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April 4, 2005

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: BZA Case No. 17341
919 Westminster Street, N.W. (Square 362, Lot 199)
Prehearing Submission and Revised Statement supporting an Application for Variance

Dear Mr. Griffis:

Enclosed is a Revised Statement of Justification as part of the application for a variance in the subject case.

The witnesses will be Mr. Simon Bell, one of the owners, and Mr. Christian Zapatka, the architect.

We would point out that the data on the Certification Form should be changed to indicate that the lot coverage will be reduced from 83% to 78%, rather than 73%, which is currently reflected in the data grid.

Finally the plans submitted with the original application are unchanged except for moving the railing forward to include the four planters. Mr. Zapatka can speak further on that.

Please call if there are any questions.

Yours very truly,

Stephen N. Gell

BZA
Case No. 17341
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17341
EXHIBIT NO. 25

Enclosures
cc: Simon Bell
Christian Zapatka, Architect

PREHEARING SUBMISSION

REVISED STATEMENT OF EXPLANATION AND REASONS

SUPPORTING AN APPLICATION
TO THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA
FOR VARIANCES

PURSUANT TO SECTIONS

403.2, 404.1, 406.1, 2001.3, and 3103

OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS

919 Westminster St., N.W.

(Square 362, Lot 199)

BZA Case No. 17341

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INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Simon Bell and John Roegner, (hereinafter "Applicants") for a variance under Sections 403.2, 404.1, 406.1, and 2001 to permit a rear yard of 16.5 feet, lot coverage of 78%, and an open court of 4.5 feet, for a three-story structure at 919 Westminster Street, N.W. (Square 362, Lot 199) in the R-4 Zone District.

The building is a pre-1958 structure in the Greater U Street Historic District.

DESCRIPTION OF THE APPLICANTS

Mr. Simon Bell and Dr. John Roegner purchased this house in 2003. Dr. Roegner is a Family Practice Resident at Georgetown Providence Hospital, and Mr. Bell is a Director of the Global Business Policy Council at the consulting firm, A.T. Kearney. Both are active members of the Westminster Neighborhood Association.

THE SUBJECT PROPERTY

A. Location and Description of the Property

The property which is the subject of this Application is located at 919 Westminster Street N.W. (Square 362, Lot 199). It is a single family dwelling with an unfinished basement. Applicants want to demolish the current enclosed porch in the rear, which had been added between 1900 and 1910. The rear screened-in porch will be eliminated, making room for a parking area for two cars. Moreover, a new roof deck will be located over the second floor rear. Unlike most requests for variances, applicants seek to renovate the structure in a way that will bring the it more into conformity with zoning regulations, viz., the rear yard will be increased from 13'10 ½" to 16'5", and the lot occupancy will be reduced from 83% to 78 %.

B. Area Surrounding the Property

Westminster Street, N.W. is a one block residential street in the R-4 zone district. It is mid-block surrounded by single family row houses and flats.

C. Zoning History and Use History

The area is zoned R-4. The property is subject to the Zoning regulations generally applicable to buildings in the R-4 Zone District.

REASONS IN SUPPORT OF THE APPLICATION FOR A VARIANCE

A. Compliance with D.C. Zoning Regulations

Uniqueness

The topography is not exceptional but the structure does meet the standard of "extraordinary or exceptional situation or condition" in that the house was built in 1896 by an architect who designed all the houses on the block. Since it was his own house, he built it to a higher lot coverage than other houses on the block. On a lot of 1,547 square feet, the house currently covers 83 per cent of the lot. When built, the structure will be reduced to 78 per cent of the lot. Additionally, the rear yard will be increased from 13'10 ½" to 16'5".

Extraordinary or exceptional physical conditions creating a practical difficulty

The applicants are seeking to bring the house more into conformity by eliminating the existing old, dilapidated, and dangerous porch at the rear of the house, along with its unhygienic privy. The porch is currently leaning off the back of the house and could fall. Absent the relief requested here, the applicants will be unable to correct an unhealthy situation. Moreover, without the porch, applicants will be left with no outdoor space (save the two parking spaces) unless they are permitted to build a deck on the roof of the existing rear addition, similar to many other houses on the block.

C. No Adverse Effects

There will not be substantial detriment to the public good. Our plans, pictures, and testimony will show that there will be no appreciable impact on light and air available to adjacent and nearby properties. If anything, the light, air, and privacy should improve with the removal of the rear screened-in porch. Moreover, the changes cannot be viewed from the street.

Neighbors are supportive of the change requested here and have provided letters expressing their support.

Finally, the addition will not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Renovation should be allowed as a matter of right

While this application is presented as an application for variances, we believe that it could be treated as a matter of right alteration or modernization under Section 2001.2. Mr. Belo, the former Zoning Administrator, had advised that creating a deck on the second floor roof of a non-conforming structure is considered by the Board to be an expansion calling for a variance rather than an alteration or modernization which would not. This is apparently so even where the deck is not a structure that adds to height, FAR, lot occupancy or any other area consideration. We believe that such a modification, especially where it reduces the lot occupancy, increases the rear yard, and brings the structure more into conformity, should not require applicants to prove the elements

required for a variance. Accordingly, we respectfully request that the Board consider allowing this remodeling as a matter of right and dismiss the application as unnecessary.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

A. Appropriate Residential Use

This single family house fulfills the objectives of the R-4 District.

B. Historic Preservation

Section 1319.19(b) of the Comprehensive Plan calls on the District "to preserve and reuse historic landmarks and buildings in historic areas in Ward 2" There are numerous other exhortations in the Comprehensive Plan to preserve the historic character of designated neighborhoods all of which are faithfully fulfilled by Mr. Bell's and Dr. Roegner's renovation plans.

CONCLUSION

The Applicants should be granted a variance to remove the screened-in porch and turn the roof of the second floor into a roof deck on the rear of the house. Such a use will be in harmony with the purpose and intent of the Zoning Regulations. Alternatively, the Board should allow this remodeling as a matter of right and dismiss the application as unnecessary.

Respectfully submitted,

Stephen N. Gell, Esq.