

September 6, 2017

Board of Zoning Adjustment

Applicant's Preliminary Burden of Proof Statement

This statement is submitted on behalf of Tammika Thompson & Bryan Young (the "Applicant"), owner of the property location at 428 Randolph ST NW in the RF-1 zone district, is located near the intersection of 4th and Randolph Streets, NW. The property is currently a single family rowhouse.

The Applicant is planning to convert their single family rowhome into a 3 unit condo building. To do so, the Applicant is requesting a Special Exception under Title 11 Subtitle U § 320.2

Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:

(a) 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 to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);

The building will not exceed thirty-five feet in height

(b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;

The applicant does not intend to add a 4th dwelling unit

(c) There must be an existing residential building on the property at the time of filing an application for a building permit

The current building is a single-family rowhouse

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

The lot size is 2785 SF. With 3 units, this provides 928 SF of land area per dwelling unit

(e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;

The applicant would like to waive this requirement, per U 320.2 (l) in order to add a 31' 0" addition.

(f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;

The property to the east, 426 Randolph ST NW, has a chimney that will be impacted by the proposed construction (see drawings). We believe that the chimney is no longer in use, and intend to work with the adjacent property owner to obtain permission to cap the chimney.

(g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:

There are no solar energy systems installed on either of the adjacent properties.

(h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;

The existing porch roof and dormers will not be altered by this construction.

(i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

We do not believe that the project has a substantially adverse effect on the light, air, privacy or character of the neighborhood. The footprint of proposed design is less than that allowed by the regulation of the RF-1 zone and leaves 76'-3" from the rear property line to the rear of the addition. Similar projects have also already been constructed on this block.

(j) In demonstrating compliance with Subtitle U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion Subtitle U-38 and any associated addition to adjacent buildings and views from public ways;

Plans, photographs, elevation and section drawings are included with this application

(k) 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 applicant will comply with all reasonable requirements provided by the Board of Zoning

(l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and

The applicant would like to waive two (2) requirements, Subtitle U § 320.2(e) and Subtitle U § 320.2(f), as described above.

(m) An apartment house in an RF-1, RF-2 or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 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 Subtitle X, Chapter 9, and this section.

The existing building is not an apartment house.