

3266 Worthington St., NW  
Washington, DC 20015  
September 25, 2015

Board of Zoning Adjustment  
441 Fourth Street, NW  
Suite 200S  
Washington, DC 20001

Dear Members of the BZA:

Re: BZA Case No. 19067  
**In Support of the Appeal of Building Permit B1505734**

The two-story single-family rowhouse located at 1117 Allison Street, NW, Washington DC, in the middle of a rowhouse block, is situated in an R-4 district. It occupies approximately 29 percent of its lot, with a footprint of 920 square feet. The homes on the 1100 block of Allison Street are consistent in size and, depending upon the size of the lot, occupy between 29 and 40 percent of their lots.

The Department of Consumer and Regulatory Affairs issued a building permit on May 27, 2015, to incorporate the single-family rowhouse at 1117 Allison into a largely new three-unit condominium apartment building. This will be accomplished through the construction of a two-story, 45.5-long addition in the rear of the present dwelling and a foundation excavation of the same size, all spanning the full 20-foot width of the lot. Decks on the first and second stories at the rear will push the building 9 or 10 feet deeper into the lot. Taking into account rear stairways beyond these decks, the total extension behind the present building runs about 60 linear feet.

In permitting the gross enlargement of the footprint of the proposed building to 1,936 square feet—occupying 61.9 percent of the lot and more than doubling the current footprint and lot occupancy—without consideration for the moderating provisions of the zoning regulations, the Zoning Administrator erred in applying them.

Section 330 of the Zoning Regulations delineates the primary purpose of the R-4 district: [It] “shall be the stabilization of remaining one-family dwellings” (11 DCMR § 330.2). And, “The R-4 district shall not be an apartment house district.” (11 DCMR § 330.3).

On the face of it, the Zoning Administrator gave no support for preserving this one-family dwelling and by extension, stabilizing the District’s dwindling stock of one-family dwellings, which is under assault by speculators in many neighborhoods throughout the city. Nor did he defend the district from metamorphosing into “an apartment house district” when he issued a permit to build a massive apartment building in the midst of modest-sized contiguous attached single-family dwellings (thereby setting the stage for such outsized new construction on neighboring lots, for what else can be done when a lot is barricaded by an immense wall?).

The Zoning Administrator apparently did not take into his calculation the oppressive effect on neighbors' light and air of two-story walls extending 45.5 feet (counting decks and stairs, 60 feet) along their backyards, even though Section 101.1 of the zoning regulations instructs: "[T]he provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare to: (1) Provide adequate light and air; (b) Prevent undue concentration of population and the overcrowding of land." (11 DCMR §101.1)

Speaking of concentration of population, there is no evidence that the Zoning Administrator considered the effect on the street's infrastructure of tripling the number of toilets flushing (nine toilets where there were one or two) and tripling the sinks (at least 12 where there were three or four) and bathtubs/showers (six where there likely were one or two). It is incumbent upon DCRA, as the enforcer of the building code, to consider the burden imposed on infrastructure by inserting apartment buildings, and the exponential increase in sewage from them, in these century-old neighborhoods.

Permitting lot occupancy to grow to 60 percent—the maximum envelope—in this environment is destabilizing and injurious to public health, convenience, order, prosperity, and general welfare. How much more inconsistent with the purpose of the R-4 district, how much more deleterious to the residents' enjoyment of their property and to their investment in their homes, and how much more unreasonable, then, was the decision by the Zoning Administrator to allow deviation from the lot occupancy rules by an *additional* 1.9 percent. This exercise of minor flexibility authority was not warranted by an unusual configuration of, or unique challenges posed by, the lot. It was an arbitrary and capricious act that rewards and encourages flipping, speculating, profiteering.

Given that this permit allows the footprint and lot occupancy of the building at 1117 Allison Street to be more than doubled, and allows a new foundation to be built to support two new stories, it must be recognized that what the Zoning Administrator approved is not a conversion, but the new construction of an apartment building, which is not permitted as a matter of right in the R-4 district. The Office of Planning reinforced this point in its statement about Application No. 18598 of 3612 Park Place, LLC, to convert a rowhouse to a six-unit apartment building: The intent of the zoning regulations is "to allow for the reasonable conversion of existing large structures in the R-4 zone that are considered too large for current living standards," but it is "not to allow for speculative conversions of typically sized row houses into apartment buildings . . . ."

Indeed I am entreating the Board of Zoning Adjustment to recognize the inappropriateness of issuing building permit No. B1505734 and to revoke it. This would have the added benefit of encouraging DCRA to implement the zoning regulations in a balanced, nuanced fashion that respects the regulations' intent and the well-being of the **consumers**—taxpaying residents—in whose interest the Department of Consumer and Regulatory Affairs is meant to act.

Sincerely,



Andrea Rosen

cc: CM Vincent Orange, Chair, Committee on Business, Consumer, and Regulatory Affairs