

E. Application for Special Exception Relief

Brett R. Ledder (the “Applicant”), the fee owner of 725 Hobart Place, N.W. (Lot 0197, Square 2888) (the “subject property”) hereby makes application to the District of Columbia Board of Zoning Adjustment (the “Board”) for a special exception pursuant to § 223.1 of the District of Columbia Zoning Regulations, 11 DCMR (February 2003), as amended (the “Zoning Regulations”) to make an addition to a structure not complying with the minimum lot size of 1,800 square feet (§ 401), lot occupancy limit of sixty percent (60%) (§ 403), minimum rear yard of twenty feet (20’) (§ 404), width of open court of 12.6 feet (§ 406) and which extends an existing nonconformity (§ 2001.3(b)(2)) to be used as a three- story flat at premises 725 Hobart Place, N.W. (Lot 0197, Square 2888) in the R-4 Zone District.

1. Statement of Existing and Proposed Use

The Applicant owns and, when renovated in accordance with the proposed plans, will reside in the subject property. The subject property is a two-story flat built in 1940 on an undersized lot with no alley access. The Applicant desires to add a third story and a roof deck to the existing building without enlarging the building footprint of approximately 1,112 square feet. The subject property would continue to be used as a flat (a two-family dwelling) with one unit consisting of two upper floors which the Applicant and his family would occupy and the ground floor unit as a rental. An exterior spiral stair would replace the existing rear stair that descends from the second level and would connect the roof top deck and each of the three levels of the proposed building.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18754
EXHIBIT NO. 4

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2. Surrounding Area Description

The Columbia Heights neighborhood, in which the subject property is located, lies roughly between Georgia Avenue on the east, 14th Street on the west, Florida Avenue on the south and Spring Road to the north. The neighborhood is predominantly densely packed rowhouses on the east-west streets and medium density apartment buildings on the north-south commercial corridors. Hobart Place, which only runs one block from Sherman Avenue to Georgia Avenue, typifies this pattern. The subject property is on the eastern end of Hobart Place and only two houses from the C-2-A zone district which runs along Georgia Avenue. Both corners of Georgia Avenue & Hobart Place are dominated by four story apartment buildings: one of recent vintage on the southwest corner and one under construction on the northwest corner. Columbia Road is the street immediately north of Hobart Place and the side adjacent to the subject property contains two and three story row houses. Hobart Place contains primarily two-story row houses with the exception of the five eastern-most lots (lots 831, 202, 197, 845 and 205) in which the subject property lies in the middle. This row of five lots is bracketed by a three-story apartment house on lot 831 and a four-story apartment house under construction on Lot 205 facing on Georgia Avenue. Lot 202, which is a through lot running from Hobart Place to Columbia Road, is the existing Old Pentacost Church Temple of Truth which is undergoing renovation. The owner of the vacant lot next to the subject property (Lot 845) proposes to erect a three-story row house.

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3. Basis for Special Exception Relief

Section 223 of the Zoning Regulations was intended to permit owners of substandard lots the ability to enlarge existing one-family dwellings or flats without having to comply with certain of the area requirements (lot size, lot occupancy, rear yard, courts, etc.) by means of a special exception rather than a variance process before the Board. In this instance, the Applicant intends to remodel the subject property for his family's use as a flat: a ground floor apartment and an apartment utilizing the second and third floors.. The principal alteration of the subject property is the addition of a third story with no proposed change in the horizontal building envelope.

223.2 The addition or accessory structure 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;

The subject property, when its height is increased to 38 feet by the addition of a third story, will have a marginal shadow effect on the rear windows and yards of the rowhouse properties facing Columbia Road (Lots 198 and 200). This impact is mitigated by the presence of a large tree in the rear yard of Lot 198, shown in Photographs 1, 5 and 11, which must necessarily shade these structures as well.

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(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The proposed addition to the subject property has minimal impact on the privacy of neighboring properties. The adjacent buildings on Hobart Street are, or will be, constructed on the lot line on either side, so the addition of a third story to the subject property will have no impact on the use of the church or the future adjacent rowhouse. Beyond these two lots, the nearest properties along Hobart Place and two apartment buildings, both of which are higher than the proposed addition to the subject property.

The only potential privacy impact of the proposed addition is on the two-story rowhouses facing Columbia Road. The proposed addition is no closer to the rowhouses facing Columbia Road than the existing structure. The proposed addition will undoubtedly be one-story higher than these rowhouses, but that fact, by itself, does not represent any diminution of privacy. We note that a large tree in the backyard of one of these rowhouses provides a significant buffer between these rowhouses properties and the subject property. This tree can be seen in Photographs 1, 5 and 11.

(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; and

The proposed addition to the subject property will be in scale with the properties on either side of it along the eastern end of Hobart Place. These structures represent a variety of uses: apartment house, church, rowhouse. In addition, the contiguous structures, when completed, will have a variety of building heights represented. Photograph 12, an aerial view

looking north, records this variety of building types.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

Attached to the application are photographs showing the relationship of the subject property to nearby uses of property. Photograph 10, which is taken up Hobart Place looking east, show the subject property in the middle between the existing church and the projected bulk of the apartment building under construction. Photograph 6, taken from the second floor of the subject property, looks north toward the rowhouses along Columbia Road which abut the subject property. Photograph 11, taken from Columbia Road looking south over the church property, shows the chimney of the subject property at its northwest corner.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed . . . seventy percent (70%) in the R-3, R-4 and R-5 Districts.

The existing lot occupancy of 65% (which includes the area of the existing nonconforming court) exceeds the 60% lot occupancy allowed in the R-4 Zoning District. The only alteration of the building footprint proposed by the Applicant is the additional of a spiral staircase and deck to provide rear egress from all floors of the flat. Even with this addition, the lot occupancy remains under 70%.

F. Compliance with Special Exception Standards (§ 3104.1).

In addition to the specific requirements of § 223, any special exception application must also satisfy the general standard for this type of zoning relief: (i) that such relief will be in

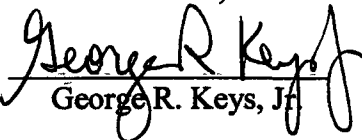
harmony with the general purpose and intent of the Zoning Regulations and (ii) that such relief will not adversely affect the use of neighboring property. In fashioning the criteria of § 223, the Zoning Commission explicitly engaged in a balancing process to grant flexibility to homeowners to re-configure their homes without having to seek an area variance while protecting the character, scale and appearance of the neighborhood.¹

G. Conclusion

Based upon the foregoing discussion, the Applicant requests that the Board grant the special exception under § 223.1 of the Zoning Regulations to construct an additional story on an existing flat in the R-4 Zoning District that is nonconforming with respect to lot size, lot occupancy, court width and rear yard.

Respectfully submitted,

JORDAN & KEYS, PLLC

By: 
George R. Keys, Jr.

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¹Zoning Order No. 946 in Case No.01-10TA (Additions to One-Family Dwellings and Flats) September 17, 2001.