

3125 Warder Street NW Statement of Existing and Intended Use

3125 Warder Street NW is in Square 3049, Lot 035 in the RF-1 Zoning District. The existing two-story row house was permitted in 1912 on a 1,400 s.f. lot (0.0321 acres) and currently has lot occupancy of 81% (1,140.28 s.f.) which includes the primary structure, a 1923 addition of a breakfast room (see attached permit) and an accessory attached one-car garage (205 s.f.) accessed from the alley. That structure has no permit record and is scheduled for demolition as part of this project.

The proposed renovation project is within the existing footprint of the 1912 and 1923 permitted primary structures. The existing primary structure has an existing rear yard setback of 8.70 feet which is less than the 20'-0" required in the 2016 code revision. All of the primary structures on the 3100 block of Warder Street NW north of the subject property cannot meet the required setback.

The existing lot occupancy of 81% is being reduced to 66.7% with the demolition of the one-car garage (205 s.f.). A further reduction is outlined below to 64.7% lot occupancy.

Special Exception Request Burden of Proof

The 2016 Zoning changes created multiple non-conformity issues on the property:

- 1) increase of lot minimum lot area to 1,800 s.f.
- 2) reduction of the lot occupancy to 60%
- 3) increase to a 20 foot setback.

Lot Occupancy

The existing lot coverage of the house is 81% on a 1,400 s.f. lot area. Per Section 202 Lot Dimensions, 202.1 the minimum lot area for a row structure is 1,800 s.f. making the existing 1,400 s.f. lot a substandard lot as defined in Subtitle C, §301.2. The 81% lot coverage consists of

- 1) the original 1912 permitted construction,
- 2) a permitted 1923 addition for a breakfast room, and
- 3) an accessory-attached garage.

This lot area non-conformity exists on all lots north of 3125 Warder Street NW, all of which are substandard, as outlined in Table "E". The proposed renovations will reduce the lot coverage non-conformity to 64.7%, within the bounds of the original footprint of the 1912 and 1923 permitted primary structure (66.7%). Further, the 64.7% lot coverage

is within the 70% lot coverage limitations as set forth in Subtitle E § 5201.1(a) permitting Special Exception relief from the Lot Occupancy restrictions of Subtitle E § 210.1. The pre-1947 permitted house with a lot coverage of 66.7% should be grandfathered in. A further reduction would be a hardship that would require demolition of a portion of the permitted primary structure and would be out of character with the existing houses to the north all which have over 60% lot occupancy on the same size substandard lots (1,400 s.f.) (Lots 35,36,37,38,39). In addition, in the same Square (3049) the lots on Kenyon Street NW are also 1,400 s.f. and are in excess of 60% lot occupancy. The proposed lot coverage of 64.7% should be allowed since it falls within the special exception relief guidelines as it is a principal residential building on a non-alley lot and was permitted pre-1947.

Rear Yard

The existing rear yard is 8'-11" from main structure and 3'-1" from covered porch. To meet the required rear yard of 20 feet (Section 207 Rear Yard, 207.1 Table 'E') would require demolition of a portion of the existing 1912 row house. This again is a hardship created when the 2016 code revisions were created based on an 1,800 s.f. minimum lot size. The cross alley in Square 3049 reduces the lot sizes of Lots 35-39, making them non-conforming. In addition, built-out lots 36-39 do not meet the rear yard requirements and several have been renovated recently including Lot 36. The applicant is improving the rear yard setback in the renovation from 3'-1" to 7'-9". While the lot doesn't fall within the rear yard setback requirements, since it is a substandard lot, Subtitle E § 5201.1(b), allowing for special exception relief of yards, including alley centerline setback should be applicable. Furthermore, Subtitle E § 207.3 allows for an addition to a building into the required rear yard if that addition is limited to the portion of the rear yard included in the building area on or before May 12, 1958. Since the breakfast room permitted in 1923 and existing to this day meets those requirements and the new addition is smaller than the existing footprint, leaving the rear yard larger than what currently exists, relief should be granted.

Front Porch Reduction

The existing front porch, permitted with the original 1912 primary structure is being altered in the proposed renovation by allowing for front yard access to the basement. The porch will be shortened by 4 feet to allow for access with the minimum 80 inch headroom clearance and also allow for natural light into the basement. The reduction of the front porch has been studied within the existing 3100 block of Warder Street NW. The following properties have adjusted or removed their front porches (3121,3119,3117,

and 3109 (removed). On the west side of the street 3114 has removed the front porch. (see attached images).

Questions and Responses

1. Exhibit 1: Form 120 – Original Application. Application must comply with the requirements of Subtitle E § 204.3(d). Applicant may choose to provide a certification by checking the appropriate box under the Waivers section of the Form 120 – Original Application, if appropriate. *The box was selected on Form 120.*
2. Exhibit 6: Burden of Proof. Pursuant to Subtitle Y 300.8(e), the submitted document must address the relevant standards of review, Specifically Subtitle E § 5201.4(a), (b), (c), and (d), as well as Subtitle X § 901.2(a), (b), and (c), and Subtitle X § 1002.

Regarding Subtitle E §5201.4 (a), the neighboring houses extend beyond our proposed boundaries. Their windows only face rearwards, since we are making our overall footprint smaller than the current footprint, this will have zero impact on air or light available to the neighboring properties.

Regarding Subtitle E §5201.4 (b), the neighboring properties extend beyond our proposed boundaries. They have no windows facing our home. Our overall footprint will be smaller than adjacent properties, so there will be no infringement on the use or enjoyment of those properties.

Regarding Subtitle E §5201.4 (c), the new design will have higher roof and wall insulation than the current property, so noise will be reduced, if impacted at all.

Regarding Subtitle E §5201.4 (d), the neighboring houses do not have backyards that extend beyond our property lines, and thus will not be impacted. The front yards will have no change since we are only removing a portion of the porch.

Regarding 901.2 (a), the proposed work will be in harmony with the surrounding properties by maintaining the current zoning regulations and zoning maps. The front and rear setbacks will remain in compliance with zoning. Building height will not be altered. The proposed work won't have an impact on the zoning maps. The proposed work will put our home in better compliance than its current state and be in better compliance than many of the surrounding properties.

Regarding 901.2 (b), the neighboring properties extend beyond our proposed boundaries. Our house will be a smaller footprint, therefore there will be no adverse impacts on the neighboring properties

Regarding 901.2 (c), the proposed work will meet any special conditions specified in this title.

By complying with the harmony and use of the neighboring in accordance with the zoning regulations and zoning maps.

Per 1002.1, without a special exception, per Subtitle X § 1000.1, any efforts to remodel our home will contribute to lost space. When our home was purchased in 2015, the lot coverage was 80%, we are reducing that by 15.3% to 64.7%. This is less than what should be required to be grandfathered in since 66.7% of the property was permitted on or before 1923. We have an exceptionally small lot size that is no longer allowed by the codes. We are trying to help achieve two of DC's purported goals of additional housing and carbon neutrality by creating a rentable basement unit and by adding solar panels which are only possible with the addition of a pop-up. We need to adjust the porch width to allow for enough head clearance to enter the basement unit. Without a special exception, we are left unable to achieve our goal of solar power and with a smaller home simply for having a smaller lot and needing to make renovations to a structure and addition built over one hundred years ago.

3. Exhibit 8: List of names and mailing addresses of the owners within 200 feet. A 200 ft Radius and Tax Map Request Form should be requested from The District of Columbia Office of Tax and Revenue, Real Property Assessment Division, Maps & Title, and should be submitted with the application. *The requests have been submitted and fees have been paid*
4. Exhibit 9: Letter of Certification. Application must comply with the requirements of Subtitle Y § 300.5, which requires a "certification signed by the representative that they have read the Board's Rules of Practice and Procedure". *This form has been signed. The acting agent is David Delgado.*
5. Statement of Public Outreach. Application must include a Statement of Public Outreach in compliance with Subtitle Y § 300.8(l), which reflects efforts to apprise the affected Advisory Neighborhood Commission. *This will be completed.*
6. Certificate of Service. Application must comply with the requirements of Subtitle Y § 300.11 which requires "certificate of service demonstrating that a copy of the application and all accompanying documents have been served upon: (a) The Office of Planning; and (b) The affected ANC". *The certificate of service has been uploaded*
7. Exhibit 11: Form 135 – Zoning Self-Certification. Applicant is requesting Area Variance from the Lot Occupancy requirements of Subtitle E § 210.1, with a proposed Lot Occupancy of 64.7%; however, Subtitle E § 5201.1(a) permits Special Exception relief from the Lot Occupancy restrictions of Subtitle E § 210.1, allowing up to 70%. Applicant should elaborate on the requested relief in the submitted Burden of Proof or if relief is not certain, Applicant should seek a Referral Memorandum from the Department of Buildings Office of the Zoning Administrator which will list all necessary and proper relief. *We have updated all documents to a Special Exception Relief Application.*
8. My colleague Don Andrews flagged the rear yard setback, and you have referenced it in your Burden of Proof. It may be a good idea to add a supplemental statement referencing E-207.3 and how it's applicable to this application. This would help make all the context clear for the

Board. I did note the 1923 building permit – thank you for adding that to the record! *We have added the reference.*