

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

**Application of
3905 Kansas LLC
Square 2906, Lot 0830**

**BZA Application No. 20256
ANC4C, SMD06**

STATEMENT OF THE APPLICANT

This statement is submitted in support of an application (“**Application**”) for Board of Zoning Adjustment (“**BZA**” or “**Board**”) approval by 3905 Kansas, LLC (“**Applicant**”). Pursuant to the District of Columbia’s Zoning Regulations, this Application seeks the Board’s special exception relief for conversion of and addition to an existing single family dwelling to establish a three (3) unit apartment building (the “**Project**”) in the RF-1 zone at premises 3905 Kansas Avenue, N.W. Washington, DC 20011 (Square 2906, Lot 0830) (the “**Subject Property**”).

I. NATURE OF RELIEF SOUGHT

In order to convert the existing 1910’s era single-family dwelling to a three (3) unit apartment building in the RF-1 zone district, the Applicant requests special exception relief pursuant to 11 DCMR Subtitle X § 901 under Subtitle U § 320.2. The rear, side and third floor additions do not require zoning relief. The applicant also requests an additional BZA special exception under Title 11, Subtitle C. 703.2 (Special Exception from Minimum Parking Number Requirements).

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested special exception relief pursuant to 11 DCMR Subtitle X § 901 and Title 11, Subtitle C. 703.2 (Special Exception from Minimum Parking Number Requirements).

III. DESCRIPTION OF THE PROPERTY AND THE SURROUNDING AREA

3905 Kansas, LLC (the “Applicant”) is the owner of the Property located at 3905 Kansas Avenue, N.W. Washington, DC 20011 (Square 2906, Lot 0830). Surveyor’s Plat, Exhibit A. The Property is in the RF-1 zone district and abutting the Property to the north and south are other row dwellings and multi-unit dwellings. Abutting the Property to the west and east are Kansas Avenue and a public alley, respectively. Zoning Map, Exhibit B. The area is characterized by a variety of residential uses, including one-family dwellings, flats and apartment buildings on the northwest and northeast corners of Randolph Street and Kansas Avenue.

IV. EXISTING AND INTENDED USE

The present improvements consist of a two-story (plus cellar), single family dwelling constructed in approximately 1917. Abutting the subject property on the right is a row dwelling with shared party wall and on the left of the subject property there is no abutting building or shared party wall. Photographs in Exhibit C. The Applicant proposes to construct a third-story addition to the building, a three-story addition at the rear and at the side of the building (the “**Addition**”) and convert it to three (3) residential dwelling units. Site and Design Plans & Elevations in Exhibit D. Several dwellings in the immediate vicinity have third story additions (e.g. 3900 Kansas Avenue NW, 3904 Kansas Avenue NW, 3909 Kansas Avenue NW, 3911 Kansas Avenue NW) so the proposed addition to the subject property at 3905 Kansas Avenue NW will not significantly alter the character of the neighborhood. The three-story addition at the rear of the building will extend only 2 inches past the adjacent building’s rear walls. This addition shall therefore not unduly affect the adjacent neighbors light and air as the lot is a deep lot that is about 135 feet long. The subject property currently does not have any off-street parking spots. It is located on an interior triangle lot with no access to the alley in the rear of the Property and the only way to add parking would be through a curb cut on Kansas Avenue NW. The pervious surface provided on the Property will be 24.8% of the lot area versus the minimum required of 20%.

V. ZONING ANALYSIS

The subject property is zoned RF-1. An existing dwelling in RF-1 can be converted to an apartment building if there is 900 square feet of lot area per apartment unit, and if approved by the Board as a special exception. The existing lot area is 2845 square feet or 948 sq. ft. per unit therefore three (3) units are permitted.

Accordingly, the Applicant requests special exception approval for the conversion pursuant to Subtitle U § 320.2.

RF-1 Zone	Regulation	Existing	Proposed	Relief
Lot Width	62.2 ft.	62.2 ft.	No change	None required
Lot Area	2,700 sf.	2,845 sf.	No change	None required
Height E § 303	35 ft. – matter-of-right 40 ft. – special exception	29 ft.	34 ft. 4.5 inch	None required
Rear Yard E § 305	20 ft.	46.8 ft.	26.9 ft.	None required
Depth of Rear addition U § 320.2(e)	Addition may not exceed more than 10 ft. past rear wall of adjacent house	0 ft.	2 inch past rear wall of adjacent house	None required
Side Yard E § 307.4	None for row dwelling	16 ft.	No side yard	None required
Lot Occupancy E§304	60%	27%	60%	None required
Pervious surface	20%	64%	24.8%	None required
Conversion to Apt. U § 320.2	3 or more units by special exception with 900 sf. lot area/unit	1 unit	3 units (948 sf. lot area per unit)	Relief requested
Parking	2	0	0	Relief requested

VI. THE APPLICATION MEETS THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER SUBTITLE X § 901

Given the nature of the Addition, the Building's mass will be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps, as the lot occupancy is limited to sixty percent (60%), and the Building is within the story and height limit of the RF-1 Zone. The proposed Addition will not tend to affect adversely the use of neighboring properties to the West and East, as they are separated by Kansas Avenue and a public alley, respectively. Several dwellings in the immediate vicinity of the property have third story additions (e.g. 3900 Kansas Avenue NW, 3904 Kansas Avenue NW, 3909 Kansas Avenue NW, 3911 Kansas Avenue NW) so the proposed addition to the subject property at 3905 Kansas Avenue NW will not significantly alter the character of the neighborhood. The large trees directly in front of the subject property will be maintained to help limit visibility of the addition from the street. Photographs in Exhibit C. The Addition will not impact the adjacent properties to the North and South, as the Addition will not extend more than two (2) inches beyond the adjacent building's rear wall. The 26.9 feet rear yard provides a significant setback from the alley since the alley is another 40 feet away from the end of the lot. Therefore, the granting of a special exception in this case "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 in accordance with the Zoning Regulations and Zoning Maps ..." (11 DCMR Subtitle X § 901.2).

DETAILED DESCRIPTION OF HOW REQUIREMENTS OF SUBTITLE U § 320.2 ARE SATISFIED:

Per 11 DCMR U, Section 320.2, the Applicant shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

Requirements of Subtitle U § 320.2	Response on how the proposed changes to the subject property satisfies the requirements
<p>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 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);</p>	<p><i>The proposed building, including any additions will not exceed thirty-five (35) feet. No relief is being sought from this requirement.</i></p>
<p>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;</p>	<p><i>The proposed changes will increase the number of units from one (1) to three (3). Therefore, Inclusionary Zoning and the set aside requirements of Subtitle C § 1003.6 do not apply. No relief is being sought from this requirement.</i></p>
<p>c) There must be an existing residential building on the property at the time of filing an application for a building permit;</p>	<p><i>A residential building currently exists on the subject property. No relief is being sought from this requirement.</i></p>
<p>d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;</p>	<p><i>The existing lot area is 2,845 sq. ft. Dividing the existing lot area by 900 sq. ft. per unit yields 3.16, therefore 3 units are permitted. No relief is being sought from this requirement.</i></p>
<p>e) An addition shall not extend further than ten (10) feet past the furthest rear wall of any principal residential building on an adjacent property;</p>	<p><i>The proposed addition will extend two (2) inches past the furthest rear wall of the principal residential building on the adjacent property. No relief is being sought from this requirement.</i></p>
<p>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;</p>	<p><i>No existing chimneys or external vents on an adjacent property shall be blocked or impeded by this proposed development. No relief is being sought from this requirement.</i></p>

<p>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.</p>	<p><i>There are no adjacent solar energy systems. No relief is being sought from this requirement.</i></p>
<p>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 roof architectural elements on all sides of the structure;</p>	<p><i>The existing mansard roof and two dormers will be retained and the 3rd floor unit will be setback three (3) feet to accommodate the mansard roof. No relief is being sought from this requirement. Since there is a side addition being proposed the applicant will be adding a dormer to match the two existing dormers so that the new addition to the building front looks balanced and consistent with the existing front. Since the 3rd dormer being added is not original to the house we feel that it meets this requirement however if the BZA feels that adding a 3rd dormer violates the requirement then the applicant would request a waiver from this requirement.</i></p>
<p>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;</p> <p>(1) The light and air available to neighboring properties shall not be unduly affected;</p> <p>(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and</p> <p>(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;</p>	<p><i>1. The light and air available to neighboring properties will not be unduly affected. The proposed Addition will not extend more than two (2) inches past the rear walls of the adjacent building which has a deep lot of about 135 feet long from front to back. Shadows would be minimal due to the structure's north/south orientation.</i></p> <p><i>2. The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.</i></p> <p><i>3. The conversion and any associated additions, as viewed from the street, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley. Several dwellings in the immediate vicinity of the property have third story additions (e.g. 3900 Kansas Avenue NW, 3904 Kansas Avenue NW, 3909 Kansas Avenue NW, 3911 Kansas Avenue NW) so the proposed third story addition to the subject property at 3905 Kansas Avenue NW will not significantly alter the character of the neighborhood. There is a large tree directly in front of the subject property which will be maintained to help limit visibility of the addition from the street. Photographs in Exhibit C.</i></p> <p><i>No relief is being sought from this requirement.</i></p>

<p>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 and any associated addition to adjacent buildings and views from public ways;</p>	<p><i>Detailed plans, photographs, sections and elevations have been shared that depict the relationship of the “Subject property” to the neighboring properties and public ways. No relief is being sought from this requirement.</i></p>
<p>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; Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;</p>	<p><i>Special treatment is not required as the Project will maintain ample open space and is sized and scaled appropriately for the neighborhood. No relief is being sought from this requirement.</i></p>
<p>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)</p>	<p><i>As outlined above, the Applicant is not seeking to modify or waive more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h). No relief is being sought from this requirement.</i></p>
<p>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.</p>	<p><i>Subject property is not an apartment house. No relief is being sought from this requirement.</i></p>

Special exception requested under Title 11, Subtitle C. 703.2 (Special Exception from Minimum Parking Number Requirements):

The subject property currently does not have any off-street parking spots. It is located on an interior triangle shaped lot with no access to the alley in the rear of the Property and the only way to add parking would be through a curb cut on Kansas Avenue NW. To meet the minimum requirement of two (2) off-street parking spots for the three (3) units, the Applicant was earlier proposing to add three (3) garages on the front of the property at cellar level with a curb cut on

Kansas Avenue NW so that three (3) off-street parking spots would have been made available in the proposed development. However, ANC 4C, DDOT and Office of planning have all encouraged the applicant to remove the proposed curb cut and front garages from the plans and instead seek full zoning relief from the parking requirements. The reasons provided for ANC and DDOT opposing the curb cut and front garages were:

- Curb cuts add an additional conflict point between drivers and pedestrians
- Curb cuts reduce available curbside parking spaces
- The curb cut and front garages detracts from the site aesthetically. No other house on that block of Kansas has a curb cut or garage in the front of the building
- The lot is a wide lot and there is approximately 64 feet of curbside space in front of the property, which is enough for three cars

The original application has therefore been updated to remove the proposed curb cuts and the garage parking from the initial proposed development plans. The applicant requests the BZA to grant a full reduction of the two (2) required parking spaces due to the following reasons:

1. The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and a curb cut for the property has been denied by the District Department of Transportation
2. The lot is a wide lot and there is approximately 64 feet of curbside space in front of the property, which is enough for three cars
3. The subject property at 3905 Kansas Avenue Northwest has a Walk Score of 96 out of 100. As per the website Walkscore.com (<https://www.walkscore.com/score/3905-kansas-ave-nw-washington-dc-20011>) this location is a Walker's Paradise with Excellent transit options so daily errands do not require a car. The property is a five-minute walk from the Green Metrorail Green

Line and the Yellow Metrorail Yellow Line at the GEORGIA AVE PETWORTH STATION stop

4. The applicant has submitted to the District Department of Transportation (DDOT) a Transportation Demand Management (TDM) plan based on DDOT's TDM in The Development Process Report

VII. STATEMENT OF SATISFACTION OF BURDEN OF PROOF FOR ZONING RELIEF SOUGHT

The Applicant submits that, based upon (i) its Application and the materials submitted in conjunction herewith, (ii) the evidence to be presented at the public hearing and (iii) other evidence to be submitted hereto, it will satisfy and comply with the applicable legal standards and burdens for the special exception relief requested.

VIII. AGENCY AND COMMUNITY OUTREACH

The Applicant's Certification of Agency and Community Outreach is submitted as Exhibit E.

IX. WITNESSES EXPECTED TO TESTIFY

Applicant's Representative: Mr. Kuldeep Sawant, 3905 Kansas LLC

Architect's Representative: Mr. Armin Ettehadi, Noor Architecture

X. EXHIBITS

Exhibit A: Surveyor's Plat

Exhibit B: Zoning Map

Exhibit C: Photographs of the Property

Exhibit D: Site Plan, Design Plans and Elevations

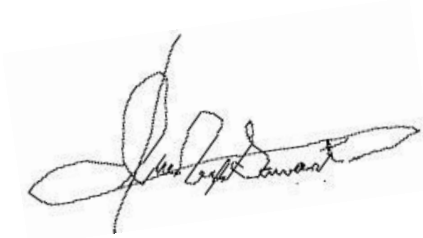
Exhibit E: Applicant's Certificate of Agency and Community Outreach

XI. CONCLUSION

For the reasons set forth above, the Applicant is entitled to, and respectfully requests approval of, the grant of special exception relief to allow for the development of the Property.

Respectfully submitted,

3905 Kansas, LLC

A handwritten signature in black ink, appearing to read "Kuldeep Sawant", is centered on the page. The signature is written in a cursive style with a large, stylized initial 'K'.

By: Kuldeep Sawant

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