

January 13, 2015

1119 Allison St. NW
Washington, DC 20011

Office of Zoning
Secretary of the Zoning Commission
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

RE: Case No. 14-11

Dear Sir/Madam:

I have been a resident and homeowner in the District of Columbia for over 11 years, and I live in an R-4 District in Ward 4. I am writing to express my support for your proposal to change the zoning regulations to limit pop-up developments in R-4 Districts. While I generally support the proposal, I feel strongly about the sections discussed in more detail below.

Amendments Pertaining to Maximum Height

I support the proposal to reduce the maximum height in R-4 from 40 feet to 35 feet as a matter-of-right. Many pop-up developments are taller than existing homes in the neighborhood. This height differential reduces light and air to adjoining properties and may decrease the rate at which snow melts from the roofs of adjoining properties, which could cause damage to flat roofs. I support allowing an increase to 40-feet by special exception provided the upper addition does not have a substantially adverse impact on the use and enjoyment of adjoining properties. An adjoining property owner should be permitted to present evidence to the Board of Zoning Adjustment if such owner believes the upper addition would have a substantially adverse impact on the use and enjoyment of his property.

Amendments Pertaining to Conversion of Structures in R-4 Districts to Apartment Houses

I strongly support the repeal of §330.5(e) to prevent residential structures in R-4 Districts from being converted to apartment houses. I do not believe this provision should be retained under any circumstances. While I understand the desire for flexibility, the result of retaining this provision would be a continuation of pop-up construction in rowhouse neighborhoods. Developers have found a loophole in the current zoning regulations that has allowed them to convert rowhouses to multifamily units as a matter-of-right. I urge you to close this loophole by eliminating all conversions of residential structures to apartment houses in R-4 and not grant any relief by special exception.

I support the inclusion of new §336, especially the prohibition on converting a rowhome to an apartment house (§336.2). The conversion of a rowhouse to an apartment house is out of character with other rowhomes on the block. Moreover, such conversions could result in structural and other damage to adjoining properties. Many of the District's rowhomes are 80 to over 100 years old and cannot withstand the stress of additional load and changes to the foundation. I support a consideration of the effect any addition would have on abutting or adjacent properties (§336.4). Many pop-up developments severely restrict the light, air and privacy of neighboring properties. This is enormously unfair and damaging to nearby residents

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and undoubtedly has a negative impact on property values. An adjoining property owner should be permitted to present evidence to the Board of Zoning Adjustment if such owner believes the addition would have a substantially adverse impact on the use and enjoyment of his property.

I recommend two changes to §336. First, I suggest adding a requirement that any addition must not restrict an adjoining property owner from full access to his property. Second, I recommend reducing the lot occupancy requirement in §336.6 from 70% to no more than 60%. A maximum lot occupancy of 70% would result in little pervious surfaces on the property. It is important to retain pervious surfaces to reduce pollution and storm water run-off in the District.

The proposal allows special exception relief from the minimum requirement of 900 square feet per dwelling unit. I do not support this change because it would provide an incentive for developers to seek maximum profit by crowding multiple, small units into an apartment house on a lot too small to accommodate them. This would further reduce parking in many neighborhoods and increase density. Under no circumstances should OP and ZC permit a residential structure to be converted to an apartment house, especially if the minimum of 900 square feet per unit can be waived by special exception.

Special Exception Relief

I strongly recommend that any relief sought by special exception require input from adjoining property owners, the ANC and the community.

Closing Remarks

I am distraught by the number and scale of pop-up houses in the District. Developers of these pop-ups only are interested in financial gain and have no concern for the neighborhoods and residents. To them it is a pecuniary gain but to us, it is our homes. The existing zoning regulations did not intend for R-4 Districts to be apartment house districts. Yet, this is exactly the effect pop-up developments are having on R-4 neighborhoods. I live in an R-4 District in Ward 4, and there is a pending permit application with DCRA for a pop-up conversion of the single-family rowhouse next door. The developer wants to add a third level and build a rear addition of approximately 40-feet to convert the rowhouse into a three-unit condominium. The rowhouse is in the middle of the block. This could negatively impact the structural integrity of my home and the other adjoining property and would significantly reduce the light and air to our properties and others. Our rights to use and enjoy our properties would be eradicated, all in the name of profit for others who do not care about our community.

I commend OP and ZC for this effort to limit pop-up developments and urge you to act quickly. Every day that these changes are delayed results in more pop-ups and substantial negative consequences to property owners.

Sincerely,



Lyn Abrams
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