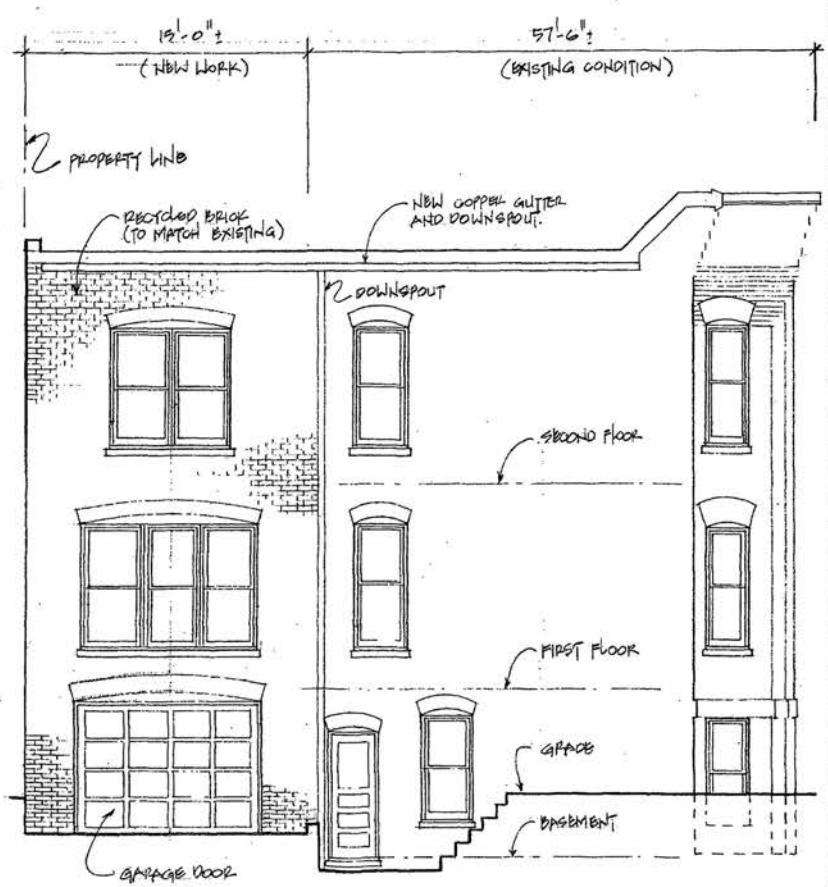
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Dec. 7 2004

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1. EAST ELEVATION (EXISTING CONDITION)
1/4" = 1'-0"




2. EAST ELEVATION (NEW WORK)
1/4" = 1'-0"

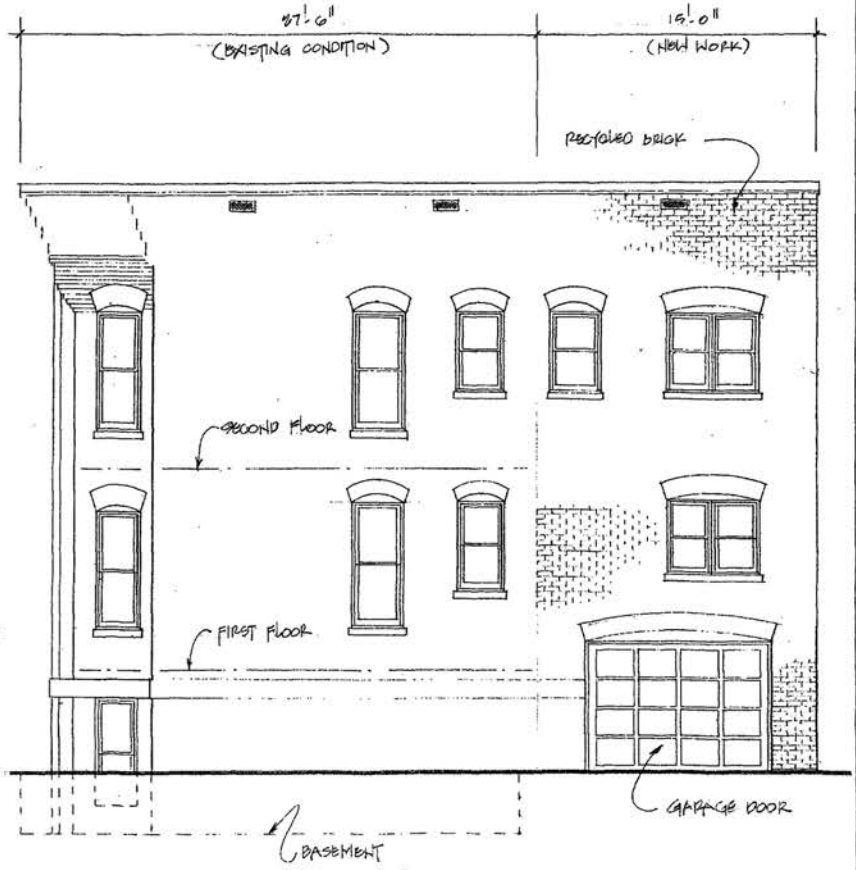
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1. WEST ELEVATION (EXISTING CONDITION)
1/4" = 1'-0"




2. WEST ELEVATION (NEW WORK)
1/4" = 1'-0"

A 6

# DISTRICT OF COLUMBIA GOVERNMENT
## OFFICE OF THE SURVEYOR

Washington, D.C., DECEMBER 10, 2004

Plat for Building Permit of: SQUARE 340 LOT 78

Scale: 1 inch = 10 feet Recorded in Book 198 Page 137

Receipt No. 16208

Furnished to: R. HETEM

Surveyor, D.C.

By: B.D.M. VNX

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

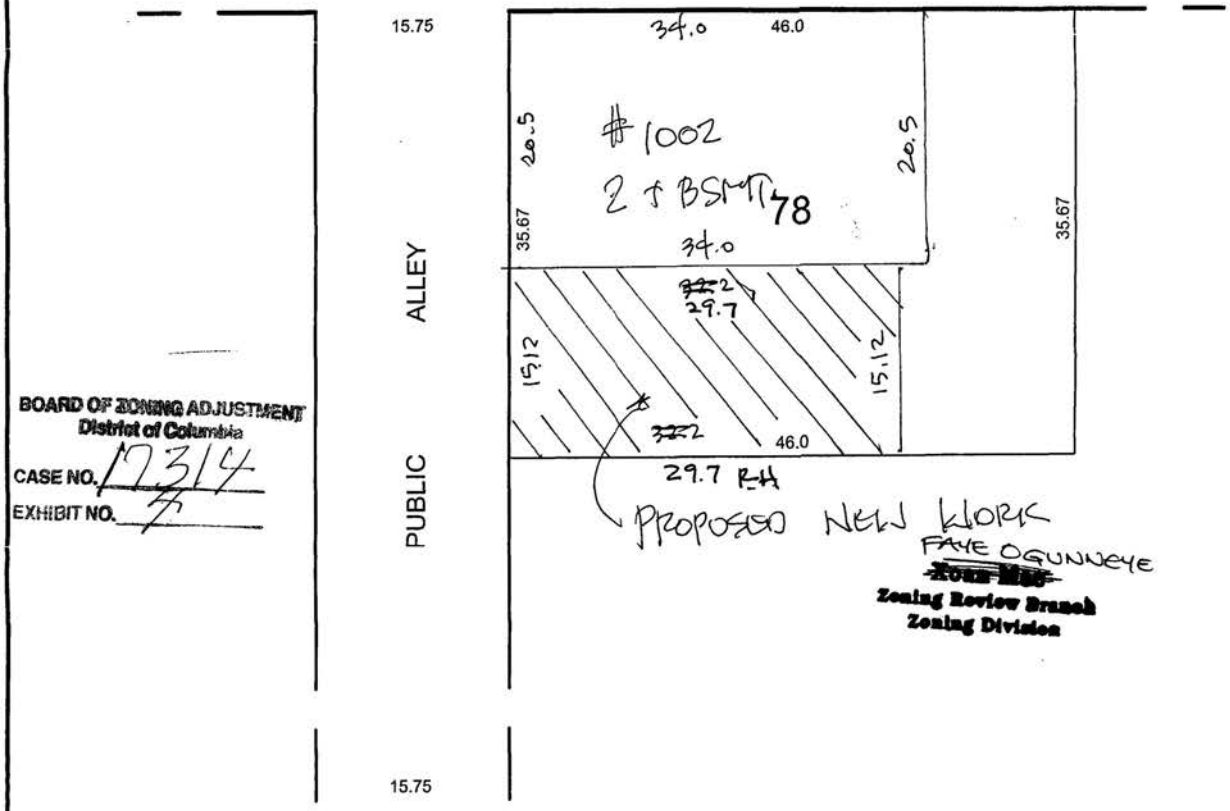
Date: Dec. 15 2004

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

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D.C. OFFICE OF ZONING
2005 FEB 25 PM 3:15

N STREET, N.W.




BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17314
EXHIBIT NO. 2

FAYE OGUNNEYE
Zoning Review Branch
Zoning Division

SO-16208(2004)

# E



P.O.Box 12007 Mid City Station NW • Washington, DC 20005 • www.logancircle.org

March 16, 2005

Mr. Tersh Boasberg
Chairman, Historic Preservation Review Board
801 North Capital Street, NE
Washington, DC 20002

**RE: 1002 N Street, N.W., Addition to an Existing Building – Design Review**

Dear Mr. Chairman,

On March 8th, 2005, Stephen Warren, the property owner and resident, presented his proposal to build a rear addition to the existing townhouse located at 1002 N Street, N.W. We understand that this project application is for the design review of the approval process.

We think that the proposed addition is quite compatible with both the house and the neighborhood. The use of matching brick, opening the currently bricked in windows, and keeping a continuous sloping roofline along the alley are welcome decisions. The small setback from the east facing side wall of the house reduces the perceived mass of the addition.

We are concerned about the selection of the windows. The new windows and brick molding should match the existing windows. Every effort should be taken to restore the existing windows. In the event this is not feasible, the replacement windows and brick molding need to replicate what is removed. We also think that some more work could be done to find a more appropriate garage door design.

We recommend that the board approve this project.

We would like to thank you for your time.

Regards,

*Michael Minnemann*

Michael Minnemann
Chair, LCCA Historic Preservation Committee

CC: Frank Mobilio, LCCA President
Steve Callcott; HPO Staff
Matt Raymond, ANC
Michael Nelson, ANC
Stephen Warren, Owner - Resident

# The Blagden Alley Association

April 06, 2005

Mr. Geoffrey H. Griffiss
Chairman, Washington, DC, Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210
Washington, D.C. 20001

Reference: Case Number 17314

Dear Mr. Griffiss:

Would you please replace our letter of 18 March 18, 2005 with the enclosed letter of support. The previous letter contained unrelated information by mistake.

Sincerely,

Harold Davitt
President

# The Blagden Alley Association

April 06, 2005

Mr. Geoffrey H. Griffiss
Chairman, Washington, DC, Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210
Washington, D.C. 20001

Reference: Case Number 17314

Dear Mr. Griffiss:

At its regular monthly meeting on February 16, citizens and members of the board of The Blagden Alley Association, which represents the neighborhood immediately west of the new convention center, reviewed plans for an addition to 1002 N Street, NW.

Following the presentation by owner Stephen Warren and his fiancée Betsy Garside, there was a unanimous vote in support of the project. Several individual members also suggested that they would write letters in support of the project.

The added living space is in keeping with the residential and historic nature of the neighborhood. In addition, the owner Stephen Warren has been an active participant in the neighborhood since he bought his house and moved here 12 years ago. He has improved the neighborhood by cleaning up sources of infestation and illegal practices, through participation in neighborhood patrols; and by serving on citizens' association boards. By adding onto his house, he and his soon-to-be wife will be able to remain in the neighborhood. That kind of long-term personal investment in our neighborhood is vital to keeping balance in a fast-developing residential area.

Sincerely,

Harold Davitt
President

1252 10th Street, N.W.
Washington, D.C. 20001

March 21, 2005

Office of Zoning
Suite 210 South
441 4th Street, N.W.
Washington, D.C. 20001

**Re: Concerning Application Number 17314 – Application by Stephen W. Warren at premises 1002 N. Street, N.W. (Square 340, Lot 78)**

Dear Boardmember(s):

I own and reside at 1252 10th Street, N.W. in Washington, D.C. My home is within 50 feet of the property that is the subject of this application for a special exception.

I fully support Mr. Warren's request for a special exception to allow an addition to be built to an existing single-family dwelling under section 223, not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-4 District at premises 1002 N Street, N.W. (Square 340, Lot 78).

I was at the Blagden Alley Neighborhood Association meeting where Mr. Warren first presented his proposal to build an addition to the subject property. It is my understanding he has met with Mr. Steve Callcott of the Historic Preservation Office.

It is my opinion that Mr. Warren's proposed addition adheres to the compatibility requirements set forth in "New Construction in an Historic District" from the Historic Preservation Office and that his addition will be an appropriate and welcome addition to the streetscape of our neighborhood.

Again, I full heartedly support Mr. Warren's request for a special exception and pray that the Board of Zoning will do so as well.

Please feel free to call me at my office (202) 862-4519 or at my home (202) 371-5667.

Respectfully submitted,

Bradley D. Smith

20 March, 2005

Office of Zoning
Suite 210 South
441 4th Street, N.W.
Washington, D.C. 20001

**Concerning Application Number 17314 – Application by Stephen W. Warren at premises 1002 N. Street, N.W. (Square 340, Lot 78)**

Dear Boardmember:

I own property at 1252 10th Street, N.W. in Washington, D.C. in which I reside. My property and home are within 50 feet of the property noted in this application for special exception.

I fully support Mr. Warren in his request for a special exception to allow an addition to an existing single-family dwelling under section 223, not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-4 District at premises 1002 N Street, N.W. (Square 340, Lot 78).

I have been present when Mr. Warren has presented his proposed addition at the Blagden Alley Neighborhood Association membership meeting, the LCCA Historic Committee meeting and the Community Development Committee meeting of ANC-2C. In addition it is my understanding he has met with Steve Callcott of the Historic Preservation Office.

I feel that Mr. Warren's proposed addition adheres to the compatibility guidelines for "New Construction in an Historic District" from the Historic Preservation Office and that it will be an appropriate and welcome addition to the streetscape of our neighborhood.

I fully support Mr. Warren in his request and hope that you will do so as well.

Thank you,

James Loucks
1252 10th Street, N.W.
Washington, D.C. 20001

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

MAR 0 3 2005

APPLICATION NUMBER 17314
TO WHOM IT MAY CONCERN

Notice is hereby given that the Board of Zoning Adjustment will hold a public hearing in Suite 220 South, 441 4th Street, N.W., Washington, D.C., 20001 on Tuesday, April 26, 2005. Your attention is invited to the following application:

**Application of Stephen W. Warren,** pursuant to 11 DCMR § 3104.1, for a special exception to allow an addition to an existing single-family dwelling under section 223, not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-4 District at premises 1002 N Street, N.W. (Square 340, Lot 78).

At the public hearing, all interested persons will be given an opportunity to express their views. However, you may submit written views about this case. All written views should be sent to the address below, and must be received by the Board before the hearing on the case is concluded. Individuals and organizations wishing party status in any case before the Board must request that status in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application. The request for party status must contain all the information required by 11 DCMR § 3106.2. Section 3106 is enclosed for your information.

This application is located within the boundaries of Advisory Neighborhood Commission 2F. This application will be heard between 9:30 a.m. and 12:00 p.m.

If you have any questions about this application, you may call the Office of Zoning on (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 210 South, Washington, D.C. 20001.

**PLEASE REFER TO THE APPLICATION NUMBER WHEN YOU WRITE OR CALL ABOUT THIS CASE.**

SINCERELY,

JERRILY R. KRESS, FAIA
Director

(SEE REVERSED SIDE)

# F

# OUTLINE OF TESTIMONY OF REPRESENTATIVE OF THE ARCHITECT

I. INTRODUCTION

A. Representative of the Architect

B. Experience in the District of Columbia

II. THE PROPERTY AND SURROUNDING AREA

A. Lot 78 in Square 340

B. Relationship of the Properties to the Immediate Neighborhood

C. Description of the Surrounding Neighborhood

III. PROPOSED PROJECT

A. Current Deficiencies of the Existing Building

B. Upgrade of the Existing Building

C. Plans for the Project

D. Need for Special Exception Relief

E. HPRB Approval

IV. SATISFACTION OF SPECIAL EXCEPTION STANDARDS

A. The Project will not unduly affect light and air available to neighboring properties.

B. The Project will not unduly compromise the privacy of use and enjoyment of neighboring properties.

C. The addition, together with the original building, will not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

D. The lot occupancy of the Project will not exceed 70% in the R-4 District.

V. CONCLUSION

# OUTLINE OF TESTIMONY OF THE APPLICANT

I. INTRODUCTION

A. Description of the Property

B. Location and Description of the Area

II. COMMUNITY OUTREACH

III. DESCRIPTION OF THE PROJECT

A. Need for Renovations and Additional Space

B. Description of the Project

IV. CONCLUSION