



MODIFICATION OF SIGNIFICANCE
3629 T STREET, NW

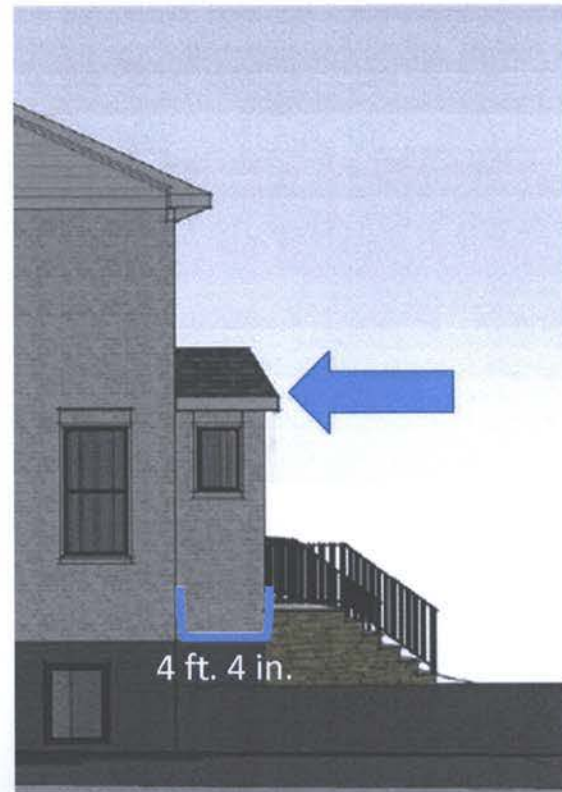
BZA CASE NO. 19633-A

MAY 9, 2018

Background

- Case No 19633- Applicant received relief from the 10 ft. rule (D-1206) pursuant to D-5201
- After approval, DCRA informed the applicant it would need relief from the front setback requirements (D-1205.2), as the front vestibule would extend 4 ft. 4 in. beyond the adjacent property's front façade
- D-1205.2: A front setback consistent with at least one (1) of the immediately adjacent properties on either side shall be provided in the R-20 zone
- Properties' walls have slightly different setbacks – deviation of 2 ft. (although footprints are identical because of the adjacent roof)
- Subject property has a setback of 26 ft. 2.4 in.; approved plans show a setback of 21 ft. 10.4 in. – requesting relief for the additional 4 ft. 4 in. deviation
- Asking for a modification of significance because the previous relief was reviewed under the same standard as the requested relief (D-5201); no change in plans
- Modification of Significance: The scope of a hearing conducted pursuant to Subtitle Y § 704.1 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision

Front Setback





Requirements of D-5201

- 5201.1 The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:
- (a) Lot occupancy;
 - (b) Yards;
 - (c) Courts;
 - (d) Minimum lot dimensions;
 - (e) Pervious surface; and
 - (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.

Requirements of D-5201.3

5201.3(a): *The light and air available to neighboring properties shall not be unduly affected;*

- Will not have any impact on light and air
- On the side closest to the alley, not to the neighboring building
- Adjacent neighbor is in support

5201.3(b): *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

- No windows facing adjacent property
- Adjacent neighbor is in support



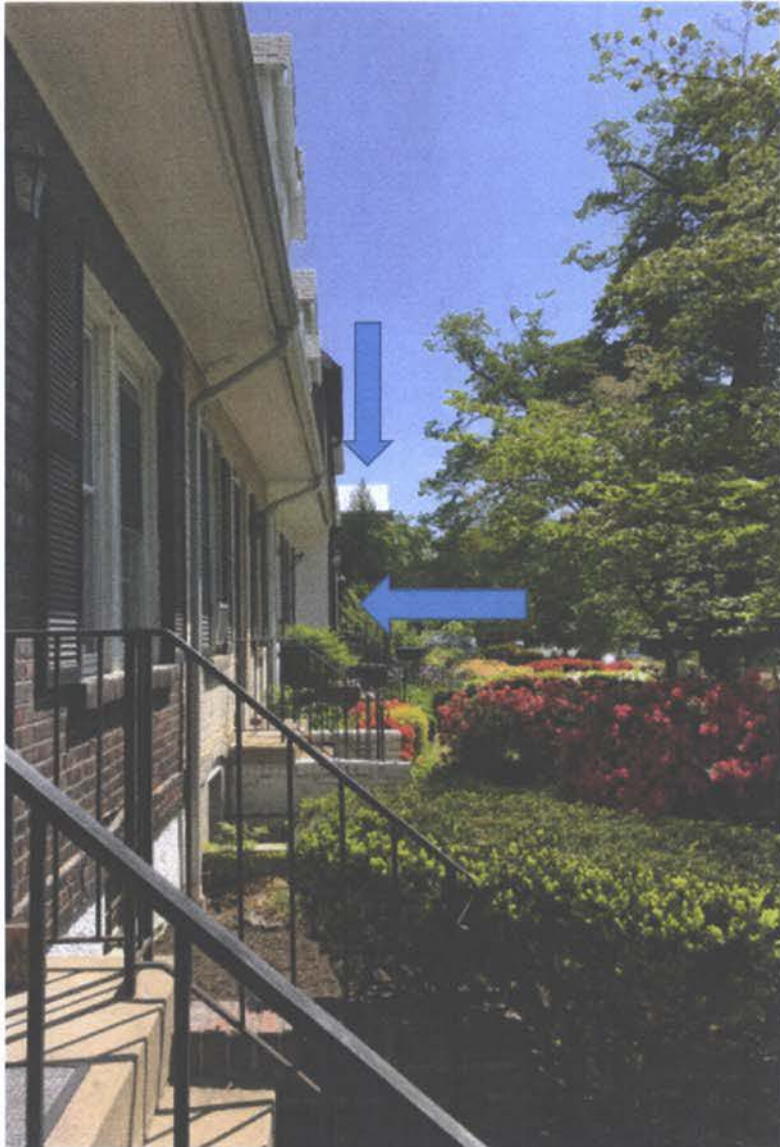
D § 5201.3(c): The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage

- As demonstrated by this map and subsequent photos, the homes in this area vary with respect to character, scale, pattern, and front setbacks

3619-3611 T Street



Photos of
Setbacks in the
Neighborhood



View from 3629 T Street

- Taken from the front porch of 3629 T Street
- Varying setbacks on this block



D § 5201.3(d) & (e)

- *(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and*
 - Photographs, maps, and renderings have been provided
- *(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*
 - Lot occupancy is 45%; no change from previous case

D § 5201.4 - 5201.6

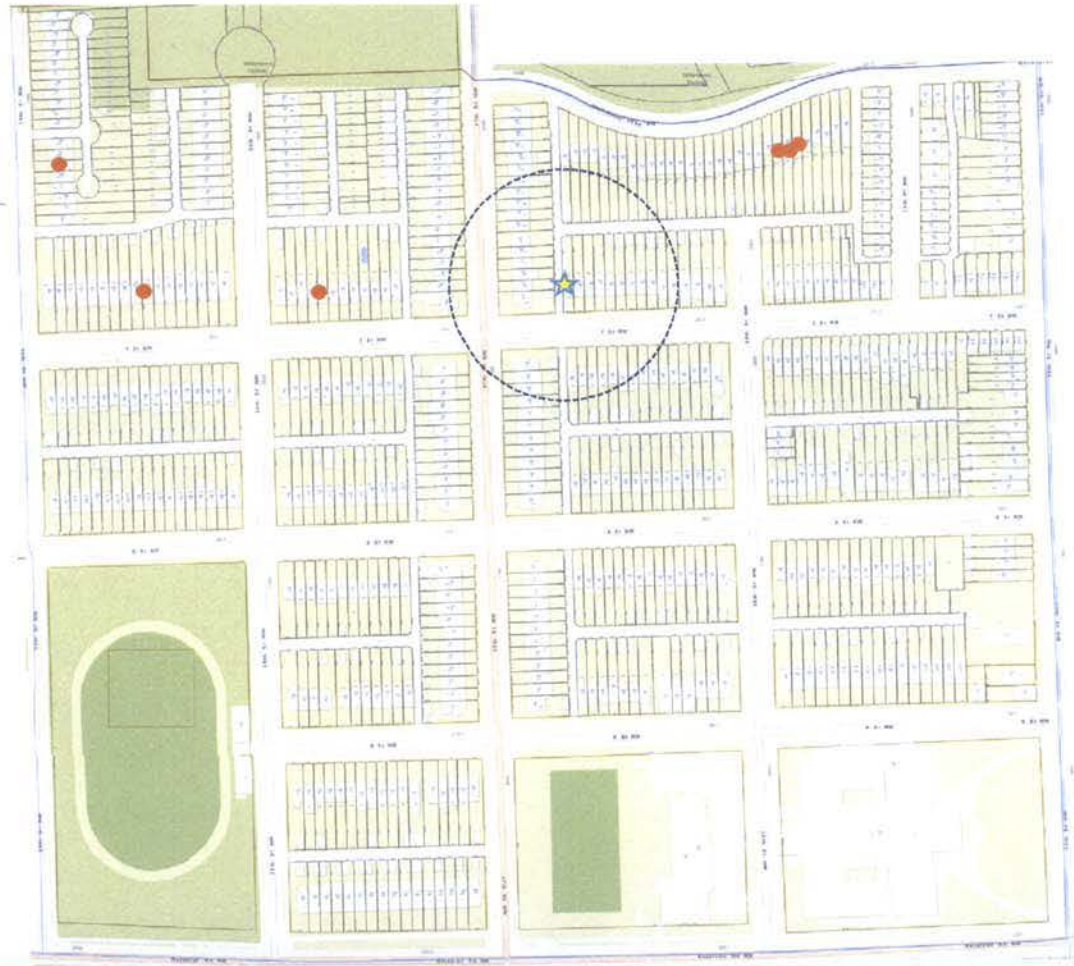
- *Section 5201.4 “The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”*
- The Applicant will comply with Board directives for protection of adjacent and nearby properties.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*
- The Applicant is not requesting to introduce or expand a nonconforming use.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”*
- The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

Summary of Opposition

- Total Letters of Opposition: 7 (9 in file-some duplicate comments)
- Total Properties Represented: 6 (2 letters from one property)
- Owner/Residents within 200 Feet of Subject Property: 0
- Of the 7 letters in opposition **NONE are within the 200 ft. radius**

----- Properties within the 200 Feet of Subject Property

● Resident Opposition



Response to Letters in Opposition

- Confusion about relief: D-5201 permits special exception relief for yards; this includes front and rear setbacks
 - Subtitle B-315 is categorized as a “general rule of measurement” and is generally applicable to the R and RF Zones; but then there are specific criteria within each subtitle with respect to front setbacks et al.
 - In this case, D-1205.2 governs the specific front setback requirements of the R-20 Zone
 - OP consulted with the ZA and OAG who determined this relief was appropriate

The Board of Zoning Adjustment may approve as a special exception in the R zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy;
- (b)
- (c) Courts;
- (d) Minimum lot dimensions;
- (e) Pervious surface; and
- (f) The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.

Response to Letters in Opposition

“Harmonious in Character”- no harmony in front porches/setbacks as demonstrated by maps and photographs

“Consistency of the front facades of the houses within each block and in the neighborhood as a whole”- varying front facades within each block and neighborhood as a whole

“Part of the character of Burleith is the symmetry of the front facades of the house in each block”- varying setbacks

Vestibule vs. Setback:

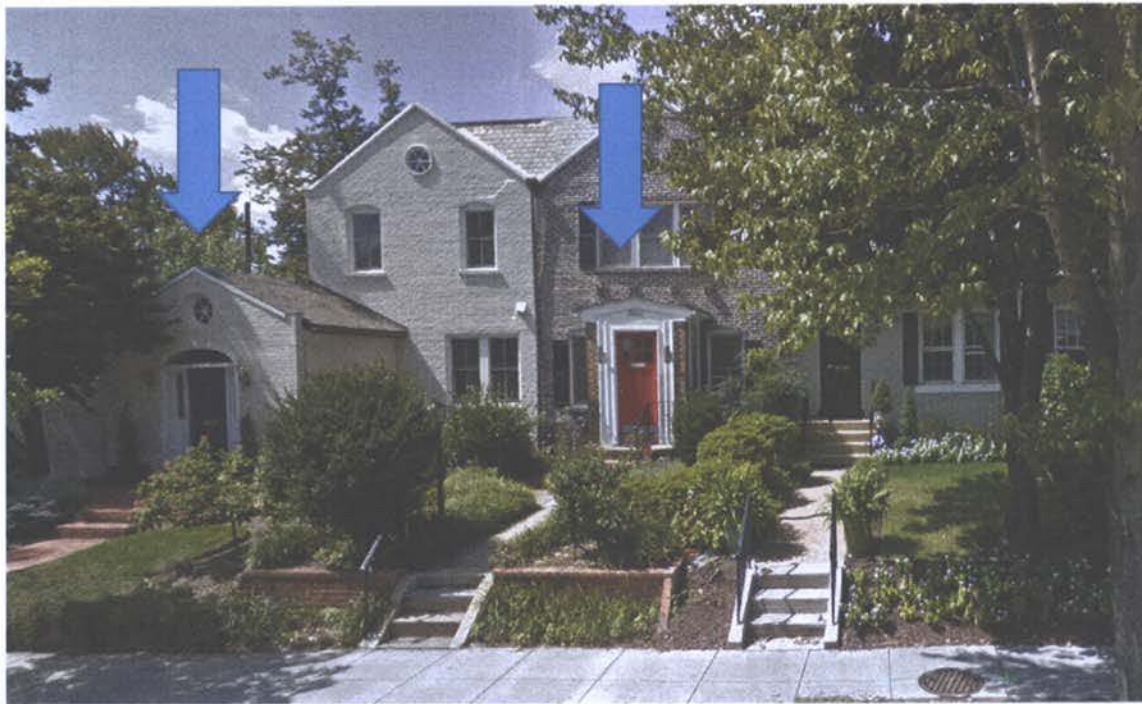
- Confusion about what we are requesting
- Not requesting relief for a vestibule
- If the vestibule was within the same setback as the adjacent property, it would be permitted as a matter-of-right
- Asking for relief from the deviation between the proposed front setback and the neighbor’s front setback

3611-3601 T Street

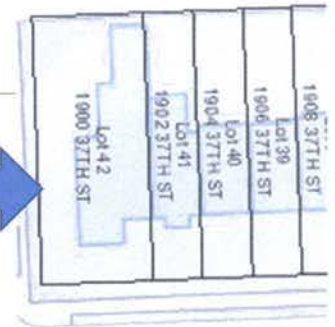


- Variety of porches, setbacks, entryways and design– just down the street from the Property

Photos of Entryways in the Neighborhood



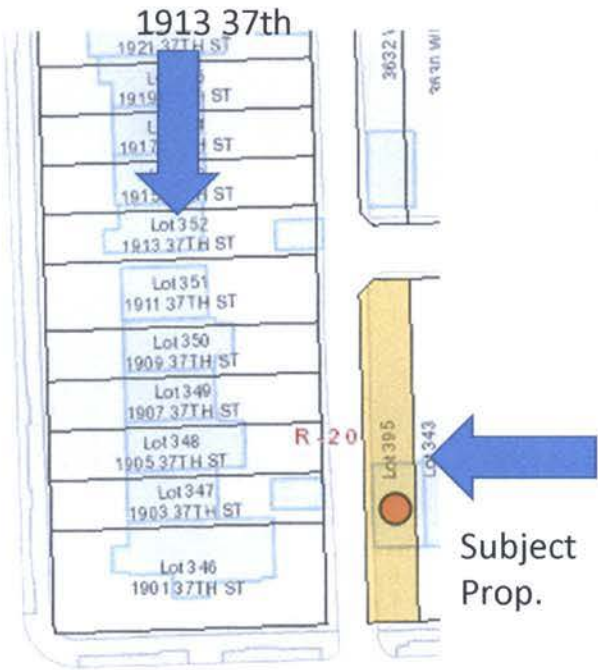
1900-1902
37th Street



Subject Property



Photos of Entryways in the Neighborhood



Entry Vestibules in the Area



3536 T Street



3628 S Street



3635 S Street

Photos of Entryways in the Neighborhood

1901 37th
On the
corner
Of T and
37th

Adjacent to
Subject
property



Subject
property



Front Façade was Approved

As part of the BZA hearing, the Board specifically reviewed and deliberated on the front façade of the Building and its compatibility with the other houses on the street

The Board also noted that the Applicant's changes to the original plans helped the proposed project to better fit the criteria:

- "And the Applicant did make changes from the original plans to mitigate any adverse effects from the front. They changed the third floor from being flush with the second floor to make it a pitched roof and a dormer to make it go more compatible with the street frontage." (Commissioner Miller, 12/13/17 Transcript, p. 32.)

The Board even requested additional photographic evidence from the Applicant demonstrating how the proposed project meets 11-D DCMR 5201.3(c): "The addition or accessory structure, together with the original building, 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 frontage."



Conclusion

- The Applicant is not asking the Board to approve new plans, only to grant the requested relief so the applicant may construct what was already approved
- Not asking for vestibule relief– asking for relief from the front setback requirements for a small deviation
- Only adjacent neighbor is in support
- Board already determined the front façade safely meets the criteria of D-5201
- Diversity of character in this area, as demonstrated by the photographs and maps
- OP supports
- No one from within 200 ft. radius is opposed

Variation in Setbacks & Changes in Style



3611 T Street



3530-3532 T Street

Portico Entryways



3616 S Street



3629 S Street



3636 T Street

Overall Diversity of Character, Pattern, and Scale

