

June 4, 2015

VIA IZIS

Chairman Lloyd Jordan
D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: **BZA Case No. 18992 – Applicant’s Revised Plans and Amendment to Application**

Dear Chairman Jordan and Members of the Board:

On behalf of the Applicant in the above-referenced case, we hereby submit revised plans that are the result of an agreed-upon compromise with the neighbors. As described below, the Applicant also requests an amendment to its application to change the relief that is necessary for the revised plans.

At the conclusion of the public hearing on May 5, 2015, the Board left the record open to allow the Applicant to meet with the neighbors and to submit an alternative proposal that would be more acceptable to the neighbors. We are pleased to report that the Applicant met with Michael Ford, Neil Rhodes, and Janet Crowder – the three most directly affected neighbors and the only neighbors who attended the hearing – and agreed on a revised proposal. As their letter attached as Exhibit A indicates, the neighbors withdraw their opposition based on the agreed-upon compromise plan.

I. Revised Project Description

The architectural plans for the revised proposal are attached as Exhibit B. The revised proposal includes a two-story addition at the rear, but the new addition will be much further back on the Property and mostly separated from the existing building to maintain open space for the neighbors.

The proposed new Project will have two main components: the new rear addition and the existing building. But for a one story addition that will be removed, the existing building will remain and will maintain its separation from the properties to the east. The existing building and the proposed new rear addition will be separated to leave open space in the area directly west of Mr. Ford’s (505 11th Street SE) and Mr. Rhodes’ (503 11th Street SE) properties. This separation will create a nonconforming closed court between the existing building and the

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addition. However, this proposed plan will eliminate any new structure from being constructed on the Property's east side adjacent to the rear yards of Mr. Ford's or Mr. Rhodes' properties. Thus, the neighbors' views to the west will be unchanged from what they see today.

Since the proposed new rear addition will be separated from the existing building, it must be connected to create one building. The new addition will be connected to the rear of the existing building by a covered walkway along the western side of the Property. The introduction of this connection will convert the existing nonconforming side yard into a nonconforming open court with a width of 2.2 feet. Other than for the requested relief identified below, the proposed new plan will conform to the Zoning Regulations.

II. Amendment to Requested Relief

The revised proposed Project does not require the same relief as in the original application, so the Applicant requests an amendment to its application. Relief from § 775.5 (side yard width) is no longer required. Now, in addition to relief from § 2001.3 (nonconforming structure), the Applicant requests relief from § 772.1 (residential lot occupancy), § 776.3 (court width), and § 776.4 (closed court area).

III. The Amended Application Satisfies the Variance Standards

First, the lot occupancy relief is necessary to push the addition back far enough on the lot so that there is no structure adjacent to the two properties to the east with rear yards (503 & 505 11th Street), which was very important to those neighbors as the parties worked together to reach the compromise now before the Board. The practical difficulty arises from both the direction from HPRB to maintain the existing separation (side yard) along the western side and from the necessity to eliminate impacts on eastern-adjacent properties from new structure and comply with the BZA's request to try to reach a compromise with the neighbors. Thus, it would not be possible to construct the proposed addition without a wall against the eastern property line without having a long and narrow connection between the existing structure and the new addition to maintain the separation necessary to eliminate purported impacts on the neighboring properties.

The existing building and necessarily long connection result in a nonconforming lot occupancy of 67.3% (60% is the maximum). However, the long connection and the nonconforming existing western side yard occupy 12.4% of the lot. If these two elements were removed, then the existing building and the addition would have a lot occupancy of 54.9%, which would be conforming. Thus, the actual occupiable structure would conform to the lot occupancy limit. The chart below breaks down the lot occupancy calculation.

Existing western side yard (now court):	4.4% (96 SF)
Trellis:	8% (176 SF)
Rear addition:	24.9% (548 SF)
Existing building (remaining):	30% (660 SF)

Thus, lot occupancy relief is necessary to construct an addition large enough to accommodate the requests of the neighbors while creating viable residential units and, at the same time, does not have an impact on the properties to the east by separating the addition from the existing building. Thus, the Applicant would have a significant difficulty complying with the lot occupancy limit. The proposed new plan will allow the Applicant to develop his property while maintaining open space for the two most affected neighbors to the east. In fact, the two most affected neighbors to the east will not experience any impacts because the addition will not be visible to them. The properties further south adjacent to the proposed new addition already have buildings that extend nearly to their rear property lines, so they will not be adversely impacted either. And the small separation between the addition and their buildings will give those neighbors access to their building rears. Therefore, granting the lot occupancy relief will not harm neighboring properties or the zone plan.

Second, the court width relief is necessary for the open court that will be created on the western side of the existing building. The existing condition along the western side of the existing building will be unchanged; it will just become an open court. The Applicant must convert the side yard to a court so that the connection to the proposed new addition can be introduced without creating other nonconforming conditions, such as multiple nonconforming courts, if the connection were elsewhere. It is not possible to simultaneously add a sufficiently wide addition that can accommodate all necessary residential functions (bedrooms, hallways etc.), maintain the existing western side yard (court) without relief, and accommodate the neighbors' preference for no addition adjacent to their rear yards. Thus, the court width relief is essential to the revised plan, and the Applicant would be burdened with a practical difficulty without the relief. Because it will leave an existing condition, as directed by HPRB, and will allow for a plan that will have almost no impact on the neighbors and certainly no impact on the neighbors who attended the BZA hearing, granting the requested court width relief will have no adverse impacts on nearby properties or the zone plan.

Third, the closed court area relief is necessary for the closed court that will be created between the existing building and the new addition. This court will have a conforming width, but its area (410 square feet) will be slightly smaller than required (450 square feet). It is not possible to expand the area of this closed court without shifting the addition further to the Property rear, but that would create a nonconforming rear yard; thus, it is not an option. Also, it is not possible to shrink the area of the addition because the already small area inside the addition would become too small to accommodate the necessary functions (bedrooms, circulation space, etc.) for viable residential units. Therefore, complying with the closed court area requirement would be burdensome, so relief is necessary. The proposed closed court will still allow for sufficient light and air and will not impact the closest neighbors, so granting the closed court area relief will not adversely impact nearby properties or the zone plan.

Finally, the nonconforming structure relief is necessary because the proposed plan creates the nonconformities described above. However, as described, these nonconforming conditions are necessary for a plan that will not adversely affect neighbors. For the same reasons as above, granting the requested relief will not harm the zone plan.

IV. Conclusion

During the public hearing, the Board asked whether the Applicant could find a solution that would have less impact on the neighbors to the east. The proposed revised plan is that solution. The Applicant and the neighbors worked together to find a solution that satisfies everyone. The amended requested relief is necessary to construct this compromise plan. Because the revised application satisfies the standards for variance relief and because the neighbors agree to the new plan, the Applicant urges the Board to approve the application as amended.

The Applicant proposes this new plan without HPRB approval because time does not allow for it before the BZA decides this case. The Applicant has met with HPO staff, but formal HPRB approval is still necessary. The Applicant requests some flexibility to respond to comments from the HPRB and HPO. Therefore, the Applicant requests that the BZA approve this case with the following condition:

“The Applicant shall have flexibility to modify the design of the building to address any comments from the D.C. Historic Preservation Review Board or Historic Preservation Office staff during review of the building, so long as such modifications do not require any additional areas of relief or have a substantial impact on the final plans approved by the BZA.”

If you or your staff have any questions, please do not hesitate to contact me.

Sincerely,



Cary R. Kadlecek

Attachments