

Cochran, Patricia (DCOZ)

From: Bryce Jacobs <brycejacobs@gmail.com>
Sent: Friday, June 8, 2018 2:38 PM
To: DCOZ - BZA Submissions (DCOZ)
Subject: BZA Case No. 19731: Statement in Opposition to Application for Special Exception

Re: BZA Case No. 19731: Statement in Opposition to Application for Special Exception

We are homeowners on the same block of Lanier Place NW as the applicant, 1766 Lanier LLC, and are filing this statement in opposition to the application for a special exception and the granting of a variance filed by applicant for the home located at [1766 Lanier Place, NW, Washington, DC](#). Applicant has failed to meet the standard for special exception relief because it has failed to demonstrate that the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Furthermore, the special exception sought by applicant would adversely affect the use of neighboring properties and fails to meet the specific requirements for relief under Subtitle U § 320.2 of the Zoning Regulations.

Clarification of Facts:

As a preliminary matter, my understanding is that the applicant's statement as to its application for a building permit in 2015 to convert 1766 Lanier to a six unit building is not entirely correct. Based on information provided by neighbors, I understand that the applicant filed a partial and incomplete building permit application in 2015, and was asked for additional information by DCRA, but failed to provide the requested information. As a result, applicant had not completed an application for a building permit by the time the City, in late 2015, granted a moratorium on construction under the RA-2 (then R5-B) standards because of the pending request to change the zoning for Lanier Heights to RA-1 (then R-4). Since applicant never completed its application for a building permit in 2015, there is no question of whether his application might have "vested" or not—there was only a partial and incomplete application filed by the applicant in 2015.

Applicant has failed to meet the standard for a zoning variance:

Applicant states the legal standard for granting the requested zoning variance as follows: "Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception 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, subject also, in this case, to the specific requirements for relief under Subtitle U § 320.2 of the Zoning Regulations.

First, the variance would not be in harmony with the purpose and intent of the zoning regulations and maps, and would adversely affect neighboring properties. If the zoning variance is granted for 1766 Lanier, the project would totally disrupt the character of the 6 building architectural grouping from 1758-1768 Lanier. The subject house at 1766 Lanier is one of four houses with identical Wardman-style sloping barrel tile roofs and matching facades, including a small metal balcony feature. These four houses are bookended by two identical houses (1758 and 1768 Lanier) with square fronts and identical detailing and facades. A picture of the group of houses is attached below. The six houses were built as a harmonious group. Disruption of the architectural harmony of this group of six homes adversely affects the appearance of the homes in the group as a whole and would likely negatively affect their property values.

Second, under Section 320.2(i)(3), "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." Applicant argues that the variance will not visually intrude upon the character, scale, and pattern of houses along the subject street because the houses on the block have a variety of styles. Applicant is clearly incorrect in his characterization of houses on this block of Lanier Place NW. Applicant's house is one in a grouping of six houses with the style features described above—applicant's project would clearly seriously disrupt the character and pattern of houses in this group. Furthermore, this block of Lanier consists of several groupings of from 2 to 9 residential row homes that are either identical in their facade and roof details or consist of a grouping of identical homes bookended by matching houses (like this group). All of these groupings of homes on the block are substantially undisturbed from their appearance as built in the early 20th century. This would be the first grouping to be marred on the block. As a result, the modification would be in conflict with 320.2(i). A picture of a few of the groups of homes on this block is included below.

Third, the conversion would clearly adversely affect the use of the neighboring properties at 1764 and 1768. Currently the back facades of the group of houses from 1758-1768 are substantially similar and none of the houses extends further back towards the alley than the others. By extending the rear wall of 1766 by ten feet, the residence at 1768 will be boxed in in the back yard, with significantly restricted air flow and sight lines for that residence. The house at 1768 already has the wall of an apartment building on its other side, so it will be boxed in on both sides.

Finally, applicant asserts that it is only building a three-story addition in back, and the application describes the project the construction of a three-story home. However, the drawings indicate that applicant is performing construction on the English basement level which it intends to include in a sales unit, as well as three stories above that, for a total of four stories of home that applicant intends to sell as condos. Applicant should be initially queried by the BZA whether it actually intends to create only three units or in fact four units. If there is a possibility of four units, I understand that there are additional requirements that applicant must meet. If applicant does intend to build three units, then applicant can build three units in the existing basement and two above-ground floors without altering the façade of 1766 Lanier. Such construction would be consistent with Section 320.2(i)(3) and allow applicant a fair return for its investment in the property.

For these reasons we object to the request for a zoning variance for [1766 Lanier Place, NW](#).

Thank you,
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