

BZA Application No. 21216

**418 Franklin Street, NE, 422 Franklin Street, NE, and 2804 5th Street, NE
Latasha D Boone Trustee
February 5, 2025**

Requested Relief

- The Properties are located in the RF-1 zone and are each improved with a two-story building, each used as a single-family dwelling.
- The Applicant is proposing to reconfigure the lots in a more practical and standard rectangular lot configuration - requiring area variance relief.
- The Applicant is also proposing to construct additions to each respective Building, requiring various special exceptions:

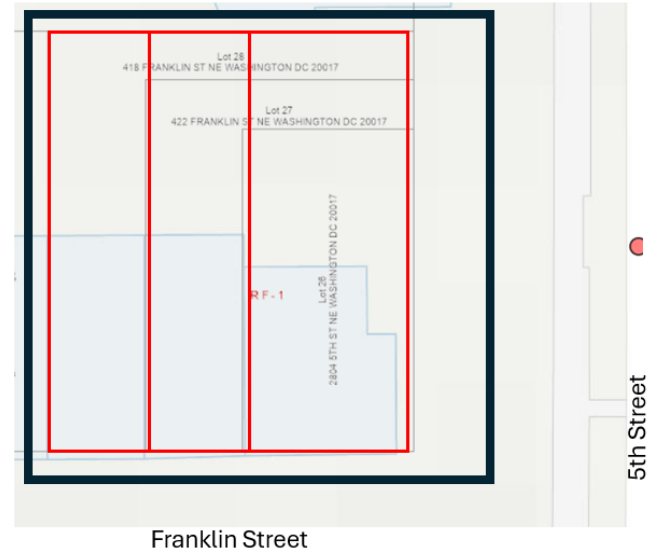
Relief	418 Franklin	422 Franklin	2804 5 th
<u>Area Variance-</u> Lot Area and Lot Width	X	X	X
<u>Special Exception E-5201</u>			
10 ft. rule	X	X	X
Lot Occupancy (up to 70%)	X	X	X
Rear Yard			X

History

- In 1948, these Properties, and two others to the west, were subdivided in a unique and strange configuration:

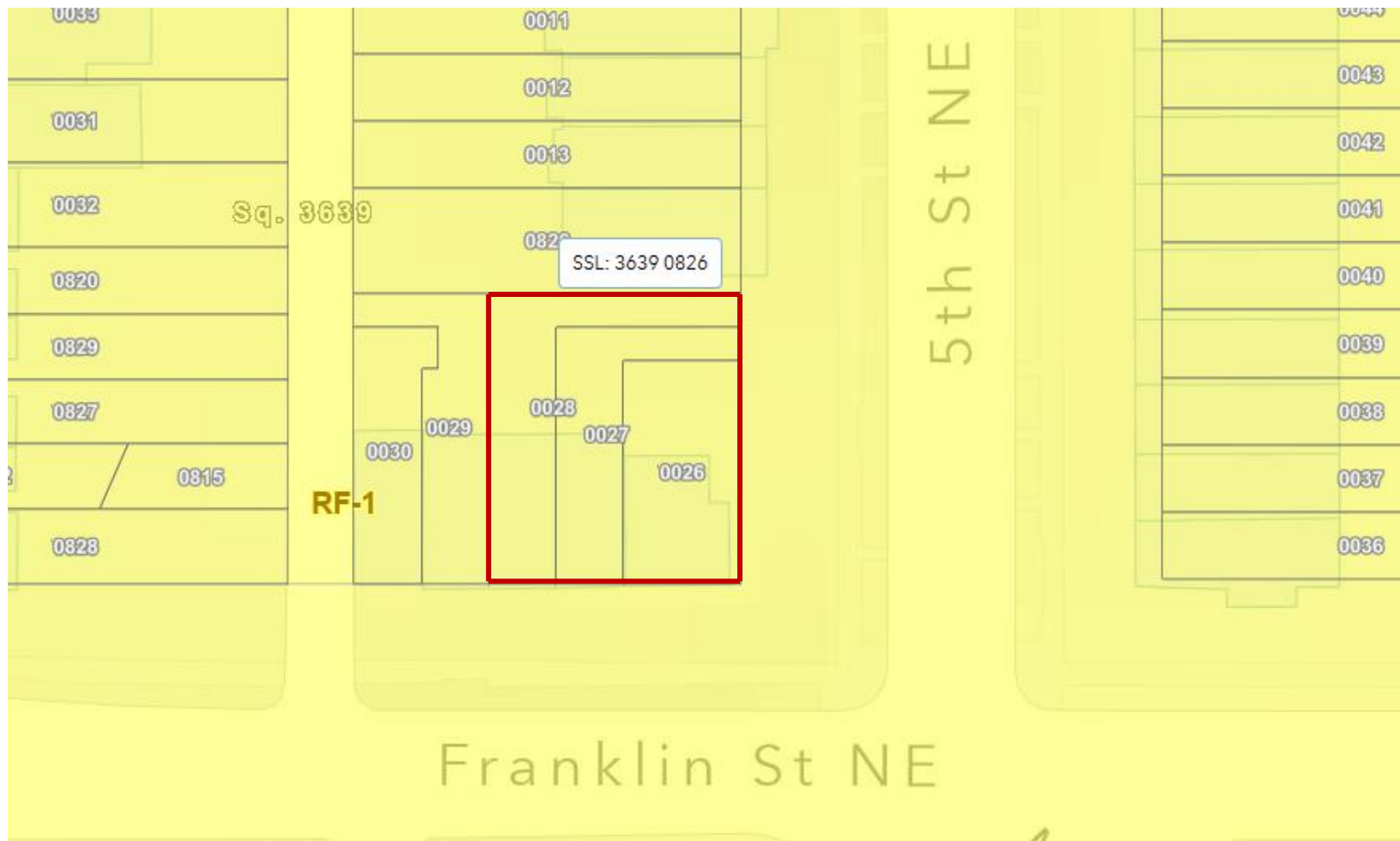


- After several years of litigation between the respective owners, resulting from the unique shape of the three lots, the Applicant, owner of the corner lot during the litigation, eventually acquired the two interior lots. The Applicant is now proposing a more practical



Exceptional Practical Difficulty

Results in a continued inherently provocative condition among separate owners of these three lots, which recently resulted in several years of litigation (primarily because the exceptional shape of these lots did not align with the actual appearance and use thereof). Subdividing the lots will resolve the L-shaped configuration on the deeds, which deviates from how the lots have been used for decades.



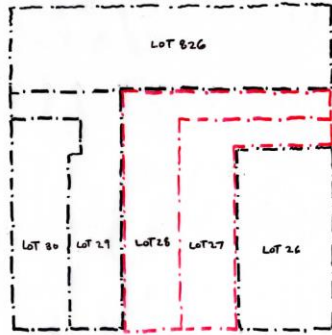




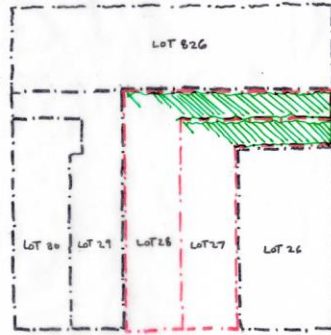
Community & Agency Support

- ANC 5F voted unanimously in support.
- The Office of Planning recommends approval.
- DDOT has no objection.
- There are 6 letters of support from surrounding neighbors including the adjacent neighbor at 2806 5th Street, NE.

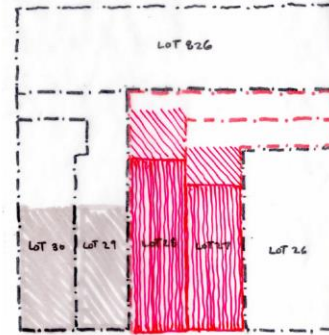
Exceptional Practical Difficulty



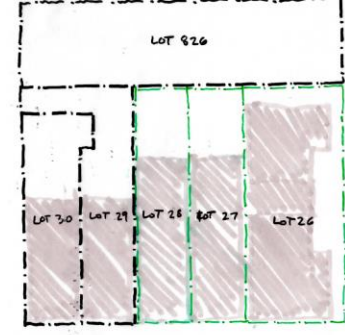
1. Existing lot conditions, with atypical lot shapes identified in red



2. The existing rear yards (identified in green) are unusable for building, exterior yard space, or parking



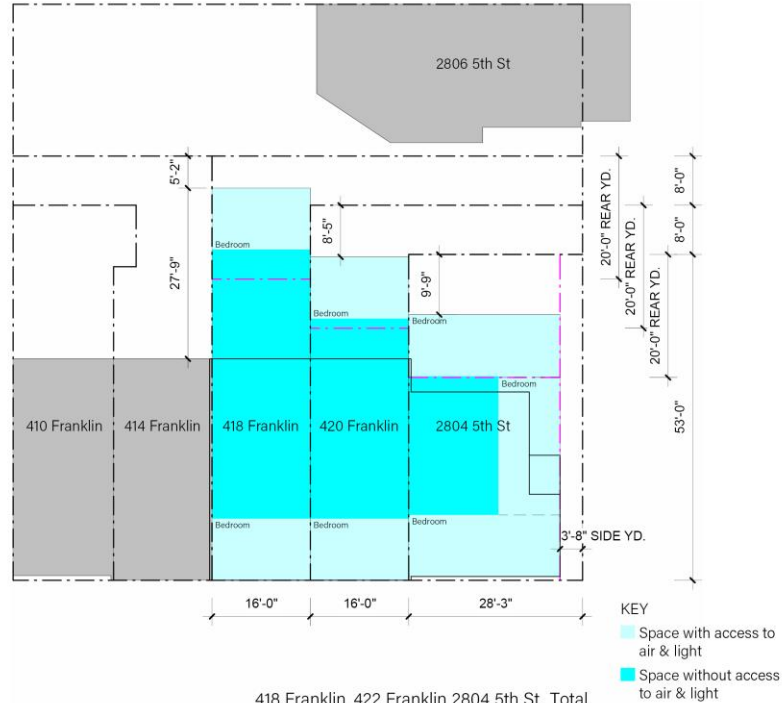
3. The by-right development yields longer building mass on the inner-block lots, restricting access to light and air



4. The proposed lot resubdivision creates

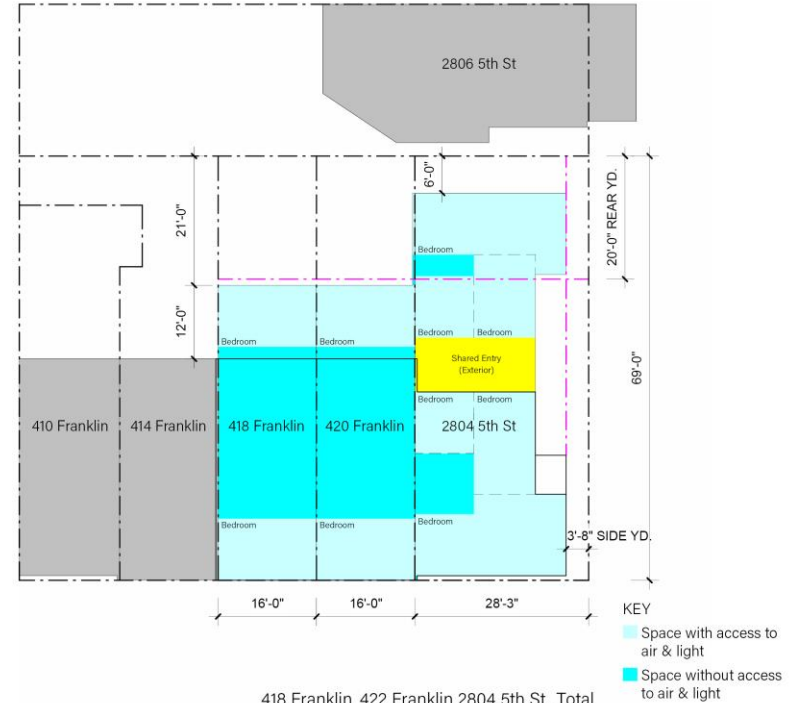
- even distribution of building volume for better access to light and air
- even distribution of rear yard space
- a conforming corner lot
- rowhome fabric that turns the corner to engage with 5th St. NW

ENVELOPE STUDY
EXISTING LOTS, 70% LOT OCCUPANCY



	418 Franklin	422 Franklin	2804 5th St	Total
GFA:	3,060 SF	2,523 SF	3,144 SF	8,727 SF
Envelope (Linear Feet):	35'	32'	91.5'	158.5'
Envelope (Area):	1,225 SF	1,120 SF	3,202.5 SF	5,547.5 SF
Envelope/Area:	.4	.44	1.02	0.64
Possible Bedrooms:	2/DU	2/DU	3/DU	14

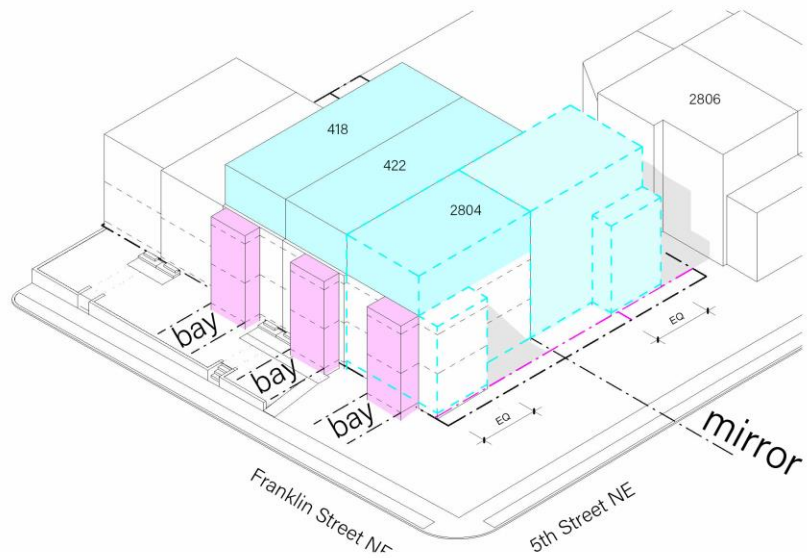
REGULARIZED LOTS, 70% LOT OCCUPANCY



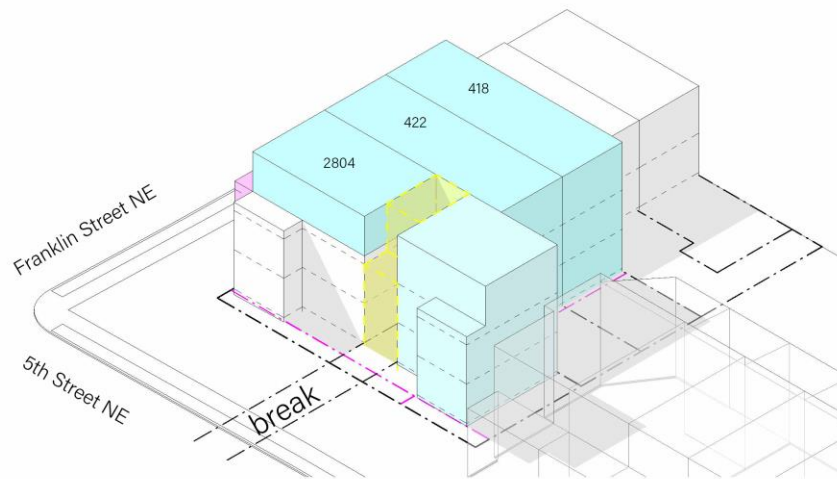
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Envelope/Area:	.49	.48	1.26	0.82
Possible Bedrooms:	2/DU	2/DU	5/DU	18

MASSING CONCEPT

Southeast



Northeast



The Applicant Meets the Standards for Area Variance Approval

Lot Area & Lot Width

Criteria	Project
Extraordinary or Exceptional Conditions Affecting the Subject Property Resulting in a Practical Difficulty if the Zoning Regulations were Strictly Enforced	• The L-<u>shape</u> of the lots, with long narrow extensions, which not only limit the use of the interior lots, but also limit the efficient and effective use of each of the other three lots, including the corner lot; • The <u>size</u> of the three lots, all of which are existing nonconforming as to lot area and lot width; and • The existence of a pre-1958 building on each of the three lots, existing more in accordance with a rectangular lot scheme, rather than the pre-1958 L-shaped condition of the record lots.

Exceptional Practical Difficulties

- Substantially shortens the potential length of the corner lot building, resulting in long, narrow areas of undevelopable space behind it and behind the middle of the three lots;
- Significantly limits the amount and quality of housing that could reasonably be added to the existing buildings, as permitted by the RF use regulations (the variance allows for approximately 30% more bedrooms);
- Substantially reduces the overall accessibility to sunlight for any additional housing on these three lots;
- Leaves some usable land idle, reducing the amount of housing that might otherwise be added here (the architects estimate this unused land to be approximately 580.32 square feet, as demonstrated in drawing 2 on page 4 of the plans);
- Incentivizes a design – with longer windowless buildings in the interior lots - that would be more difficult to be approved by special exception, because it would potentially be more impactful to the adjoining property to the west;
- A matter of right re-subdivision would require the demolition of these pre-1958 buildings and the loss of two dwelling units; and
- Results in a continued inherently provocative condition among separate owners of these three lots, which recently resulted in several years of litigation (primarily because the exceptional shape of these lots did not align with the actual appearance and use thereof). Subdividing the lots will resolve the L-shaped configuration on the deeds, which deviates from how the lots have been used for decades.
- The severity of the variance requested may be considered in the ‘practical difficulty’ argument. The severity of relief requested here is negligible.

The Applicant Meets the Standards for Area Variance Approval

Criteria	Project
Relief Can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan.	• The resulting buildings will not exceed any special exception limits on their individual lots, and the number of units provided will be the same as is already allowed. • The lots, which are already legally nonconforming in lot dimensions, will simply be adjusted to fix the lot lines, make standard rectangular lots, in alignment with the actual appearance and historical use of the separate lots. The width of the lots will not change, and the width of the existing buildings will not change. • The potential density for the overall property will be adjusted in a way that not only solves the practical difficulties, but is also beneficial to the adjacent property to the west. The proposed additions will move away from adjoining properties to the west, to the corner lot, where there is ample sun, light, and adjacent open space. • The Applicant enjoys unanimous support from ANC 5F, as well as six (6) support letters from the surrounding community, including the adjacent neighbor to the north at 2806 5th St., NW.

The Applicant Meets the General Special Exception Requirement of X-901.2

Criteria	Project
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.	• The proposed uses are permitted by right in the zone. The requests for 10-foot rule relief are limited to 12 feet and 15 feet. The rear yard request mirrors a side yard as the building will appear to ‘front’ on 5th Street. • The relief will not result in any undue impact on light, air, or privacy, nor result in any visual intrusion to the character, scale, and pattern of houses along 5th Street or Franklin Street.

The Applicant Meets the Specific Special Exception Requirement of E-5201

(10-Foot Rule, Lot Occupancy and Rear Yard)

Criteria	Project
5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically: (a)The light and air available to neighboring properties shall not be unduly affected;	As demonstrated by shadow studies, the respective additions and requests for the: (1) 10-foot rule (2 feet, 2 feet, and 15 feet); (2) lot occupancy (69%, 70%, and 70%); and (3) rear yard (6 ft. proposed for 2804 5th), will not unduly affect the light and air to neighboring properties. Applicant enjoys the support of the immediate neighbor to the north at 2806 5th.
(b)The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;	The specific request for rear yard relief still provides 6 feet between the adjacent neighbor to the north and while there are a few windows, they are small windows located in such a way as to not provide any direct views into neighboring properties. 2806 building is perpendicular so it reads as a side yard in that context.
(c)The proposed addition or accessory structure, together with the original building, or the new principal building, 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 street or alley frontage;	The rear additions for the 418 and 422 lots will not be visible from any public ways. The 2804 5th Street addition has been designed to mirror the existing bulk with open space along 5th Street and ‘bays’ on the property to replicate the existing conditions. Further, it has frontage along 5th Street and the rear yard will appear to be a side yard.

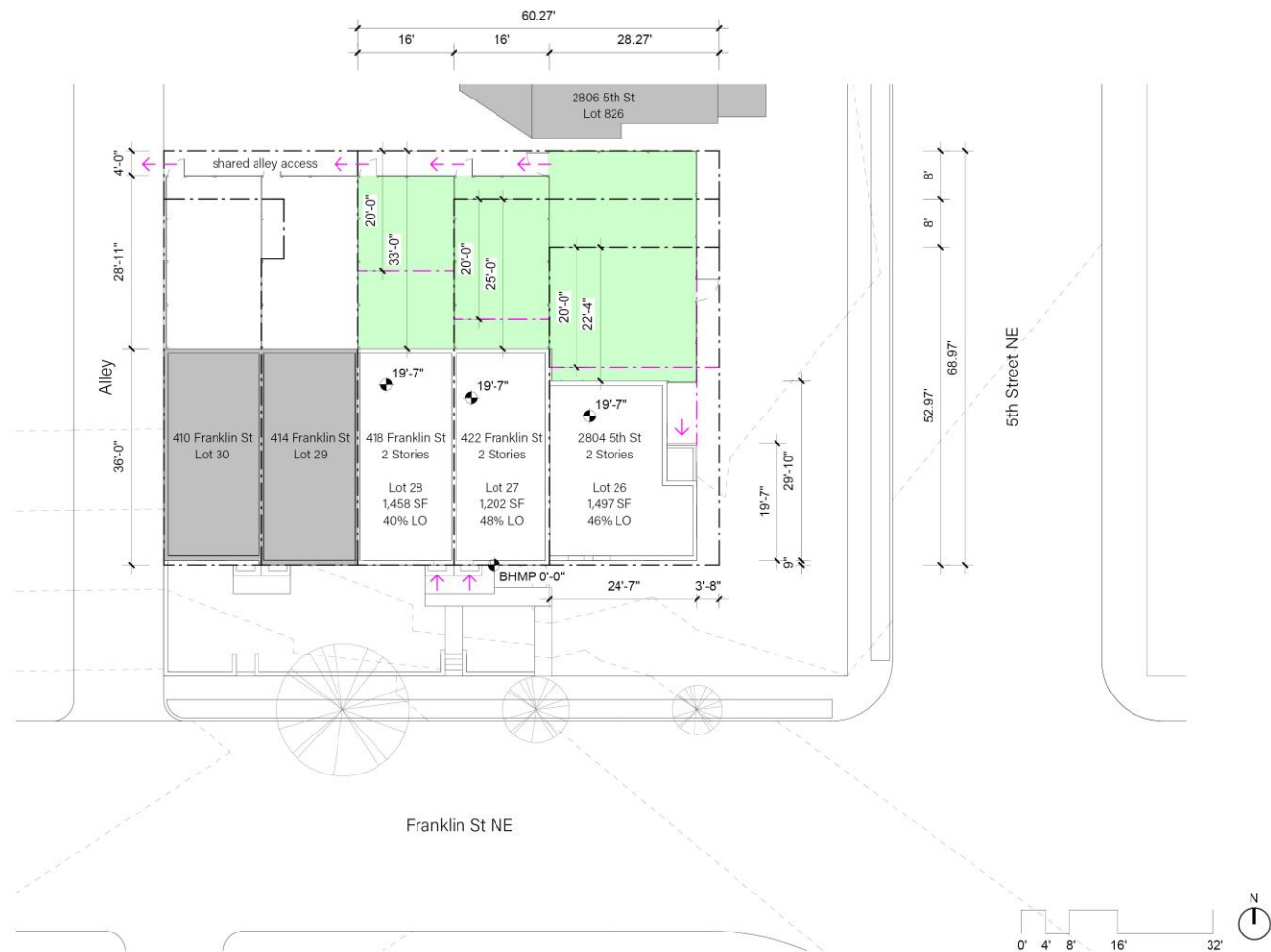
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418-422 Franklin St NE & 2804 5th St NE
Zoning Relief Application

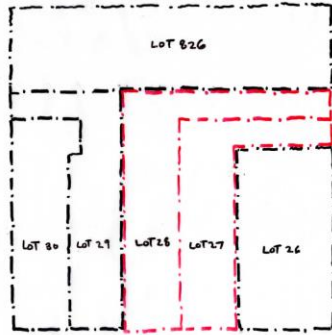
Hearing Date: 2/5/25



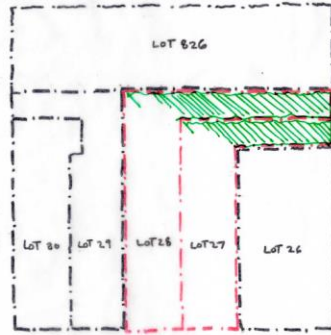
Relief	418 Franklin St NE	422 Franklin St NE	2804 5th St NE
Area Variance (Lot Area & Lot Width)	✓	✓	✓
<i>Special Exception E-5201</i>			
10-Foot Rule	✓	✓	✓
Lot Occupancy (up to 70%)	✓	✓	✓
Rear Yard			✓

EXISTING SITE PLAN

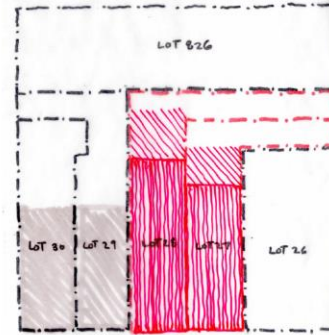




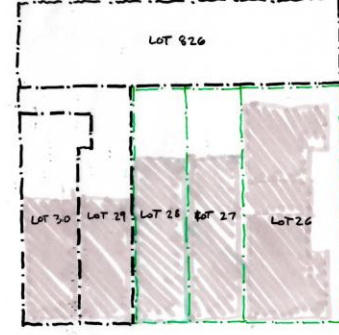
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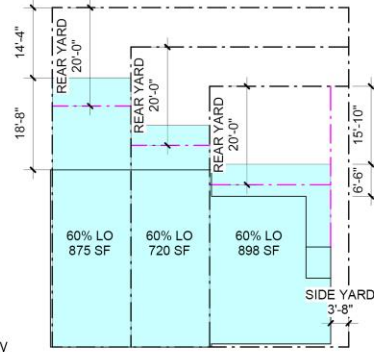
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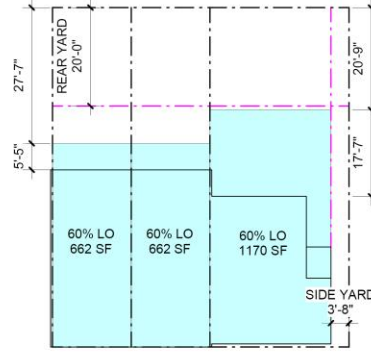
Existing Lots



60% Lot Occupancy

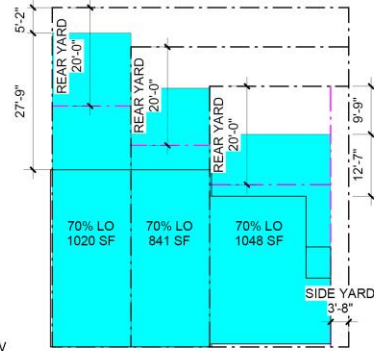
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Lot 28	Lot 27	Lot 26
1,458 SF	1,202 SF	1,497 SF

Rectified Lots

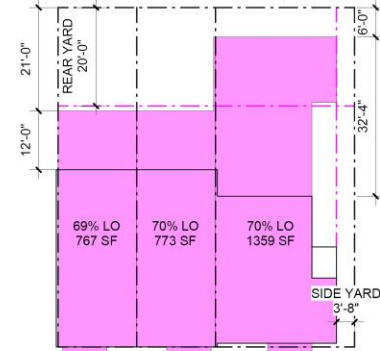
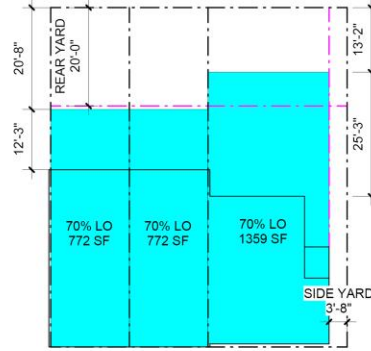


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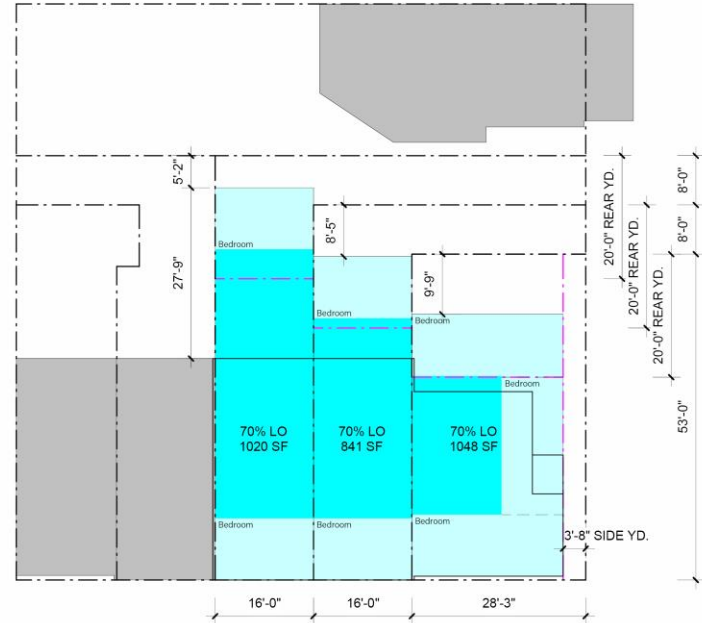
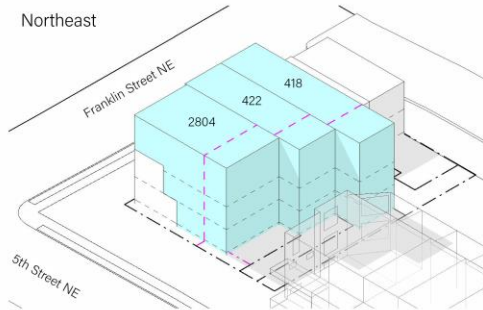
Proposed



70% Lot Occupancy

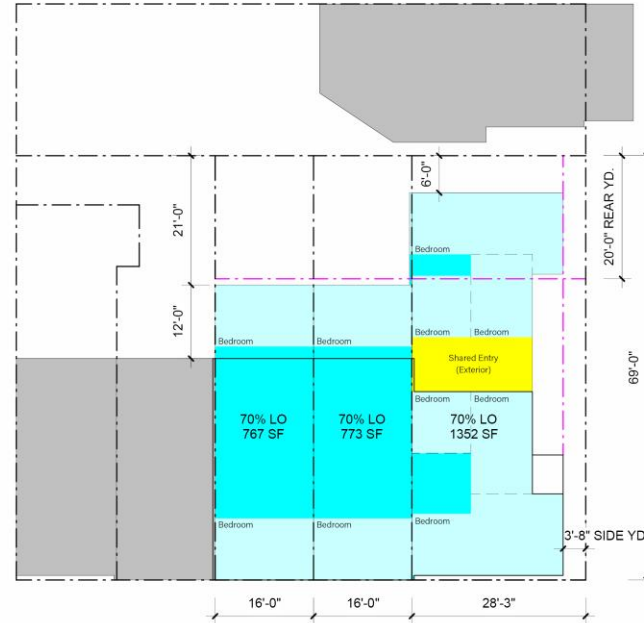
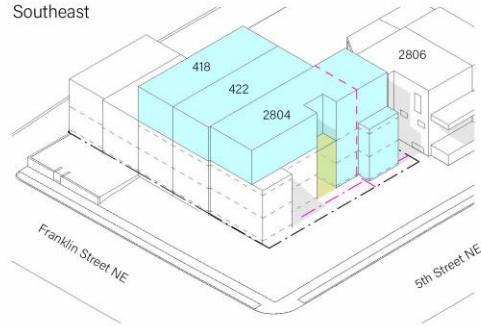


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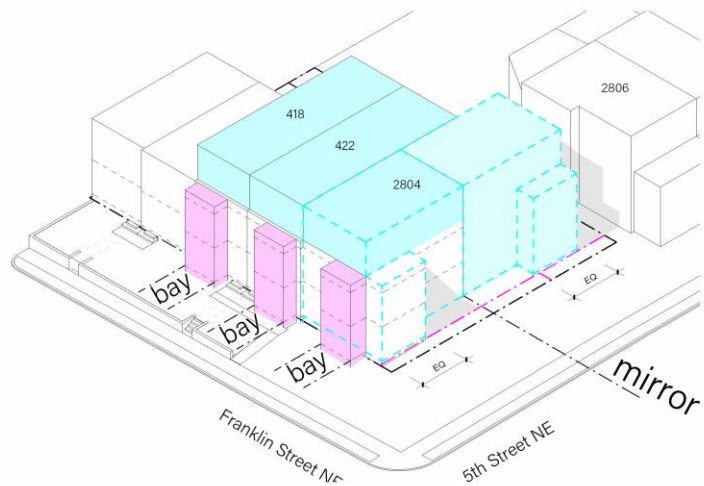
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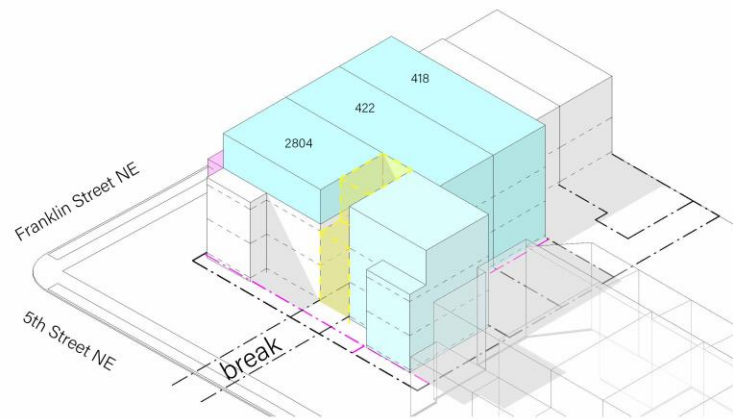


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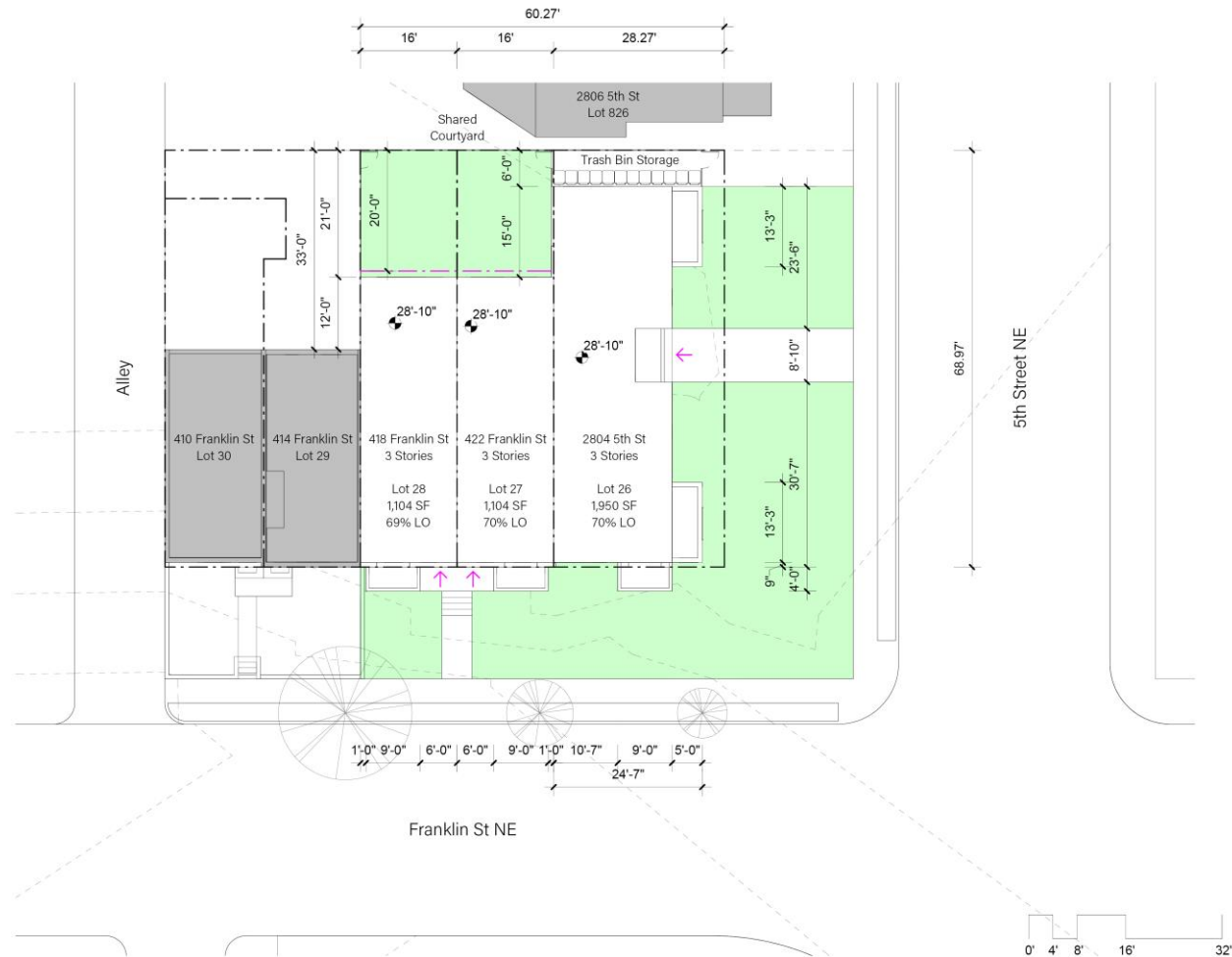
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Northeast



PROPOSAL
SITE PLAN



EXISTING
PERSPECTIVE VIEW



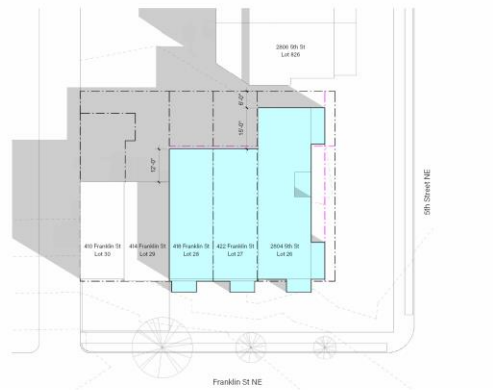
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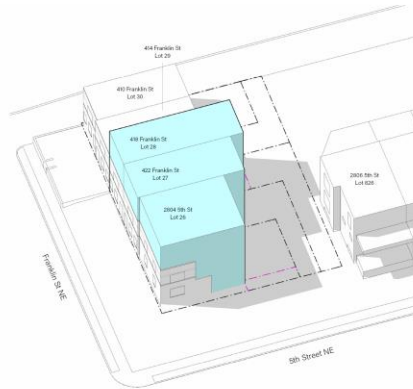
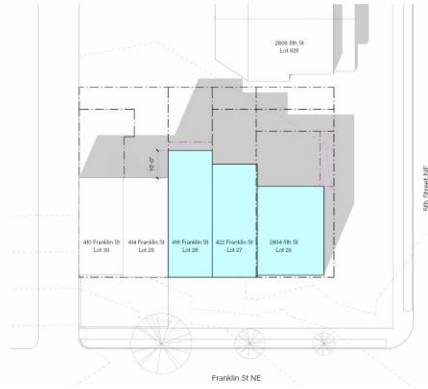
BY RIGHT



PROPOSED



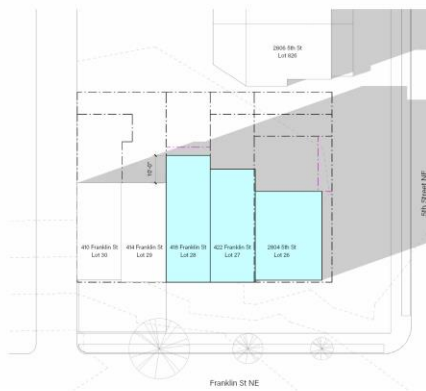
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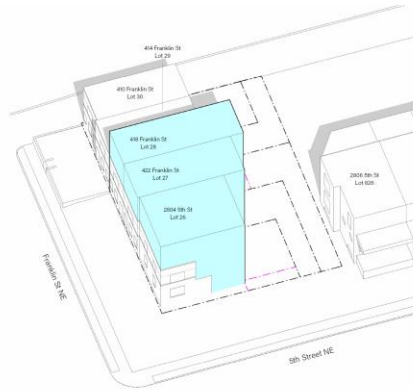
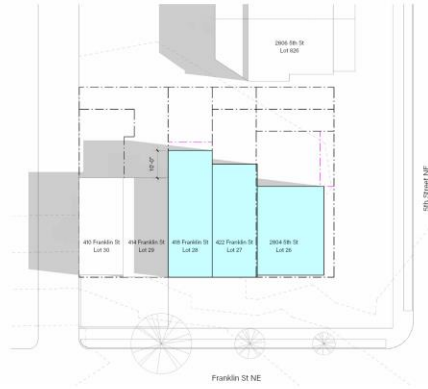
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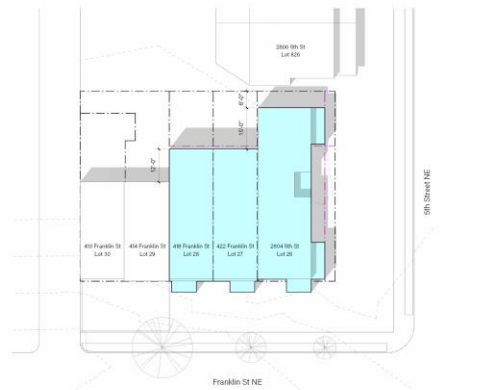
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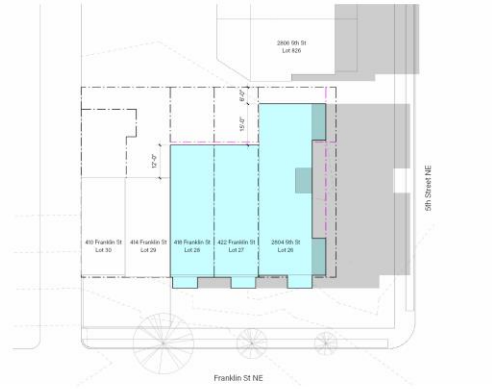
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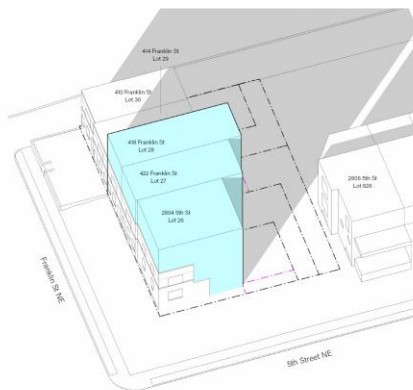
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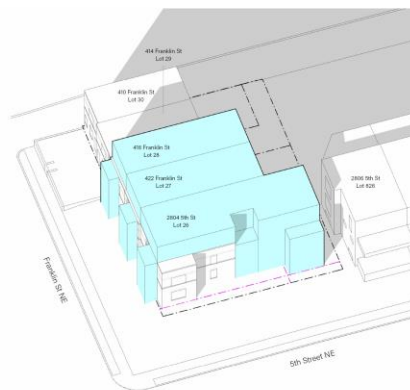
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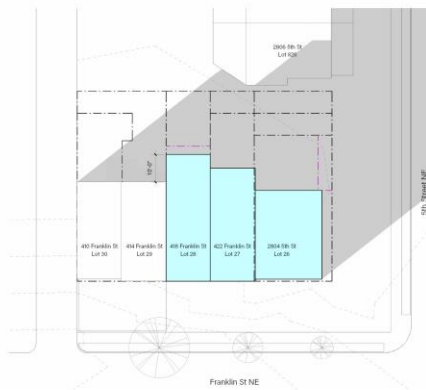
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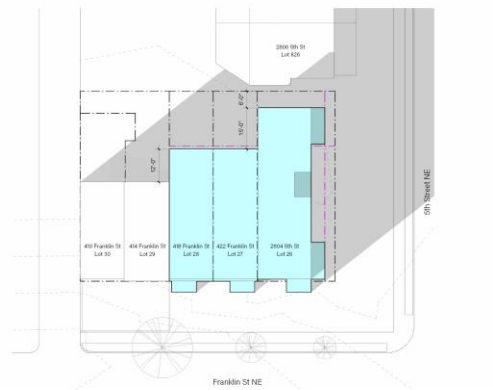
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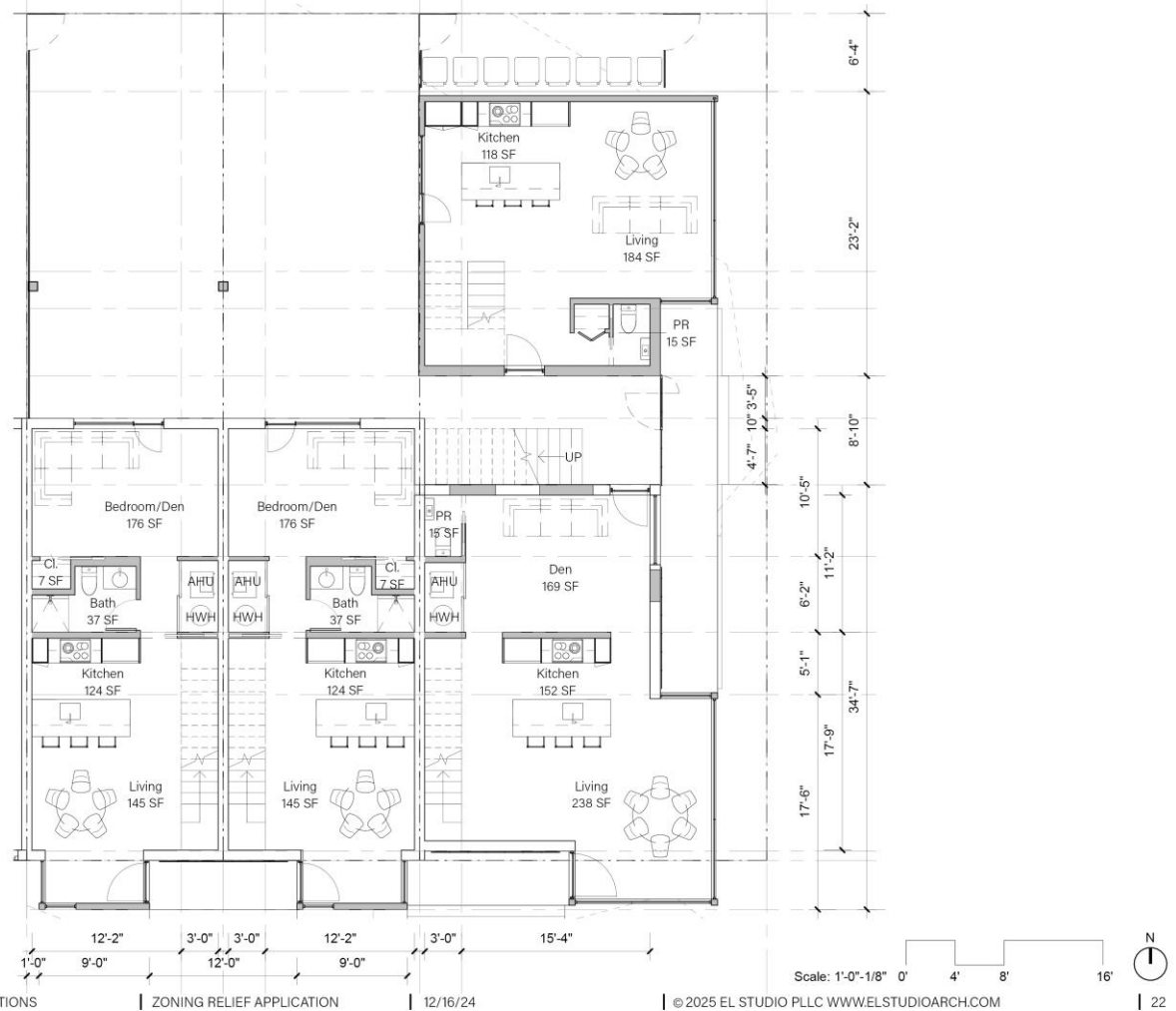
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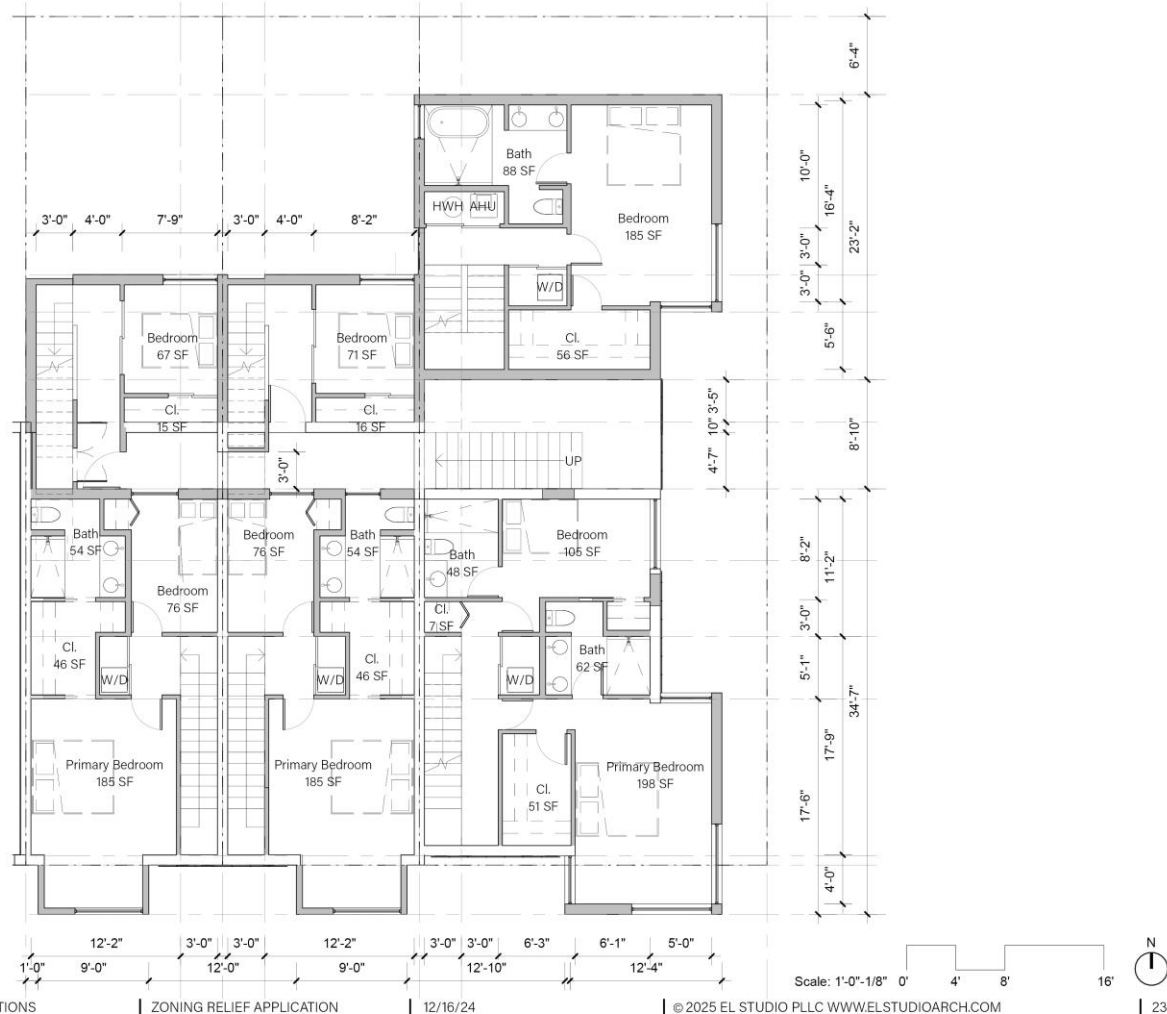
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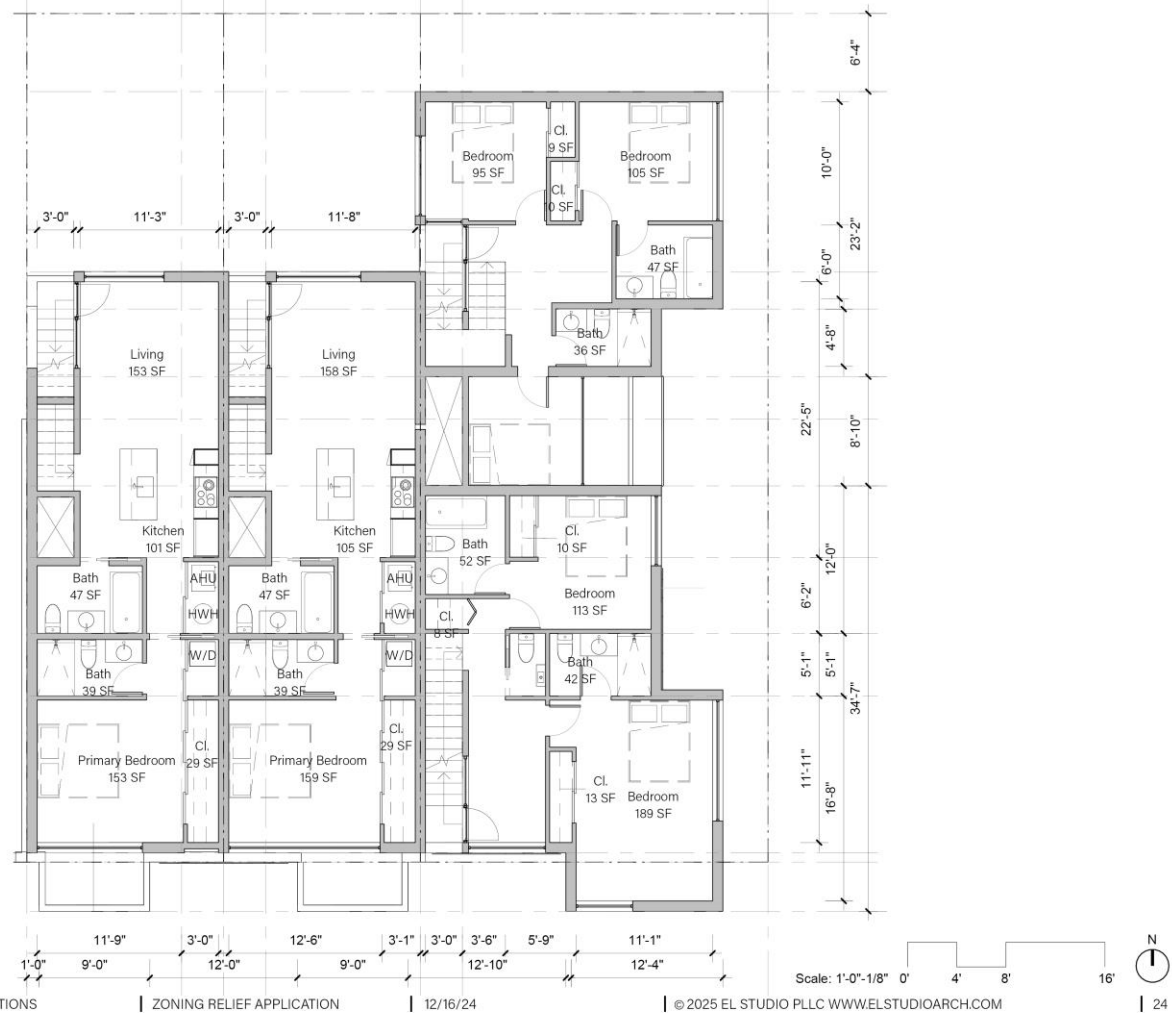
FLOOR PLAN
LEVEL 1



FLOOR PLAN
LEVEL 2



FLOOR PLAN
LEVEL 3



FLOOR PLAN ROOF

