

October 19, 2015

To: **Board of Zoning Adjustment**
Government of the District of Columbia
Suite 210 South
441 4th Street, NW, Suite 200S
Washington DC 20001

From: Sheela Tschand
c/o Om P Tschand
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Falls Church VA 22043

Re: BZA application for 1844 Kendall Street NE Washington DC 20002

Statement of compliance (Burden of proof) for Zoning relief

Property description:

The site is a corner lot located between Kendall street NE, Washington DC 20002 and a public alley (Square 4048. Lot 0808). The parcel is trapezoidal and has an area of 2,725 square feet. The lot is 30 feet wide and is improved by a detached 1 story single family dwelling. The structure was built in 1925 and each floor has an area of 840 square feet. The subject property is in the R-4 zone.

Proposed improvement:

To add two (2) stories to an existing detached one story single family dwelling and to convert the structure to a three (3) unit apartment.
There will be no increase to the existing building footprint.

Relief sought:

1. Part 1 - Special exception from §336.1 for a proposed conversion from SFD to a 3 unit Apartment in an R-4 residence zone, (§3102).
2. Part 2 – Area variance from §3103 for an expansion of a non-conforming detached SFD and conversion to a 3 unit apartment that does not meet the minimum side yard requirements of §405 in an R-4 residence zone, (§3103.2)

Statement of compliance for special exception

- a. The light and air available to neighboring properties shall not be unduly affected.*

The proposed addition will retain the existing building footprint as a result there will be sufficient clearance between the neighboring properties and the proposed addition.

The clearances are as follows;

On the north, there is a 15 feet alley between the subject property and the adjacent property. In addition there is a 20 feet clearance between the face of both buildings;

On the east, Kendall Street separates the subject property from to the adjacent property and there is a 57 feet clearance between both buildings;

On the west, there is an 81 feet clearance between the face of both properties;

On the south, there is a 3 feet clearance between the subject property and the adjacent property but there is no window or door opening on the south face of the adjacent property (see submitted site photos).

Based on these clearances, it is evident there will be sufficient open area around the subject property to allow air and light to the existing adjacent buildings.

- b. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised and allowing the use will not adversely affect neighboring properties via noise and traffic.*

The proposed apartment building as described above will maintain a sufficient distance from any neighboring building façade with a door or window opening to ensure the privacy is not compromised.

The distance/ clearances described above will ensure that a noise buffer is established between the subject property and adjacent buildings.

The parking schedule in the zoning regulation requires One (1) parking space for a three unit apartment.

The proposed apartment will provide two (2) parking spaces in the rear of the building for the building occupants and by doing, will not increase the current on-street parking load.

This will be accomplished by maintaining the existing building footprint for the proposed two (2) story addition so that the existing paved surface (west of the site) which can adequately accommodate two vehicles is not encroached on.

- c. *The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.*

The prevalent building use in the neighborhood comprises of apartments and single family dwellings (detached and semi-detached). The existing buildings vary in height; some are one (1) story above grade while the others are two (2) stories above grade.

Brick, siding and stone are the primary exterior finish of most of the existing buildings.

The residents comprise of varying family sizes

The proposed apartment is designed with reference to the color, scale, size and profile of buildings existing in the neighborhood with the intent to visually blend into the existing street façade.

The renovated building will have two (2) different housing units varying in features and overall size. The aim will be to offer housing opportunity to a variety of household sizes.

- d. *Financial burden imposed by prescribed zoning setback*

The existing buildings in the neighborhood (as evidenced in the photos submitted) maintain a straight form on each façade i.e the walls follow a straight line from grade to the roof line. This building shape can be interpreted as being prevalent in this neighborhood.

If the required setback is observed, it will result in a building that would look like a narrow rectangle box sitting on a square box with partial roofs sticking out on both sides at the 1 story roof line. This odd shape will be an eyesore in the neighborhood as no building in the neighborhood retains this type of shape/form.

This odd shaped building will be aesthetically unpleasant and as a result will certainly limit the owner's ability to rent or even sell the improved property.

- e. *How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map.*

The proposed 3 unit apartment is in compliance with the provisions set forth by DC Zoning regulation for the conversion of a building existing prior to 1958 to apartment houses as indicated by the response provided (in bold) to each provision cited;

336.2 The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under § 3104, subject to §§ 336.3 through 336.11.

The proposed building height is 35 feet.

336.3 The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.

N/A. Three residential units are proposed.

336.4 There must be an existing residential building on the property at the time of filing an application for a building permit.

There is an existing 1 story detached single family dwelling on the property.

336.5 There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.

Three (3) apartment units are proposed and the site measures 2,725sf (land area).

336.6 Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.

There is no chimney or external vent within 15 feet from the face of the proposed 2 story addition.

336.7 Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.

Please Zoning Administrator's comment in the memorandum notes and computations.

336.8 A rooftop architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size.

There is no roof top architectural element existing.

336.9 Any addition 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 proposed addition
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
- (c) The conversion and any associated additions, 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 or alley.

Please refer to Part 1 – Statement of compliance; see a, b & c.

336.10 In demonstrating compliance with § 336.9 the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

Please refer to submitted site photos for existing site condition, street façade, building materials and proposed plans and elevations (for intent) as well as documentation showing distance between subject property and adjacent building.

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.

The Board of Zoning Adjustment's discretion.

336.12 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in §§ 336.6 through § 336.8; provided, that any modification or waiver granted pursuant to this section shall not be in conflict with § 336.9.

The Board of Zoning Adjustment's discretion.

336.13 An apartment house in an R 4 Zone District, converted from a residential building prior to June 26, 2015, or converted pursuant to §§ 3202.8, 3202.9, or 3202.10, shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and this subsection.

N/A.

Based on the justifications presented above, I believe the special exception and Variance sought is in consonance with the zoning regulations and map and if granted will not adversely affect the neighborhood.