

515 18th St. NW Case 21330
Written report of Guillermo Rueda, AIA

My name is Guillermo Rueda. I am an Architect practicing in the District of Columbia for better than 30 years. My testimony is submitted in support of the party opponents. It is my opinion that the special exception relief requested by the Applicant should be denied.

The Applicant's plans and elevations show that the applicant has minimally modified the carport/deck structure by removing a 9ft x 14ft foot section of walking surface of the as-built deck facing the rear yard. BZA Exhibit 42A. The Applicant's zoning self-certification, by depicting the original structure but with a 17 by 10 ft carport cover/deck walking surface, calculates a building area increase of only 170 square feet. The zoning self-certification then incorrectly states that this modification reduces the lot occupancy of 70%, which can be approved as a special exception.

These calculations bely the true nature of the structure depicted in the revised building plans. In fact, the projected horizontal area of the standalone structure, aka the building area, has not changed simply by the removal of 9ft x 14ft of walking surface. This is because, as the new plans plainly show, the Applicant has not altered the original volume of the structure by relying on the posts and beams of the original structure to support the deck and carport structure that is almost 4ft above the 4ft threshold plane.ⁱ Therefore, the lot occupancy, of the carport/ deck structure has not changed even with the removal of a 9ft x 14ft section of the carport cover/deck.

A review of the revised plans (BZA Exhibit 42A)makes this clear. As the revised elevation shows, the posts and beams closest to the Applicant's home are preserved as structural elements to support the deck and stairs leading to the roof deck. The horizontal projection of the carport structure by definition includes these structural posts and beams which are required to be evaluated as a single structure with associated building area in the rear yard. Zoning Regulation B-324(a) ("A structure that is no more than four feet (4 ft.) in height above the grade at any point, may occupy any yard required under the provisions of this title. . . . This section shall not be used to exclude any portion of a building from lot occupancy calculations pursuant to Subtitle B § 312.")

Therefore, the remaining footprint of the structure (not represented in the plat or site plan) should be viewed in total and evaluated in the light of the regulations and does not correct the illegally built condition. When evaluated properly, the projected horizontal area within the structural footprint remains unchanged and delineates a building area that remains

greater than 300 square feet, with a lot occupancy that remains well above the 70% limit (self-certified as 77 %) despite the removal of the 9 by 14 foot section of the deck surface.

Further , the stairs to the deck should not be excluded from building area and therefore lot occupancy because they are higher than 4 feet above the ground and the deck does not provide access to the “main floor” of the Applicant’s home. See Zoning Regulation B-312(e) and (g). The Applicant’s improper exclusion of the deck stairs removes 30 sf of building area — an additional 1.77% of lot coverage that would be added to their self-certified 70%.

In sum, in front of the Board is a proposal to maintain a structure that was illegally built and that does not conform to Zoning Requirements, by making minimal changes in order to preserve the illegal footprint. The footprint still increases the total lot occupancy to well above the 70 % maximum lot occupancy standard for special exception relief.

Finally, it is readily observable from the Applicant’s revised plans that the redesigned carport will leave a significant portion of any car parked under it exposed. See Exhibit 42A, p. 1 . There is a simple solution to this: construct a carport oriented so that it can cover the full length of a car within an overall 170 sf footprint, including the stair to the deck. A redesigned carport structure would provide full coverage for the required parking space, and would allow for at least 6-7ft of separation from the adjoining structure.

This certainly would have been the obvious plan, but for the Applicant’s illegal construction. There is no rational reason why this could not and should not have been built. The special exception should therefore be denied.

ⁱ The posts and beams that support the remaining deck surface are not shown in revised building plat (Exhibit 42B), which is required to be shown all built or proposed structural elements and associated zoning implications. These critical documents are a necessary component to the deck structure and must be included and presented as part of the calculation of lot occupancy. See 12 DCMR 106.2.15 “Official building plat. The applicant shall provide an official building plat of a lot that is the subject of an application, issued by the DC Office of the Surveyor, in duplicate or by electronic submission, as part of applications for permit involving any of the following:

3. Permanent construction higher than 48 inches (1219mm) above grade, outside the footprint of existing buildings

106.2.15.1 Plat information. The applicant shall show upon the building plat, completely dimensioned and drawn in ink to the same scale as the plat, the following:

1- The outline of all buildings, additions, or other structures existing and to be constructed, with existing structures labeled and clearly distinguished from those to be constructed.

3- The grade in elevation datum on the edges of the lot and any change in grade over 5 feet (1524mm) within the lot, or a statement by the owner or agent that no change in grade over 5 feet (1524mm) occurs on the lot.”