

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Case No. _____

Application of Cambridge Holdings LLC to 11 DCMR Subtitle X § 901.1, for a special exception, to allow for the conversion of a single-family dwelling into a three-story, three-unit apartment house in the RF-1 District at the premises of 1128 Buchanan N.W. pursuant to U § 320.2 (Square 2918, Lot 0113)

APPLICANT’S HEARING STATEMENT

_____ **SEPTEMBER 2018**

This Pre-Hearing Statement (“Statement”) outlines the existing and proposed use of the property of application and the manner in which the application (“Application”) complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to:
11 DCMR subtitle X § 901.1, for a special exception to allow for the renovation and construction of an upper and rear addition to an existing single-family row dwelling, which will comply with the following provisions of the Zoning Regulations under Section U § 320.2 set forth by the underlying RF-1 zone district within which the subject property is located: Conversion of an existing single-family dwelling (existing prior to May 12, 1958) into a three-unit apartment house.

All other sections of the Zoning regulations are complied with.

PROPERTY DESCRIPTION

The subject property was constructed in 1919 (pursuant to Building Permit No. 3211 issued on April 16, 1919). Located within the Sixteen Street Heights neighborhood. It is an existing attached, two-story plus cellar, single-family dwelling, built on a conforming lot (3,126 sq. ft. in land area). With a lot width of 20 ft. and a lot length of 156.30 ft. The minimum requirement for a lot located in the RF-1 zone is 1,800 square feet. The existing structure has no existing side yards, but has a rear yard of 103 feet. It is flanked to the east and west by single-family dwellings. To the south of the property is an existing 15 ft. rear alley that connects to another diagonal alley which terminates on Buchanan Street N.W. further west of the subject property.

THE APPLICATION

This application satisfies the criteria for a special exception under Subtitle U § 320.2 of the Zoning Regulations, relief from conversion of an existing residential building existing prior to the 12th of May 1958, to an apartment house. As described below this application satisfies the criteria for granting the requested special exception:

- 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) (U § 320.2 (a))*

The proposed development height for this property shall be 35 ft. as depicted in the associated elevations and section.

- 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 (U § 320.2 (b));*

The proposed development for this property shall only contain 3 dwelling units.

- C. *There must be an existing residential building on the property at the time of filing an application for a building permit (U§ 320.2 (c));*

There is and will be an existing residential building on the lot/property at the time of filing an application for a building permit.

- D. *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit (U § 320.2 (d));*

A three-unit Apartment House would require only 2,700 sq. ft. of land area. The existing property land area far exceeds this at 3,126 sq. ft. There is thus sufficient land area for this project.

- 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 (U § 320.2 (e));*

As depicted on the associated plat and plans, the proposed development only extends ten feet (10 ft.) past the furthest rear wall of any principal residential building on either adjacent property.

- 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;

No existing chimneys or external vents shall be blocked or impeded by this proposed development.

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:*

(1) *“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and*

(2) *“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:*

(A) *Legally permitted, installed, and operating; or*

(B) *Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*

There are currently no existing solar energy systems on either adjacent properties located at 1126 and 1130 Buchanan St NW, respectively.

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;*

As depicted on the associated front elevation, all roof top architectural elements original to the building (dormer, mansard roof, and front porch roof) shall remain and not be altered in any form or fashion.

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:

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

The light and air available to neighboring properties shall not be unduly affected, due to the design compliance of the proposed development with the overall comprehensive plan. This neighborhood is a mix of residential and commercial buildings ranging from Cape Cods to taller structures. The RF zone promotes low to medium-density improvements. The proposed height of this building, 35 ft., conforms with the maximum permitted building height. The proposed addition will not excessively produce shadowing or prevent air to its neighbors.

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

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised, again due to the design compliance of the proposed development with the overall comprehensive plan. The rear addition will not surpass its adjacent neighbors by more than 10 ft. and the proposed height will not be more than 35 ft. Thus, the proposed addition will cause minimal impact and be of minimal intrusion to its surrounding neighbors

(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;*

The addition, as viewed from the street, alley and or public way will not substantially intrude upon the character, scale and pattern of houses along the subject of the street frontage, due to its proposed design from a visual standpoint. The proposed third floor shall be recessed, thus barely visible from the street. The associated drawings depict this. The addition although visible from the rear alley will still maintain the character and scale of the neighboring properties.

SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONING PLAN

The applicant seeks to construct and renovate an existing single-family dwelling in the underlying RF-1 zone district and convert it to a three-story, three-unit apartment building. The lot is ample in size at 3,126 sq. ft., yet the proposed development will only occupy 53% of the lot. The development also conforms to all other zoning regulations, thus resulting in a less excessive or oversized building. The relief being sought, converting a single-family dwelling to a three-unit apartment building allowed under Subtitle U § 320.2, seeks to further the utility of the

existing structure with minimum impact due to its proposed scale and size. No significant impacts to the parking in the neighborhood will occur, as two (2) off-street parking spaces are being provided on the subject property. In summary, the requested relief and proposed building addition will not cause any major impairment of intent, purpose or integrity of the zoning regulations.