

18 December 2017

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Board of Zoning Adjustment  
Washington, DC Office of Zoning

Re: Zoning Variance for 404 Newcomb Street, SE

To Whom it May Concern:

The owner of this property, Valerie Sanderlin/404 Newcomb, LLC is applying for the following:

1. Use Variance per C 204.3 to convert existing CRF to a 4-Unit apartment, and construct an addition to rear of existing structure to be utilized for apartment use (X, 1001.1)
2. A special exception pursuant to D, 306.4 for the construction of a rear two-story addition which exceeds the ten (10) foot limit for extensions compared with adjacent buildings (X, 901.2)

After discussions with the Office of Planning, we are no longer requesting an Area Variance, and have included updated Self-Certification documents to reflect this change as well as updated drawings submitted as part of the BZA package.

It is my understanding that we must address 3 points of a “burden of proof”:

1. *The physical characteristics of the property creates exceptional and undue hardship for the owner in using the property consistent with the Zoning Regulations (use variance)*
2. *Granting the application will not be of substantial detriment to the public good – ie. traffic, noise, lighting, etc*
3. *Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map*

Our responses are as follow:

1. There are several physical conditions of this property that using it in a manner consistent with the uses specified in an R-3 zone an undue hardship.
  - a. We believe the original configuration and original design of this building is as a 4-unit apartment building.
  - b. As an existing CRF use, the building functioned as a group home in a 4-unit configuration, the Owner would like to maintain the current infrastructure within the building

- c. This building was marketed and sold to the Owner as a 4-unit apartment building
  - d. To re-configure this building with less than 4 units would result in financial hardships for the Owner with regards to both the building's value as well as additional work related to the design of the spaces and reconfiguration required to convert it to having less apartment units.
  - e. This building currently has a Certificate of Occupancy for a 4-unit apartment building dated January 13, 1987.
2. There are several reasons as to why granting this application will not be of substantial detriment to the public good:
  - a. Prior to the purchase of this building by Ms. Sanderlin, the building being used as a group home with occupation similar to that of a 4 unit apartment building, it was not being used as a single family home. Therefore the current levels of noise, traffic, lighting, etc will not be affected by the granting of this application
  - b. In addition to this building, there appear to be at least 20 or more buildings located within several blocks of this property that were designed and constructed as 4-unit apartment buildings, granting this application will maintain the character of this neighborhood and be consistent with the uses of neighboring buildings.
  - c. The building, in its current state is fairly run down and dilapidated as the previous owners had let it fall into a state of disrepair. Granting this application will allow the new Owners to upgrade the building both from an aesthetic and safety standpoint and provide newer, cleaner, and safer living units for the residents who would like to live in this neighborhood
3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map for several reasons:
  - a. The property already exists in a 4-unit configuration.
  - b. *"The purpose of the R-3 zone is to allow for row dwellings, while including area within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings."* This intent appears to be designed to limit the scale and size of the building and provide a lower density than zones that allow for large apartment buildings. The Owner is not proposing a large apartment building, but rather a lower density (4-unit) use. The scale and front façade of the building will remain unchanged. The 2-bedroom configuration for each unit is meant to encourage couples and families similar to those who would typically live in a row dwelling or semi-detached dwelling. The configuration and number of units within the building does not differ substantially from a group of three or more row dwellings. For that reason we feel granting this application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.
  - c. We also believe that the use as a 4 unit building as opposed to a group home is more in line with the intent of the R-3 zone.

In addition to the Use Variance, the Owners are also requesting a Special Exception to allow the proposed addition to extend past a 10' limit compared with adjacent building. It is our understanding that for the Special Exception it must comply with requirements found in D-5201.3(a-d) and D-5201.4 through D-5201.6

1. The light and air available to the neighboring properties shall not be unduly affected. 411 Mellon shares a common wall with the neighboring property. There are no windows on this wall. The existing windows of the neighboring property will remain and have continued access to light and air. The proposed addition to 411 Mellon extends directly behind the current property allowing all windows on the adjacent property to remain un affected
2. The privacy and use and enjoyment of the neighboring properties shall not be unduly compromised. There are no windows facing the neighbors who share the common wall, there will be no privacy issues, in fact this helps the privacy of the neighbors as it gives their rear deck/patio area added privacy due to the extension of the existing party wall.
3. The addition together with the main structure will not substantially visually intrude upon the character, scale, and pattern of house along the subject street frontage when viewed from the Street, Ally, or other public ways. The addition does not extend past the exterior (non-party wall) side of the existing building nor past the existing roof, so there is no visual change when viewed from Mellon Street. When viewed from the Alley, the addition will be seen, however the ally facing facades currently have a variety of concrete patios and raised decks, fences, and protrusions, this will not adversely affect views from the ally. Given the current state of disrepair of many of the ally facing facades, the new construction will help the aesthetic quality of the ally view.
4. Please see the drawings associated with the BZA submission to understand the extent of the addition
5. As part of this Special Exception and Appeals process, we will be willing to work with the BZA to accommodate any special requests regarding design, screening, lighting materials etc from the BZA
6. The non-conforming is being addressed via the Use Variance applied for in conjunction with this application
7. The height of the building will not change, the new work will be kept below the existing roof line.

Please note, that it is not the intent of the Owner to change any facet of the character or original use of the building, in fact they are planning to renovate the existing building to a use we believe is more in line with the intent of the R-3 zone. Adding an extra bedroom, will make the individual apartments even closer in size and use to a small row house.

Regards,

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