Memorandum

To: Office of Zoning
District of Columbia

From: Mr. Michael John Ray
(as agent for property owners: Kerstin Canby & Norbert Schady

Date: May 19, 2004

Subject: BZA Application No. 17374
Addition/Renovation to 2328 Nineteenth Street, NW
Square 2539, Lot #211

Mrs. Kerstin Canby and Mr. Norbert Schady, owners of 2328 19th Street, NW wish to be granted approval for zoning variances so that they may construct a 21 feet wide by 7.58 feet deep first floor sun-room addition and second floor balcony/terrace addition to the rear of the existing structure. The following are those aspects of the proposed project that fall outside the current zoning regulations:

The rear-most wall of the addition is proposed to align with the rear of the current two-story porch, which exceeds the DCMR Title 11, Section 404 – Rear Yard set-back requirement. 11 DCMR 404.1 requires a minimum rear yard set back of 15 feet. The current two story porch is set back from the rear lot line a distance of 11.67 feet.

In order to minimize the obstruction of natural light, the proposed addition is configured with two non-conforming, 3.41 foot x 3.41 foot open courts as described in 11 DCMR, Section 406. The current two-story porch is configured with one non conforming, 5.2 foot-wide x 7.9-deep foot open court.

I. Summary:

- The proposed addition extends the first and second floors 11.9 feet from the existing structure. The first floor of the proposed addition will contain a sun-room and rear-entryway; the second floor will function as an open, un-roofed, balcony/terrace with railing. The structure is the primary residence for the owner/applicant.

- The proposed addition does not exceed the length of the current two-story open porch foot-print and does not exceed adjacent rear porches and does not exceed the rear addition located at 2332 19th Street.

- Two non-conforming open courts are located on the side yard lot lines at the rear-most projection of the addition in order to minimize the obstruction of natural light to adjacent neighbors.

II. Basis for Grant of Area Variance

- The application for a Area Variance qualifies per DCMR Title 11, Section 3103.2 states:
  "where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under DC Code Ann 5-413 to 5-432 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the

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property, to authorize upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

This provision has three main tests that must be proved by the applicant.

1.) The physical characteristics of the property:

- *a) makes it difficult for the owner to use the property in compliance with the Zoning Regulations (area variance) – ie. shape and size of the property, unusual topography or slope, soil problems, etc.*
- *b) creates financial hardship for the owner in using the property consistent with the Zoning Regulations (use variance)*

By consequence of the location of a public alley, which abuts the rear yard of 2328 19th street, the existing lot-line dimension is significantly shorter in length than similar row house properties of immediate neighbors to the south of 2328 19th street. Such lot dimension, in conjunction with a minimum required rear yard set back would only allow for a maximum addition of 4.25 feet in depth.

2.) Granting the application will not be of substantial detriment to the public good – ie. traffic, noise, lighting, etc.

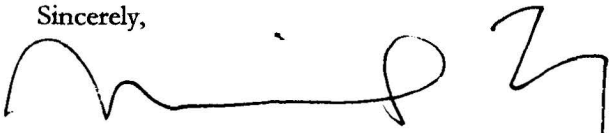
The proposed addition will function as a first floor sun-room and second floor balcony/terrace for the current residence and will therefore have no substantial detriment to the public good.

3.) Granting the application will no be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

The proposed addition will be constructed so that it does not project toward the rear yard beyond the current foot print of the existing two story porch, so will therefore conform with the existing and established rear yard density of the block. Photographs, elevation drawings and a site plan showing the relationship of the proposed addition to adjacent buildings and sight-lines from public ways are enclosed with this memorandum.

If you require any further clarification, or have any questions regarding the attached application, please feel free to contact me at any time. Thank you for considering the approval of this application.

Sincerely,



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