

Supplementary Information regarding
Requested Special Exception for 1541 44th Street, NW (IZIS Case 19205)

Opposition to the request for relief from the rear yard setback to allow construction of a deck and staircase raise several issues. We believe that these are not supportable or germane to the request. Some of these points have already been anticipated in the DC Office of Planning positive review of the Special Exception request¹ and in other commentary on the request, but are also reviewed here.

Historical Preservation. The subject property is within the Foxhall Village Historic District. Generally, restrictions associated with the Historic District designation concern the front facing sides of house and other aspects visible from the front. The proposed construction will be completely confined to the rear of the property facing an alley, will not be visible in any way from the front of the house and will not detract from any historic values.

In fact, the proposed deck and staircase, and other renovations contemplated for 1541 are fully consistent with the D.C. Historic Preservation Review Board Design Guidelines for the District. For example, the Guidelines (p.5) advise “Adding to the rear of a building is generally the best way to create extra space without impacting the property’s architectural character....” The entirety of the proposed renovations to 1541 comply fully with the Guideline’s further discussion of roof line, visibility, etc.

Neighborhood Character. Although the rear of the buildings in the Historical District are clearly exempted from restrictions on renovation (except as they might be visible from the front) opposition to the Request make reference to the character of the neighbor and to architectural qualities of the rear-facing “sleeping porches”. In fact, the facades to the rear alley of 44th Street, NW currently consists of a large and wide variety of modifications to the original. Many, but not all of the porches have been enclosed and converted to year round use in a range of styles and material. Some are in dilapidated condition, some have been expanded with additional decks (including some for which Special Exceptions have been granted and others without the ostensibly required Building Permits, etc.). Some yards are fenced, others are overgrown and appear neglected. Overall, the appearance of the alley is nondescript and lacking in any significant architectural affect (see Photos 1.).

Specifically, however, it is worth noting that modifications to the rear of other houses on 44th Street extending rearward of the original façade of the sleeping porches have been made. In particular, 1539 44th Street (a neighboring property and one currently owned by one of the parties in opposition) has been extended rearward approximately 6 feet (further than is proposed in total for 1541) (see Photo 2.). Elsewhere along 44th Street, other houses have been extended rearward in the way of bay windows and other modifications. On other Foxhall Village homes, rear additions have been significantly larger than proposed here (see Photos 3.).

Open Court. One submission in opposition erroneously states that the sideward expansion of 1541 toward 1539 will create a 5.58 foot court incompatible with District requirements. In fact the remaining

¹ Memorandum dated February 16, 2016 from Megan Rappolt, available in IZIS log.

court after the proposed expansion will be a fully compatible 6 feet (Photos 4.). A drafting error on an earlier plan and plat submitted with this request implied construction of an open court on the 1541/1543 property line. This error has been corrected and no such open court will be created.

Lot Restrictions. Opposition cites various lot restrictions. The applicant highlights that any such issues are existing conditions, none of which are aggravated by the planned improvement, and should therefore not be of issue. Should the BZA believe that any are of issue, we would respectfully request the Board to amend our request accordingly and grant appropriate relief.

Relation to other Renovation Work. The requested Special Exception would enable construction of a deck and staircase that would clearly complement the separate work to expand the interior living space of 1541 44th Street that requires no zoning relief. It bears noting that these are distinct works involving no structural, operational or other interdependencies. As amply indicated by other completed renovation projects along 44th Street, renovations not involving decks or external staircases have proceeded with satisfactory results. Should a the requested relief not be available, we anticipate proceeding with the other work that has already received approval from DCRA.

Root Cause of Opposition. We believe that opposition to the requested Special Exception for relief from the setback to permit a deck and staircase is based on objection to our pursuit, by right, of an expansion of our home within the property boundaries and setback requirements. Review by DCRA of our building permit application for that work was concluded with the issuance on April 27, 2016 of Permit 1510550 (Attachment 1) and included the consideration of zoning, historic, environmental and the whole usual suite of regulatory consideration.

Further, we believe that there are ample precedents, both along the 44th Street alley and elsewhere in Foxhall Village and the District at large of comparable renovations. Similar cases of both rearward and/or side to side expansion do not appear to have had serious adverse impacts on values or uses of adjacent properties or on other values. To the contrary, we believe that absent the opportunity to invest in and improve, owners of homes along 44th Street will see property values depressed and potential buyers will be diverted elsewhere.

Respectfully submitted,

William B. Magrath

Susan Shen

Photo 1. Examples of diverse rear facades on 44th Street alley



Photo 2. Existing Addition to 1539 already extends approximately 6 feet beyond original façade.



Photo 3. Rear Additions elsewhere in Foxhall Village.



Photos 4. Error in Opposition Measurement of future Court.



Photos 5. Renovations without decks on 44th Street Alley



Photos 6. Examples of Sideward Additions on 44th Street.



Attachment 1. Building Permit 1510550

		Department of Consumer and Regulatory Affairs Permit Operations Division 1100 4th Street SW Washington DC 20024 Tel. (202) 442 - 4589 Fax (202) 442 - 4862			
B BUILDING PERMIT THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED					
PERMIT NO. B1510550				Issue Date: 04/27/2016 Expiration Date: 04/27/2017	
Address of Project: 1541 44TH ST NW			Zone: 	Ward: 3	Square: 1327
			Suffix: 	Lot: 0040	
Description Of Work: Renovations and addition to the rear of a two-story wood frame single-family attached house. Main floor work includes relocating the kitchen and expanding rear den, and adding a powder room. Upper level work includes expanding study and adding a master bath. Mechanical systems upgrading, lighting and electrical work to be provided to support these renovated areas.					
Permission Is Hereby Granted To: William Magrath		Owner Address: 1541 44TH STREET, NW 20007		PERMIT FEE: \$2,676.81	
Permit Type: Addition Alteration Repair	Existing Use: Single Family	Proposed Use: Single Family		Plans: Yes	
Agent Name: 	Agent Address: 	Existing Dwell Units: 1	Proposed Dwell Units: 1	No. of Stories: 2	Floor(s) Involved:
Conditions/ Restrictions: ZONING APPROVAL FOR A NEW TWO STORY AND CELLAR REAR ADDITION FOR EXISTING SFD. A WALL CHECK IS REQUIRED.					
This Permit Expires If no Construction is Started Within 1 Year or If the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit. Lead Paint Abatement Whichever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the "Lead Hazard Prevention and Elimination Act of 2008" and the EPA "Lead Renovation, Repair and Painting rule" regarding lead-based include adherence to lead-safe work practices. For more information, go to http://doh.dc.gov, Lead and Healthy Housing.					
Director: Melinda Bolling		Permit Clerk: Antonio Jones			
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.					