

Holbrook Terrace Alliance (HTA)

BZA Case No. 19173, Project: 1264 Holbrook Terrace, NE

In relevance to BZA Application 19173, Application of Equity Trust Company, Custodian FBO, pursuant to 11 DCMR § 3104.1, for a special exception from the conversion to apartment house requirements pursuant to § 336, to permit the enlargement of a pre-1958 residential building converted into a three -unit condominium building in the R-4 District at premises 1264 Holbrook Terrace N.E. (Square 4055, Lot 840).

The entire project will consist of 3 Lots. The applicant is seeking special exception for Lot C, which is attached to 1262 Holbrook Terr. NE. Holbrook Terrace Alliance priorities are listed on the next page in numerical order. According to 336 CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSE (R-4). HTA Priorities will be in response to the entire project to include Lot A, B and C.

The APPLICANT’S PRELIMINARY STATEMENT OF THE BURDEN OF PROOF, according to Section III., the applicant is requesting special exception for Lot C arguing that the THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF §336 and further argues the harmony will not affect adversely, the use of neighboring properties.

In Section III. B. Requirements of §3104.1. The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property...” (11 DCMR § 3104.1).

Holbrook Terrace Alliance response to APPLICANT’S PRELIMINARY STATEMENT OF THE BURDEN OF PROOF, Section III B., argues the special exception in this case will not be in complete harmony and will affect adversely the use of neighboring properties. HTA is requesting the applicant take priorities listed below into full consideration in good conscience with best interest towards humanity of those most adversely affected.

Priorities listed in sequential order of community concerns/ adverse impact:

Note response between developer and Party.

Developer Response in Blue

Party Response in Red

1. 336.9(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised. (c) The conversion and any associated addition as viewed from the street. Alley and other public way, shall not substantially visually intrude upon character, scale and pattern of housing along the subject Street and Alley.

Community Concern:

- Fear that the wood frame is not substantial to endure the impact of construction.
- Noise between attached dwelling.
- Attached dwelling roof is still leaking from damage caused by 1264 Holbrook Terr. NE.
- Conversion versus tearing down property to create new property.
- Weight of new construction.
- Maintaining the character, scale and pattern of houses along the street and alley.

Adverse Impact:

- Wood frame may not be able to sustain impact of construction, thereby compromising the future enjoyment of the property.

- Properties were load tested when built. Additional weight may potentially cause harm.
- Neighbor in attached dwelling wants quiet enjoyment from noise caused by future neighbors. i.e. loud music, parties, running up and down stairs.
- Changing the character, scale and pattern of houses along the street and alley.
- Rear setback visually intrudes upon the current views of the alley way, changing the character and pattern of the street as well as raising significant safety concerns.

Action Requested:

- Study requested to ensure attached dwelling can sustain construction and the weight of the project. Also, potential unforeseen internal damage due to construction, which could ultimately cause structural issues. [all construction will be done to code, and that great care will be taken to minimize any impact on Ms. Purnell's house. We will take great care in building to the latest code, and minimizing any impact on the adjacent property. In either case, we will be building inside the party wall, so the neighbor's property should not be adversely affected by the construction. Have study been done? What is the latest code?](#)
- Provide Structure and Sound Barriers between attached dwellings. [Regarding the load of the existing property on the foundation, the structural permits will be obtained \(under either option\) to comply with all building code. What does the structural permits require? Does the latest code meet the request to provide Structure and Sound Barriers?](#)
- Replace Roof of attached dwelling due to damage caused by 1264. [I agree to repair or replace Ms. Purnell's roof during construction.](#)

- Provide detailed Construction Plan in writing to include and not limit what will happen in all case scenarios of damage or destroyed property of attached dwelling or abutting neighbors. Ensure in writing that developer will fix immediately at time of incident. **Developer provided draft requesting we weigh in before final can be written that will require developer and Party signatures.**
 - Rear setback needs to be in alignment with existing properties to prevent the weight of the construction project shifting attached dwelling and abutting neighbors' property. Ensure that setback does not encroach upon or impede current back yard views of neighbors for safety and enjoyment. **The rear extension has been reduced to 10 feet beyond the rear line of 1262 Holbrook Terrace NE. We have also pulled the structure away from Ms. Purnell's fence, to allow as much air and light to be maintained on her property as possible.**
 - Height is in alignment with existing row homes and attached dwelling. Doors are consistent with the left side as it is with all homes on the same side of street. No Balconies or railings. Rear setback does not impede view of neighbors. **agree to keep the height of all three rowhouses to 32 feet (per submitted plans) Note: The height of proposed project will be above existing row homes. Yet, lower than by-right.**
2. 336.9(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.

Community Concern:

- New construction is too close to property line.

Adverse Impact:

- Property 1272 will not have the ability to enjoy light and air that is currently available.

- Visually intrusive by not being able to see out of windows.

Action Requested:

- Min. 8ft. distance from existing property line of 1272 Holbrook Terr. NE
The subject property is between 14 and 15 feet wide, so it is impossible to accommodate this request. The R4 district is a rowhouse district, and the houses are built side lot line to side lot line. This property will be built in the same manner as all the other neighboring properties.
Developer plans to build up to the property line in proposed application or the by-right option.

3. 336.9 (a) The light and air available to neighboring properites shall not be unduly affected.(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

Community Concern:

- Developer building windows facing 1272 Holbrook Terr. NE
- Rear setback
- Losing Green Space, Trees. Wandering if an arborist has been consulted regarding the life of trees.

Adverse Impact:

- Privacy of current enjoyment of side view.
- Current enjoyment of rear views
- Losing trees that currently exist in the front and rear will impact current habitat and visual appeal. The streetscape currently is alligned with trees.

Action Requested:

- No side windows facing 1272 Holbrook Terr. NE

I'm happy to accommodate that request, if our Special Exception application is supported.

- Rear setback is in alignment with existing properties.
- Check with Arborist and provide results before uprooting longstanding trees.

4. 336.11 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent or nearby properties or to maintain the general character of a block.

Community Concern:

- Design of new construction building materials do not maintain the general character of block. i.e brick, roofing
- Height and rear setback is visually intrusive

Adverse Impact:

• If height exceeds general height of other homes the general character of the block will be visually intrusive with height and rear setback. The current landscape of neighborhood follows the curve of the U and continues downsloping. Each property currently follows that slope.

Action Requested:

- Maintain the consistency of height to remain in general character of block not to stand out far above what exists.
- Use building materials consistent with what exists with the character of block. We are happy to use the same materials to keep the new buildings consistent with the neighboring properties. We are also happy to eliminate any balconies and railings.
- Door entrance is consistent with the left side as it is with all homes on same side of street. No Balconies or railings. Rear setback is in alignment with

existing properties. We are also willing to move the entry doors to the left of the houses. Mrs. Purnell door is on the left. Subject property is on the right. The party initial request was for the subject property to be on the left. Party request amendment in request asking for the doors to be on the right in alignment with what exist.