

DISTRICT OF COLUMBIA ZONING COMMISSION
Modification With Hearing – PUD Order No. 195

Applicant’s Statement of David and Jessika Wellisch
4803 Van Ness Street, NW (Square 1530, Lot 21)

I. INTRODUCTION.

This Statement is submitted on behalf of David M. Wellisch Trustee and Jessika S. Wellisch Trustee (collectively, the “**Applicant**”), owners of the property and improvements located at 4803 Van Ness Street, NW (Square 1530, Lot 21) (the “**Property**”). The Property is improved with a single-family dwelling (the “**Building**”), which, along with surrounding homes, was built pursuant to a PUD/Map Amendment (the “**PUD**”) application approved by the Zoning Commission in Zoning Commission Order No. 195 (the “**PUD Order**”), issued in 1977. The Property is located in a zone that is currently reflected as R-1B on the official Zoning Map. The Zoning Commission approved a zone change to R-4 (now RF-1), as part of the PUD case. The Applicant seeks approval of a modification to the PUD to permit the construction of a one-story rear addition and a replacement of a rear stoop (the “**Addition**”). Because the Property was originally developed pursuant to the PUD, all changes in footprint, and any flexibility associated with those changes, are subject to Zoning Commission approval through the PUD modification process.

The PUD Order provided that “the lot occupancy shall not exceed a maximum of thirty-five percent, and the FAR shall not exceed a maximum of 0.67.” The proposed Addition will increase the existing lot occupancy for the property from 38.6% to 43.7%, and will increase the FAR for the property to approximately 0.70 (0.6957). Because the lot occupancy and FAR limits are specifically established as conditions of the PUD Order, the Applicant requests flexibility from those two conditions as part of this modification. The required rear yard setback is 20 ft., pursuant to area standards for the RF zone.¹ The proposed addition will result in a rear yard setback of nineteen feet (19 ft.). Because the rear yard setback is a development standard of the RF zone rather than a condition specifically imposed by the PUD Order, the Applicant requests relief from the rear yard requirement as part of the PUD modification, pursuant to the special exception provisions.

¹ The PUD order re-zoned the property to what was then known as R-4 and it did not provide any specific restrictions for rear yard setback aside from what is provided in the Zoning Regulations.

II. JURISDICTION OF THE COMMISSION.

The Zoning Commission has jurisdiction to grant the requested modification pursuant to Z § 704, the requested flexibility from the FAR and lot occupancy conditions of the PUD Order pursuant to Subtitle X § 303.1(a), and the requested rear yard relief evaluated against the special exception provisions of Subtitle E § 5201, subject to the general special exception standards of Subtitle X § 901.2.

III. BACKGROUND.

The Property is part of a PUD approved by the Zoning Commission pursuant to Zoning Commission Order No. 195 in Case No. 75-18F/77-16, effective September 6, 1978. The PUD rezoned approximately 3.52 acres from the R-1-B Zone District to the R-4 Zone District and authorized the construction of thirty-five single-family dwelling units consisting of detached, semi-detached, and row dwellings.

The Zoning Commission approved the PUD subject to certain conditions governing the overall site design, density, lot occupancy, parking, landscaping, and architectural character of the development. Among other things, the Order requires the development to be constructed in accordance with the approved architectural drawings and site plans included in the record. As a result, modifications to individual properties within the PUD require Zoning Commission review and approval.

IV. MODIFICATION REQUEST

The Applicant seeks approval of a modification to permit construction of a small one-story rear addition and a replacement of the rear stoop with a slightly larger stoop. Although the proposed improvements are minor in scope and residential in character, the original PUD Order limits modifications and fixes the FAR and lot occupancy. Accordingly, the requested modification and flexibility are necessary to permit the proposed alterations.

The Addition is appropriately scaled to the existing residence and is consistent with the character and intent of the original PUD approval. The improvements are located entirely at the rear of the dwelling, will not alter the residential use of the Property, and will not adversely impact neighboring properties or the overall design of the PUD community. The proposal maintains the residential character envisioned by the Zoning Commission and remains compatible with the surrounding development.

For the rear yard relief specifically, the special exception standard requires a showing that the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The requested one foot (1 ft.) reduction in the rear yard setback is minor, will not alter the residential character of the Property or the surrounding neighborhood, and will not adversely affect light, air, or privacy for any nearby property.

The requested modification and flexibility will not result in any material change to the overall PUD approved by the Commission in Order No. 195. The proposal does not increase the number of dwelling units, exceed the height restriction, or change the overall planning objectives of the approved PUD. The requested modification is limited to a small-scale residential improvement customary for the continued use and enjoyment of an existing single-family home.

V. CONCLUSION.

For the reasons stated above, the requested modification and associated flexibility satisfy the applicable requirements of Subtitle Z § 704 and Subtitle X § 303.1(a), the requested rear yard relief satisfies the special exception requirements of Subtitle E § 5201 and Subtitle X § 901.2, and the proposal is consistent with the intent and purpose of the approved PUD. Accordingly, the Applicant respectfully requests that the Zoning Commission approve the requested modification, flexibility, and special exception relief with public hearing.

Respectfully submitted,

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