

February 21, 2018

Board of Zoning Adjustment
Office of Zoning
Washington, DC

RE: Use Variance for 400 Newcomb Street SE

To Whom it May Concern,

The owner of 400 Newcomb Street SE, Focus Works LLC, is applying for the following:

1. Use Variance pursuant to C, 204.1 for the modification of an existing nonconforming use (six-unit multi-family dwelling in the R-3 Zoning District) including the construction of a two-story rear addition (X, 1001.4.c).

It is my understanding that we must address three points of the “burden of proof” (X, 1002.1.b):

1. The physical characteristics of the property creates exceptional and undue hardship for the owner in using the property consistent with the Zoning Regulations (Use Variance);
2. Granting the application will not be of substantial detriment to the public good – i.e. traffic, noise, lighting, etc.;
3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.

Our responses are as follows:

1. There are several physical conditions of this property that using it in a manner consistent with the uses specified in an R-3 zone cause an undue hardship:
 - a. This building was marketed and sold to the Owner as a four-unit apartment building;
 - b. To reconfigure this building with less than four dwelling units would result in financial hardships for the Owner with regards to both the building’s value and as well as additional work related to the design of the spaces and reconfiguration required to convert it to having less dwelling units;
 - c. Upon initial observation, there were significant life-safety deficiencies along the shared party wall between 400 and 402 Newcomb Street SE. This wall did not possess the required fire rating and appeared to have electric, gas, and plumbing utilities passing through this wall without the required fire blocking. There also appears to be evidence that the stair of 402 Newcomb was built over the property line into the space of 400 Newcomb. The Owner purchased 402 Newcomb Street SE and is currently in the process of joining the two properties through a subdivision and for the sake of the building permit application and this BZA application, the property is identified as 400 Newcomb Street SE.
2. There are several reasons as to why granting this application will not be of substantial detriment to the public good:



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Board of Zoning Adjustment
District of Columbia
CASE NO.19732
EXHIBIT NO.16

- a. Prior to purchase, the properties of 400 and 402 Newcomb Street were used as four-unit and 2-unit apartment dwellings respectively. Through the subdivision and proposed building permit, this property becomes a six-unit condominium property. This change promotes homeownership and investment into the immediate neighborhood without affecting the neighborhood density and current levels of noise, traffic, and lighting;
 - b. In addition to this building, there appears to be at least 30 or more buildings located within a quarter-mile of this property that were designed and constructed as 4-6 unit multi-family dwellings (see image below). Granting this application will maintain the character of this neighborhood and be consistent with the uses of neighboring buildings;
 - c. The building, as it currently sits vacant, is in a state of disrepair. Granting this application will allow the Owner to upgrade the building's exterior improving the overall appearance to the neighborhood as well as upgrade the interior dwelling units providing newer, cleaner, and safer residences.
3. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map for several reasons:
- a. The property already exists as a 6-unit multi-family dwelling;
 - b. The general purpose of zone R-3 is "to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three (3) or more row dwellings". [2016DCMR 11-D300.6] The immediate block and surrounding neighborhood is primarily multi-family housing in buildings of similar size, shape, and scale (see image below). The site will maintain orderly development of low- to moderate density of residential area as outlined by the Zoning Ordinance of 2016 based on the following parameters:
 - i. Structure to remain at 2 stories (max height = 40 ft / 3 stories)
 - ii. Rear addition will comply with zoning requirements allowed by right
 - iii. Lot occupancy is within the allowable 40%
 - iv. The existing street frontage will remain
 - v. Four (4) off-street parking spaces will be added to rear of property accessed by public alley where there is currently no off-street parking offered on this site.

Please let us know if you have any questions or comments on these items.

Sincerely,



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