BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Re: Application of Michael Taylor

BZA Application No. 17349
Public Hearing 07/12/05
ANC 4B02

REVISED STATEMENT OF THE APPLICANT
5/26/05

I.

Nature of Relief Sought

This is an application pursuant to Section 3104.1 of the Zoning Regulations for special exception relief under Section 223.1 to permit an addition to an existing single-family dwelling in the R-1-B zone at premises known as 6919 6th Street NW the (Subject Property). No variance relief is requested.

II.

Jurisdiction

The Board has jurisdiction to grant the relief requested pursuant to Section 3104 of the Zoning Regulations of the District of Columbia.

III.

Background

A. Project History and Basis for Request.

The applicant acquired the property (lots 19 & 811 in square 3191) on August 11, 2003 with the intent of renovating the existing structure and building an addition to the small house to provide additional living space. Mr. Luther Bruner, a DC registered architect was contracted to provide plans for the proposed renovation and addition.

Once the plans were completed, the applicant filed for building permits to renovate and modernize the existing structure and to construct the rear addition. Since the original building existed on a substandard sized lot (lot 19 in square 3191), approval of the rear addition was contingent upon a subdivision to combine the existing lot 19 with a contiguous tax lot abutting the rear of the property (lot 811 in square 3191) into a single lot of record that would meet the lot area and width requirements for a single-family detached dwelling in the R-1-B zone. The Office of the Zoning Administrator has a long-standing policy that allows approval of a building

BZA
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Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO. 20

permit if the applicant shows proof that a subdivision plat has been ordered that will result in compliance with the pertinent requirements. If the subdivision is not completed, final approval is withheld. In this case, the applicant presented proof that the appropriate subdivision had been ordered and zoning approval was granted.

The project is located within an historic district. The application and plans were routed to the Historic Preservation Review Board and approval was granted. Appropriate permits were issued.

Construction proceeded to the point that the building was nearly under roof. At this point, a neighbor or neighbors complained that there were discrepancies in the approval process. In response, the then Zoning Administrator, Mr. Denzil Noble, issued a stop work order at the behest of Historic Preservation Inspector Tony Cherry. In a meeting with the Zoning Administrator and the Chief of the Zoning Review Branch, it was determined that an error had been made in that the garage that pre-existed on lot 811 created a new nonconformity when the two lots were combined. The existing garage did not have a side yard. The new addition would extend rearward of the existing garage and create a nonconformity with respect to side yard for the principal building. In addition, although the building and the addition together were within the lot occupancy limitation, adding the footprint of the garage created a nonconformity with respect to lot occupancy.

The Zoning Administrator offered that the zoning issue could be resolved if the applicant razed the garage. This solution would eliminate the side yard discrepancy as well as the lot occupancy issue.

Razing the garage required Historic Preservation approval. The applicant applied to the Historic Preservation Review Board (HPRB) for permission to raze the garage. Although the Comprehensive Plan relating to historic preservation issues indicates that "ordinarily a garage may be removed", the HPRB held a hearing and determined to table the request. No action was taken. The applicant was left in limbo. The Zoning Administrator had shifted responsibility to the HPRB and the HPRB had determined to take no action. The owner did what was minimally allowed to protect the property while seeking a solution to the regulatory problems.

A new Zoning Administrator was installed in the DCRA and seeing the problem, he issued a denial letter to allow the owner to seek Board of Zoning Adjustment approval for special exception relief from the side yard and lot occupancy issues to allow continuation of the construction consistent with the HPRB concerns regarding the historic nature of the existing garage.

The basis for this request is to allow continued construction of the renovation and addition to the subject property consistent with and in consideration of the historic nature of the site and the surrounding area.

B. Description of Subject Property

The subject property is comprised of two contiguous lots in square 3191. Lot 19 fronts on 6th Street NW and is improved with a one-story stucco single-family dwelling built in 1919[1]. Lot 19 is nonconforming under current zoning regulations in that it only encompasses 2,875 sq. ft. of land area instead of the 5,000 sq. ft. required by current regulations. Lot 811 is 2,850 sq. ft. in area and is an interior lot sharing the east property line of the principal lot 19. This lot does not have street or alley frontage. It is improved with a one-story one-car masonry garage. The exact date that the garage was built is not known but it is apparent that it was built after the main house. The materials used in the garage construction are different from those used in the main structure. The materials and construction methods used to construct the garage were not available in 1919 when the original structure was built. The date 1947 is etched into the floor slab of the garage. The assumption is that the garage was built in that year.

Interior renovation has been started but not completed. A rear addition has been framed to the roof but cannot be completed unless the requested relief is granted. The structure is not occupied.

C. Description of Surrounding Area

The subject property is located in Ward 4 in the Brightwood neighborhood of Northwest Washington DC. It is in the Takoma Park Historic District. The neighborhood is primarily zoned R-1-B residential with a mixture of construction types and designs. Although primarily residential, the zone changes to R-5-A residential approximately 300 feet West of the rear property line. At Blair Road, approximately 300 ft. further east the zone changes to C-2-A. The property is in close proximity to Walter Reed Army Medical Hospital (approximately 3 blocks to the West) and the District/Maryland Line (approximately 5 blocks to the East).

D. Current Use of the Site

The site is currently improved with a two story detached single-family dwelling. Addition and renovation under permit numbers B460085 and B454817 has been started; but, was suspended pursuant to Stop Work Order dated 5/14/04. The use will not change.

E. Description of the Proposal

The owner proposes to combine the lots to eliminate the lot area nonconformity and provide the additional area necessary to construct the addition. The combination of the lots will also allow the owner to use the existing garage to satisfy the off-street parking requirement for a dwelling. A subdivision mylar has been ordered and is pending zoning and historic preservation approval.

F. Evaluation of Potential Impact

The light and air available to neighboring properties shall not be unduly affected;

The light and air to neighboring properties will not be unduly affected with the rear addition. The proposed height of the addition is the same height as the existing building. Although the

[1] Lusk's District of Columbia Assessment Directory 1990 Edition.

northern side yard of the subject property is only two feet, the building to the North, the building fronts on Cedar Street and is buffered from any light and air effects by the 25-foot rear yard. There are a number of mature trees that impede visual intrusion. In addition, the building is two stories and is thereby greater in height than that of the subject property.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Privacy of use and enjoyment will not be unduly compromised due to the number of mature trees that are prevalent in the neighborhood both on public and private space. There are three mature trees on the south side of the subject property that provide screening from the adjacent property to the south (6915 6th Street NW). In addition, the neighboring properties on the north and south of the property have six-foot privacy fences as buffers from undesirable intrusion.

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, scare and pattern of houses along the subject street frontage;

The addition, together with the original building will have the same view from 6th street as is currently seen with the existing building. Although the scale of the building will be increased, it is similar in scope to existing houses throughout the neighborhood. There is no alley.

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 or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

Combining lots 19 and 811 results in a total lot area of 5,725 sq. ft. Lot occupancy at 50% allows a building footprint of 2,862.5 sq. ft. The existing building together with the addition will occupy only 2,576 sq. ft.

IV

Points in Support of Application

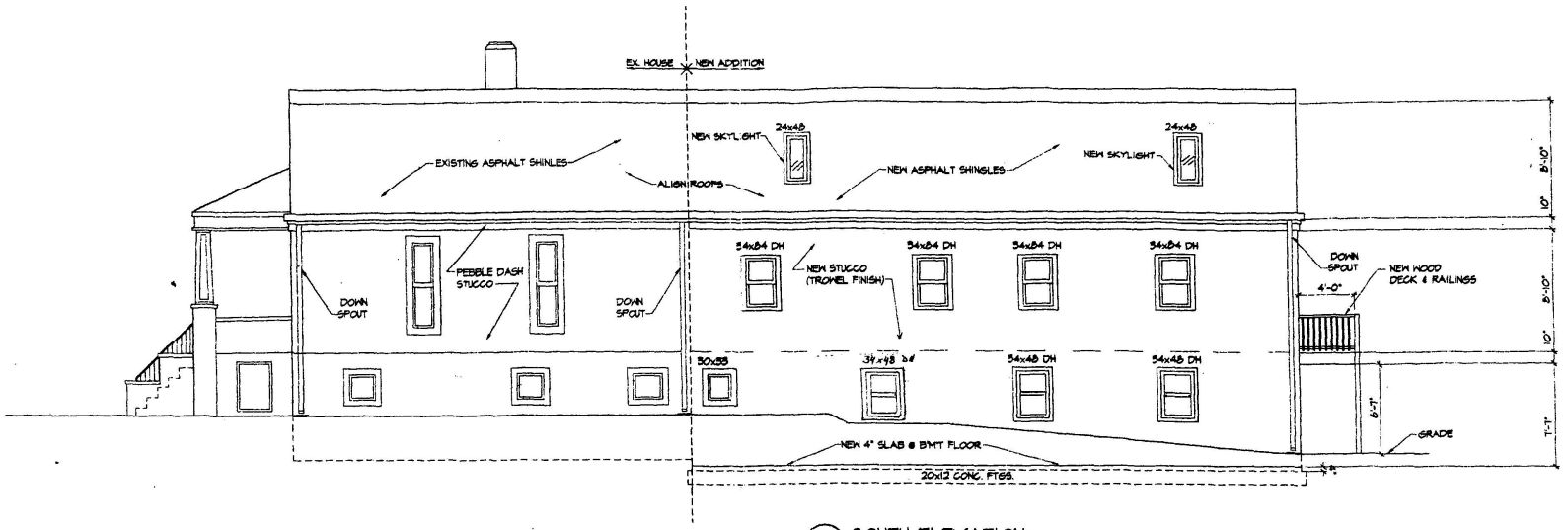
The applicant offers the following exhibits in support of the requested relief:

Exhibit A:
Exhibit B:

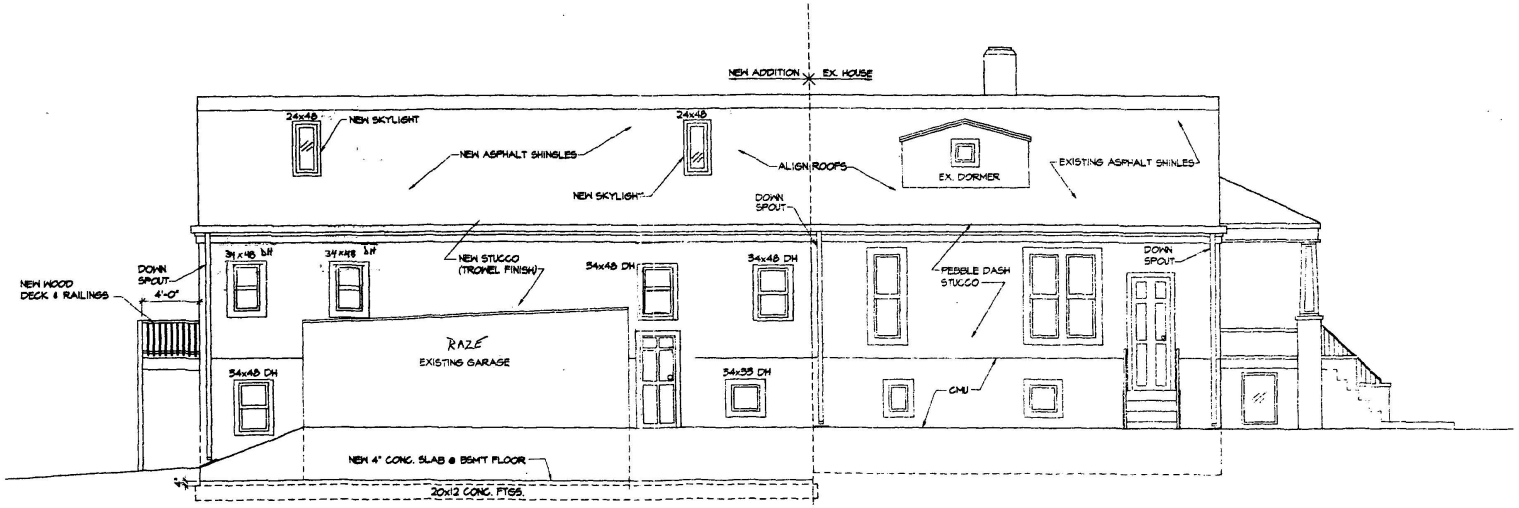
The Application Complies with the Provisions of 11DCMR Section XXXX and Other Applicable Provisions of the Zoning Regulations of the District of Columbia

A special exception is a use that is predeemed compatible with other uses in the same zoning district. The Board's discretion in reviewing an application for a special exception is limited to a determination of whether the Applicant has complied with the enumerated requirements for special exception relief. If the Applicant meets its burden, the Board ordinarily must grant the application.

1'1349



1/A5 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



1/A5 NORTH ELEVATION
SCALE: 1/4"=1'-0"

Revised Elevation Drawings

ALTERNATIVE ENTERPRISES
Design / Build
17 Noblewood Ct.
Gaithersburg, Md. 20878
(301) 527-1303

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PERMITS

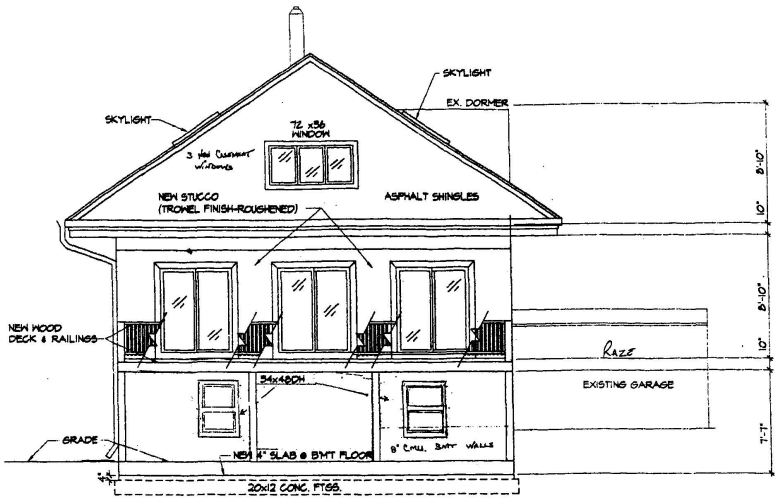
AN ADDITION AND ALTERATION TO RESIDENCE OF:
MITA REMODELING, L.L.C.
6919 6th ST. N.W.
WASHINGTON, D.C. 20012
LOTS 17 & 811 SQ. 3191

LUTHER R. BRUNER, JR. ARCHITECT
505 Kennedy Street N.W. (Rear)
Washington, DC 20011-3909
Office: (202) 726-3147
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Mailing Address: P.O. Box 43919 Wash. DC 20010

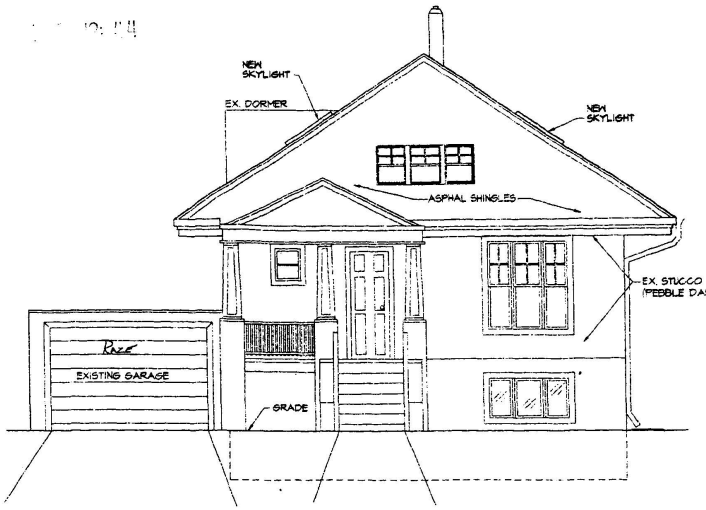
SCALE: AS NOTED

A3

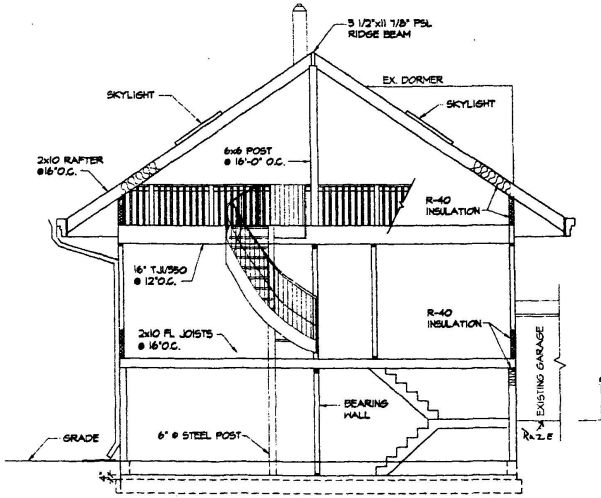
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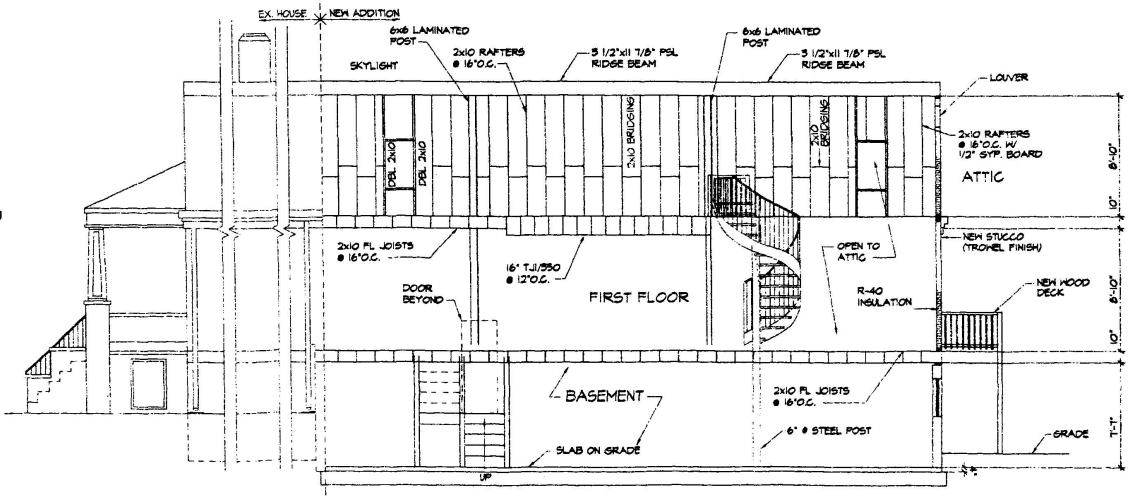
1 / A6 EAST ELEVATION (REAR)
SCALE: 1/4"=1'-0"



2 / A6 WEST ELEVATION (FRONT)
SCALE: 1/4"=1'-0"



3 / A6 SECTION
SCALE: 1/4"=1'-0"



4 / A6 SECTION
SCALE: 1/4"=1'-0"

Revised Elevation Drawings

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SCALE: AS NOTED

A6