

Applicant *Italo Rodriguez*
Representative *Gabriel Nathaniel*
Date *January 14 2014*
Project Address *1328 Montello Avenue NE*
Square 4604, Lot(s) 32 33 34
Zoning Amendment *R 4*
Variance Sought *Minimum requirement of land area per unit when converting a single family house to an apartment house*
Minimum land area per unit to be decreased from 900 square feet per unit as matter of right to 726 square feet per unit as requested in this variance.

FORM 121 – Applicants Burden of Proof for Variance Applications

11 DCMR Section 401 Minimum lot dimensions

§§401 3 R-4 Conversion of a building or structure to an apartment house – MINIMUM LOT AREA @ 900 square feet per unit.

§§401 11 An apartment house in an R-4 District, whether converted from a building or structure pursuant to subsection 330 5 or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are 900 square feet of lot area for each dwelling unit, both existing and new

VARIANCE SOUGHT

We are seeking relief from the net lot area per unit requirements of §§401 3 and §§401 11 These regulations require a minimum lot area of 900 square feet for each newly constructed residential dwelling in the R-4 district Our design plan does not meet this minimum requirement According to our calculations we anticipate zoning relief of approximately 174 square feet per unit We propose an (8) unit condominium building situated on a 5,808 square foot lot, with a net lot area of 726 square feet per unit

PROJECT DESCRIPTION

It is our intent to modify the single-family residence at 1328 Montello Ave N E (Square 4064, Lots 32,33,34) for conversion into an 8-unit condominium building This sprawling estate is a superb single-family residence for suburban living however it does not necessarily conform to the urban fabric of the moderately dense R-4 residential zone The conditions at 1328 Montello Ave N E are more suitable for an R-1 district where lot sizes are appropriately balanced with home sizes In sharp contrast to the neighboring dwellings, this structure is one of the only detached single-family homes in the Trinidad neighborhood Conversion of this building into an apartment house will utilize its large footprint and maximize its positioning while enriching the variety neighboring building types In addition, the introduction of a vibrant 8-unit owner occupied building into this well-established, moderately dense neighborhood, will solidify the intent of the R-4 district and add to the economic diversity of the community

Due to the unique underlying circumstance at this property, it is most advantageous for our development to maximize positioning, size and contrasting style through conversion into an 8-unit condominium Our proposed plan intensifies the homes' aesthetic qualities and maintains key structural elements to negate costly demolition The urban fabric of the neighboring community is evolving toward smaller more compact living spaces thus, the practicality of a large single-family home nestled amongst more densely populated dwellings is becoming extinct Furthermore, projected cost to raze the entire structure, abandon its aesthetic qualities and rebuild matter-of-right housing is especially burdensome In contrast, our goal to maintain the existing footprint with minor expansion efforts and update architectural curb appeal is the most viable development option Bringing this deteriorating, underused property onto the marketplace will prove valuable to the overall community and will not adversely affect the intent of the aforementioned zoning regulations

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18759
EXHIBIT NO. 5

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Subsection 3102.2 Proofs

- 1 **The physical characteristic of the property**
A **Make it difficult for the owner to use the property in compliance with the Zoning Regulations (Area Variance) – i.e. shape and size of the property, unusual topographic or slope, soil conditions, etc**

The property located at 1328 Montello Avenue NE has very unique circumstances pertaining to its size, positioning and style. These circumstances create a practical difficulty, which restricts the owner from realizing the full development potential for their property.

Nestled amongst a plethora of moderately sized row dwellings, this large detached single family home encompasses nearly 5,000 square feet of living space. The building has a sprawling footprint of approximately 2,500 square feet and occupies 46% of the combined lot areas. Situated on (3) individual lots (34, 33, 32) and covering 5,808 square feet, this expansive home is reminiscent of a suburban dwelling. Thus uniquely juxtaposed to its immediate surroundings of attached row dwellings, apartment homes and flats. By matter-of-right these individual lots can be developed into a total of (7) units.

Two of the (3) comprising lots (34,33) measure 1,496 square feet each and are comparably sized to adjacent lots in the neighborhood. The third comprising lot (32) is much larger measuring at 2816 square feet and nearly twice the size of the adjacent lots on Montello. The combining third lot (32) creates an uncommon situation for rehabilitating this property. The size of lot (32) alone dictates matter of right development of a 3 unit apartment home. However, it is infeasible to raze this structure, hence our request for zoning adjustments to allow full development potential of this property. Our intentions are to preserve the existing structure and enhance its appeal to maintain a sophisticated presence in the neighborhood.

- 2 **Granting the application will not be of substantial detriment to the public good – i.e. Traffic, noise, lighting etc**

Massing & Appearance

The buildings on the same street block to Montello Avenue are predominantly two-story row dwellings and their architectural styles differ considerably. Massing, heights and uses vary as well, most structures are single-family dwellings, however there are several small apartment homes and flats dispersed throughout the community. Flat and Mansard roof styles dominate the streetscape and many of the dwellings have raised covered porches and fenced front yards.

Our design introduces a third level to the building with a consistent Mansard roof height of 35'-6". Lot occupancy for this development will be increased to 58% well within matter-of-right maximum of 60%. All rear yard, side yard and court widths will remain within the R-4 requirements. The massing of the roof is specifically designed to mask the new third floor and mitigate its impact on the streetscape. This design will also accentuate the existing rooflines found on Montello Avenue and contribute to the urban fabric of the Trinidad neighborhood.

Use as an apartment house will contribute to the permanency of residential dwellings on Montello Avenue. This structure will guarantee its use as a residence by fortifying the typical attributes inherent to residential dwellings, multiple bedrooms for each unit, private baths, and intimate outdoor spaces.

Uses & Traffic

Approval of this variance is critical in that the house is very large by the standards of the immediate community. Use as a residential structure will be solidified and there is no proposed intent to substantially increase lot occupancy or grossly exceed density. However vehicular use is expected to increase and (4) marked private parking spaces will be provided as per DCMR regulations. Ultimately, traffic and noise will not be significantly increased and/or affected, because there is no change in use.

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Subsection 3102.2 Proofs - continued

3 Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan calls for the strengthening of residential districts near commercial zones. While the property is in the R-4 residential district, it is within walking distance and not more than several blocks away from a bustling C-2-A commercial zone and special use district. Given the proximity of the burgeoning H Street corridor, smaller more compact dwellings will encourage residence to integrate within the immediate community. Thereby fortifying elements of community safety, values, and ownership.

The intent of the regulations to control height, bulk, and size of buildings would remain intact if this application is approved. The proposed use and construction will not adversely impact the neighbors, restrict light or air, respond negatively to the appearance of the streets, or introduce a change of use not in accordance with the R-4 District. The goal of to maintain urban living conditions along Montello Avenue NE will not be compromised by the proposed project. The existing façade will continue to promote a strong, sophisticated street presence, and will continue the line of residential dwellings already existing on both sides of Montello Avenue. Off-street accessory parking is located on site and no significant increase in vehicular load is planned to impact on-street parking. This small expansion in the number of units will not adversely affect the density and residential uses in the neighborhood. In closing this building will not be a detriment to the existing envelope and/or the character of its neighborhood.

CONCLUSION

According to our calculations, once lots (32, 33, 34) are subdivided into a single lot of record, the proposed (8) unit development will net a lot area per unit of 726 square feet, a small variation from the requirements of ss401 3/401 11 at 900 square feet. In comparison "matter-of-right" development on these lots (32,33,34) would net (7) units at 829 square feet per unit. Based on these slight differences we humbly request the BZA to honor our application for zoning adjustment to the net lot area per unit and grant the lot area variance based upon the aforementioned conditions and circumstances.

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