**STATEMENT OF EXPLANATIONS AND REASONS**

**SUPPORTING AN APPLICATION**
**TO THE BOARD OF ZONING ADJUSTMENT**
**OF THE DISTRICT OF COLUMBIA**
**FOR SPECIAL EXCEPTION**

## PURSUANT TO SECTIONS 223.1, 223.5, 403.2, 404.1, 406.1, 2001.3, 3104, and 3103

***OF THE DISTRICT OF COLUMBIA ZONING REGULATIONS***

**919 Westminster St., N.W.**

**( Square 362, Lot 199)**

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***BZA Case No.***

BZA
Case No. 17341
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17341
EXHIBIT NO. 4

## INTRODUCTION

This is a Statement of Explanation and Reasons supporting the application of Simon Bell and John Roegner, (hereinafter "Applicants") for a special exception under Sections 223.1, 403.2, 404.1, 406.1, and 2001 to permit a rear yard of 16.5 feet, lot coverage of 73%, 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. This application is presented as a special exception on the ground that if all the work had been proposed to be done on a conforming structure, Section 223 relief would be appropriate. We recognize that Section 2001 requires a variance for any addition, arguably including a deck, to a non-conforming structure. However, it is submitted that where the result of the remodeling would be the same whether the structure were conforming or non-conforming, the Zoning Commission did not intend to treat the two inequitably and preferred cases like these to be accorded special exception treatment. Note the following:

> Section 223.5
> This section may not be used to permit the introduction or expansion of a non-conforming use as a special exception. (emphasis supplied)

The Commission could have included non-conforming structures, but it did not, presumably for the reasons stated above. Why discriminate against an owner of a non-conforming structure, when the result of the BZA action, in terms of conformity with zoning regulations, will be the same as a proposed addition to a conforming structure?

With respect to the variance for lot coverage, we acknowledge that in the R-4 Zone District, Section 223.1 applies only to a 70% coverage, not to a 73% coverage as proposed here. However, the proposal is to reduce the coverage from 83% to 73%. Had the applicants proposed to repair, alter, or modernize the existing structure at the 83% coverage, they would have been allowed to do so as a matter of right. For these reasons, special exception treatment should be accorded.

## DESCRIPTION OF THE APPLICANTS

Mr. Bell and Dr. 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. Unlike most requests for special exceptions, applicants seek to renovate the structure in a way that will bring the structure more into conformity with zoning regulations. The rear screened-in porch will be eliminated, making room for a parking area for two cars. A new roof deck will be located over the second floor rear.

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 SPECIAL EXCEPTION**

A. Compliance with D.C. Zoning Regulations

The property is used in accordance with the regulations applicable to the R-4 Zone District.

(see below regarding adverse effects)

**If this submission is required to be considered as an application for a variance, the following information would be relevant.**

B. 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.

**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 and 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 show, and 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.

**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 special exception, or, if necessary, 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.

Respectfully submitted,

Stephen N. Gell, Esq.