

May 5, 2018

To: DC Office of Planning  
Office of Zoning - BZA  
441 4th Street, NW, Suite 200S  
Washington, DC 20001

## Burden of Proof

3324 Sherman Av, LLC, owners of 3324 Sherman Ave NW, seek Special Exception for relief from the requirements of Subtitle E, Section 302.1, for converting existing 2 - Unit property to a 3 - Unit Apartment House. The lot is zoned RF-1, the existing 2 unit residential building was built in 1933 and has lot area is 3,229 sq. ft.

Per U § 320.2 conversion of an existing residential building to an apartment house with a greater number of units is permissible as long as certain conditions are met. Those conditions are outlined below, along with how the proposed project meets them.

### Per U § 320.2

*320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:*

- (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 a 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);*

Proposed height does not exceed 35 ft, with exception of a small portion near the center of the roof, a roof access penthouse, which rises an additional 4 ft. for a total height of 39 ft. Roof access penthouses less than 4 ft in height above main roof of roof parapet are typically not considered additions to building height.

- (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; (c) There must be*

*an existing residential building on the property at the time of filing an application for a building permit; (d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit; (e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;*

Existing lot area of 3,229 sq. ft allows for 1,076.33 sq. ft of land per dwelling unit proposed.

*(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;*

Care will taken as the design is completed to ensure that conditions are met. For example, measures will be taken to extend existing chimney along party line between 3322 and 3324 Sherman Ave NW.

*(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. For the purposes of this paragraph the following quoted phrases shall have the associated meaning: (1) "Significantly interfere" shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and (2) "Existing solar energy system" shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either: (A) Legally permitted, installed, and operating; or (B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*

There are no existing solar energy systems on adjacent properties.

*(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 rooftop architectural elements on all sides of the structure;*

There are no existing rooftop elements such as those described.

*(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: (1) The light and air available to neighboring properties shall not be unduly affected; (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (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;*

- (1) Neighboring properties will suffer no adverse effects. Light and air will not be impacted by additions.
- (2) Proposed design will have no impact on privacy, use or enjoyment of neighboring properties.

Great care has been taken in the design process for the project to maintain character of building street façade, for the reasons mentioned above and due to the nature of the façade, which is the mirror image of the adjoining building at 3322 Sherman Ave NW. A significant portion of the existing brick exterior wall will be maintained, as well as cornice and medallion detailing.

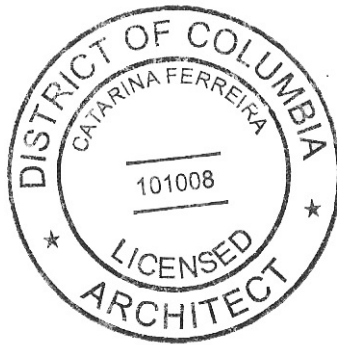
Alterations are localized, and third story addition as well as roof access penthouse are setback to further maintain continuity of character, scale, and massing as viewed from the street. Proposed third story occupies rear portion of building footprint, and building massing gradually steps up from front to rear. Several 3 story residential buildings, including much larger Apartment Houses currently exist on the same block and on neighboring blocks, and 3 stories are allowable without relief being required. Building size, height, and setback requirements are met in proposed design without relief being required.

We believe that the proposed development will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and require no further relief.

The proposed development will not tend to affect adversely the Public Good, as the alterations to the structure comply with the zoning regulations in terms of lot occupancy, setbacks, height, and parking requirements.

Only relief required is for making property 3 units instead of 2 as allowable by right.

Please do not hesitate to contact me with any questions or concerns.



Sincerely,

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