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Re: Homeowners' Statement

Dear Board of Zoning Adjustment:

Pursuant to Title 11 of the DC Zoning Regulations, Subtitle D § 5201 (Addition to a Building or Accessory Structure), and Subtitle X Chapter 9 (Special Exceptions), we seek approval of a special exception to the zoning regulations in order to construct a small addition and front porch on our home in the R-1-B zone. We seek relief from the side yard requirement set forth in Subtitle D § 206.2, and the rear yard requirement set forth in Subtitle D § 306.1. As described herein, the proposed project meets all the requirements for a special exception.

This statement describes (1) the project, (2) our communications with the ANC and neighboring homeowners regarding the project, and (3) why the project satisfies the requirements for a special exception.

Proposed Project & Requested Relief

We are requesting relief from the rear yard and side yard setback requirements, Title 11 DCMR Zoning Regulations, Subtitle D §§ 206.2 and 306.1. The proposed addition (approximately 12 feet x 14 feet) will be adjacent to our front door. It is designed to accommodate a mudroom and ½ bathroom/powder room on the main level, and additional storage on the basement level. In addition, we are seeking to construct a front porch (approximately 4 feet x 22 feet) that would run across the addition and front door.

Our 1930s home currently has no powder room on the main level, making it a struggle for some of our parents and elderly relatives to go up and down stairs to use the restrooms on the second level and basement level. In addition, we have almost no storage space near the front entrance, resulting in pile ups of backpacks, shoes, etc.

We are working with Bill Feeney, an experienced architect who lives and works in this neighborhood. He developed architectural plans to meet our needs.

Unfortunately, DCRA has informed us that, for zoning purposes, the front of our house is considered to be Brandywine Street—although our address is 45th Street and our front door faces 45th Street. Because of this, the proposed addition is technically being constructed in the “rear yard,” and the proposed porch is technically being constructed in the “side yard.”

We understand that section 306.1 requires a minimum distance between the house and the “rear” property line (i.e., the property line on the alley side of the house), of 25 feet. As designed, the addition would end approximately 16 feet from the alley side property line. Section 206.2 requires a minimum distance between the house and the “side” property line (i.e., 45th St.) of 8 feet, and, as designed, the porch would end approximately 5 feet from the 45th St. property line. Total lot occupancy would go from 24% to 32% with the addition.

We believe the relief requested is minor. Our home is on a corner lot, with the front door facing Brandywine Street. Thus, we were under the impression the project would be compliant with zoning regulations, in light of section 315.3. That provision states: “If a lot has more than one (1) street lot line, the owner of the lot may choose the street lot line that shall determine the application of any front setback requirement.” However, our understanding from DCRA is that the “front” of our house is on 45th St., resulting in the need to seek a special exception.

Communications with ANC and Neighboring Homeowners

We have circulated copies of our proposed plans and a letter to all neighbors within a 200 foot radius of our home, and have received 15 signed letters of support for the project (including from our nearest neighbors at 4505 Brandywine Street, 4601 45th Street, 4610 45th Street, and 4540 45th Street). We have discussed the project with many neighbors and do not anticipate objections.

We have been in communications with Advisory Neighborhood Chair Greg Ehrhardt (3E01), who has reviewed the plans. We were informed the ANC will schedule this matter for hearing after the BZA sets a hearing date and provides formal notice.

Special Exception Standard

Under the Zoning Regulations, Subtitle D section 5201.3, an applicant for a special exception must demonstrate that the proposed addition “shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular: (a) The light and air available to neighboring properties shall not be unduly affected; (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.”

Under the special exception review standards set forth in the Zoning Regulations, Subtitle X, Chapter 9, in particular, section 901.2, the proposed addition must be “in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps,” and must “not tend to affect adversely the use of neighboring property.”

The proposed small addition and front porch will not have “a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property,” and will not unduly affect the light, air, or privacy of our neighbors’ properties, consistent with section 5201.3.

The addition is on what we consider to be the “side” of the house, to the right of the entrance to our side-hall colonial home, adjacent to our current driveway off the alley that runs between 45th and 46th Streets. It will be constructed on a part of our lot where the elevation drops from the Brandywine side of the property. Currently, there is a fence that needs repairs and a ladder style garden (constructed some time ago by previous owners) that are not in especially good condition.

The proposed addition will be some distance from the adjacent property (4505 Brandywine), separated by our driveway, and also a fence between our neighbor’s property and ours. Also, there is a public alley between our house and our neighbors at 4610 45th St. The owners of both these properties (in addition to 13 other property owners in the vicinity) have signed letters in support of this proposed project (attached).

Thus, the proposed addition will not have any adverse effect on neighbors' light, air, or privacy and will not adversely affect any neighbors' use or enjoyment of their property, consistent with section 5201.3(a) and (b). We have submitted elevations and plans prepared by Mr. Feeney showing our lot and the neighboring lot. The elevations and plans demonstrate that there will be no adverse impact from the proposed construction.

Finally, the proposed addition will not visually intrude upon the character, scale, or pattern of houses in our vicinity, consistent with section 5201.3(c). This is because the proposed construction is in proportion to the size of our house and will be set back from the sidewalk and public alley adjacent to our lot. The proposed addition in fact should enhance the visual appearance of both our house and the block as a whole, as viewed from the street or alley.

For our family, this addition is important and will have a very positive impact on the safety and comfort of our parents and relatives when they visit, and our own convenience and storage needs on a day-to-day basis. We submit that the limited relief requested here is entirely "in harmony with the general purpose and intent of the Zoning Regulations" and will not in any way adversely affect the use of neighboring property, consistent with Subtitle X, section 901.2. The relief should be granted.

We greatly appreciate your consideration of this matter, and look forward to discussing any questions or concerns you may have.

Best regards,

Susanna Chu & Ariel Adesnik
Owners