



1151 Oates Street, NE
BZA Application No. 19803
of 1151 Oates St NE LLC
July 25, 2018

Board of Zoning Adjustment
District of Columbia
CASE NO. 19803
EXHIBIT NO. 45

Overview

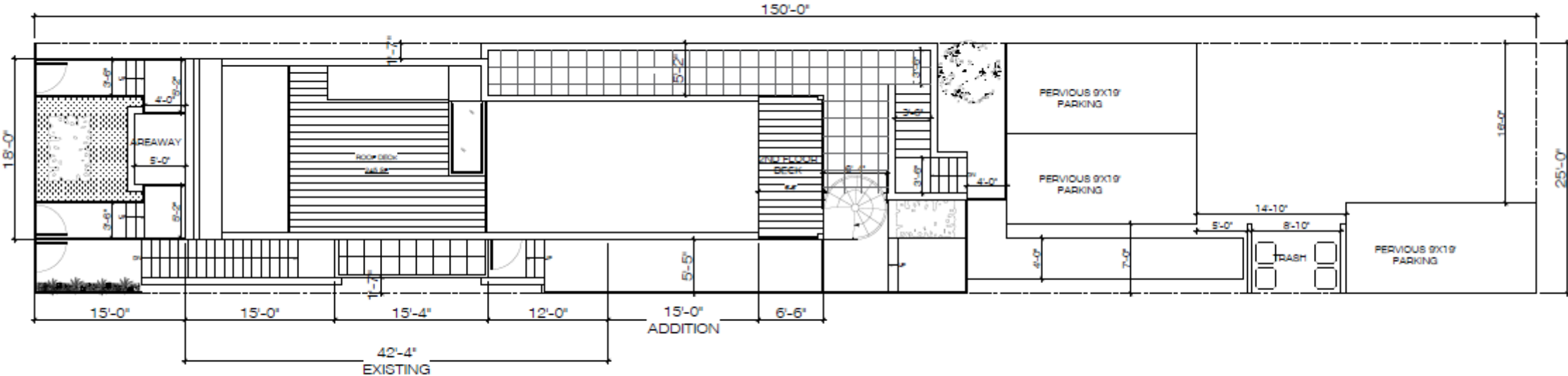
- Existing flat (2-Units); proposing to convert to 3 units and construct a 3rd story addition and 3-story rear addition
- Requesting special exception relief pursuant to U § 320.2 in order to convert the property to 3 units
 - As part of the conversion, the applicant is requesting a waiver from the 10 ft. rule- going an additional 5 ft. past the adjacent property at 1153 Oates Street, NE
 - Owner of 1153 Oates Street has submitted a letter in support
- Requesting special exception relief pursuant to E § 5201
 - Existing nonconforming side yards (1 ft. 7 in.); being extended upwards with the 3rd story addition
 - Need relief for the side yards and for extending an existing NC situation
- Office of Planning is recommending approval
- ANC is in support

Existing vs. Proposed

3rd Story addition is set back 3 ft.



Site Plan





General Special Exception Requirements of X-901.2

The granting of a special exception in this case “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 in accordance with the Zoning Regulations and Zoning Maps ...” (11-X DCMR § 901.2).

- Will not adversely affect the properties to the east or west;
- Owner of 1153 Oates is in support
- Will not extend more than 10 ft. past adjacent apartment building at 1149

Requirements of U-320.2

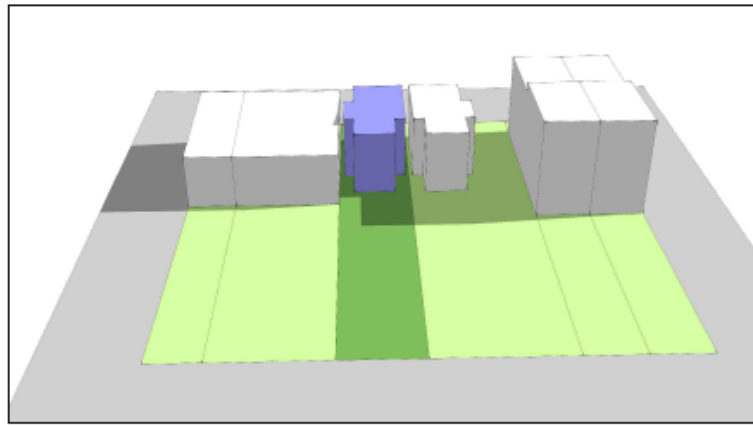
- (a) Limited to 35 feet in height; the addition is limited to 33 ft.
- (b) 4th dwelling dedicated to IZ; only proposing 3 units, IZ does not apply
- (c) Existing residential building at the filing; existing residential building on Property
- (d) Minimum of 900 square feet of land area per unit; Property has 3,750 sf.
- (e) Addition must not extend more than 10 ft. past rear wall of neighboring properties; Addition extends an additional 5 ft. past rear wall of 1153 Oates; less than 10 ft. past 1149 Oates Street
- (f) Addition shall not block chimney or vent; addition will not block chimney or vent
- (g) Addition shall not interfere with solar panels; addition will not interfere with solar panels
- (h) Original roof top architectural elements are not to be altered; setback addition 3 ft, keeping existing cornice, but removing dilapidated porch/porch roof and creating an additional entrance

320.2(i)(1):The light and air available to neighboring properties shall not be unduly affected;

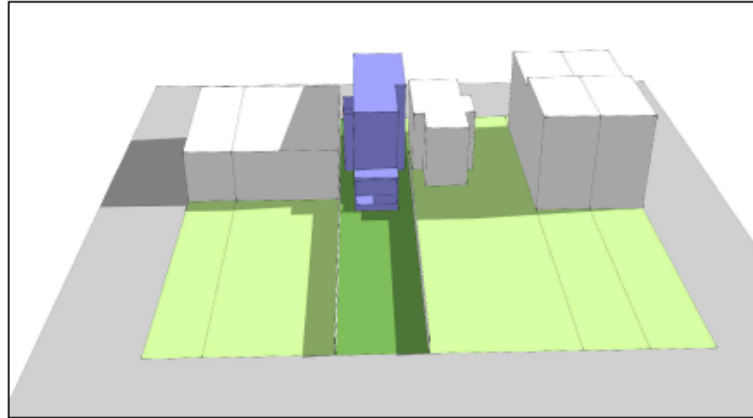
- Shadow studies on following slides show that any shadows created by the additional five feet would be on portions of the rear yard of the apartment building at 1149 Oates, which is primarily used for parking– the addition does not even extend more than 10 ft. past 1149 Oates
- Addition will extend 15 feet past the adjacent property at 1153 Oates Street
- Negligible difference between the impact of a matter of right addition and the proposed addition on 1153 Oates Street, NE
- Owner of 1153 Oates is in support

Shadow Studies

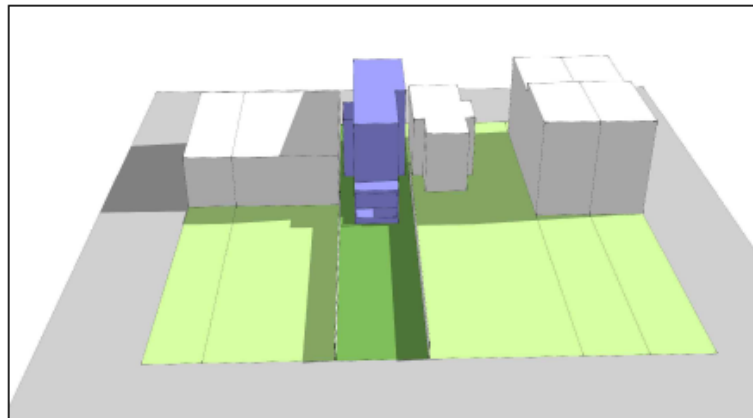
FALL- SPRING
@ 9 AM



EXISTING



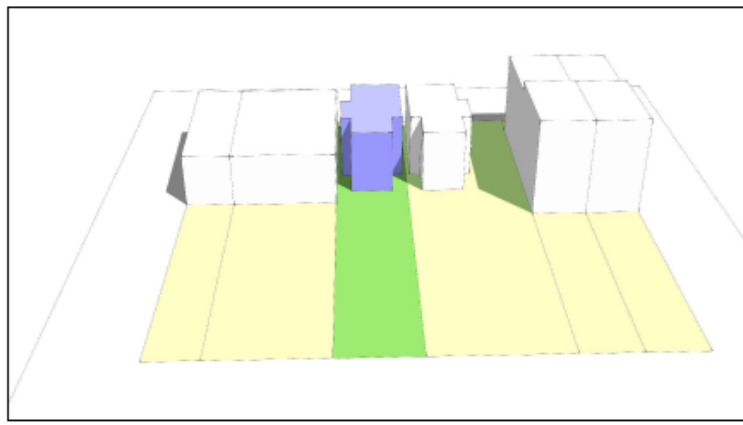
BY RIGHT
10' EXTENSION



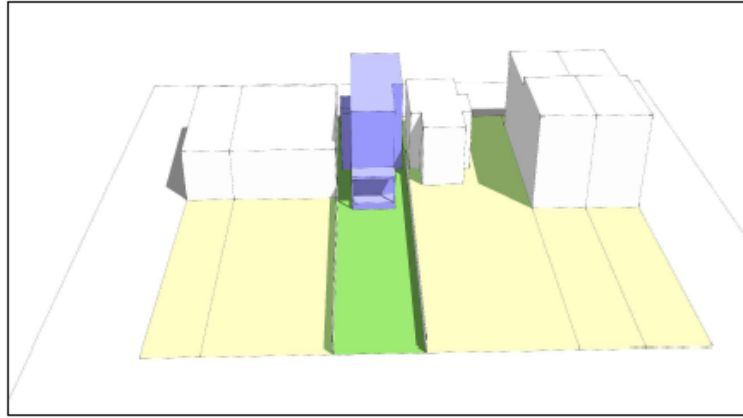
PROPOSED
15' EXTENSION



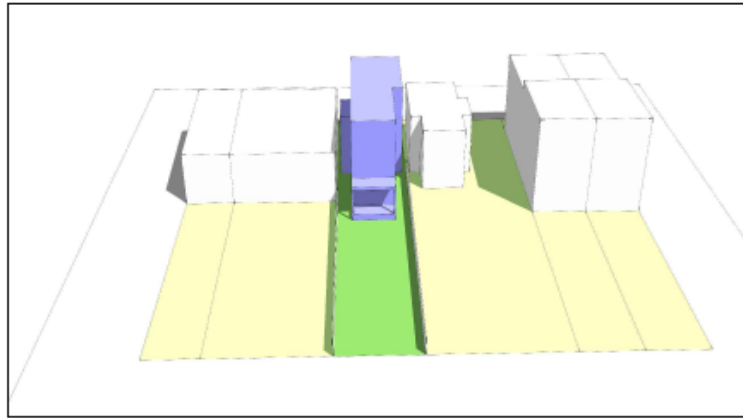
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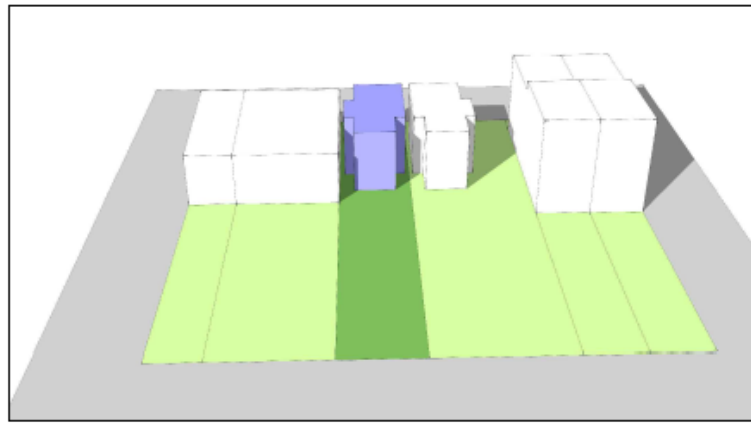
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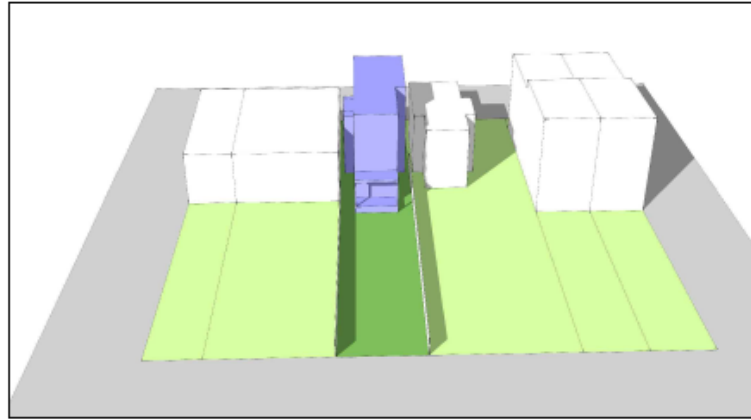
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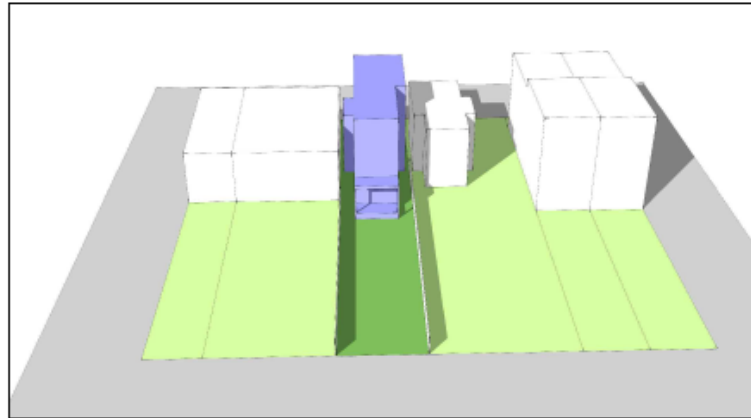
FALL- SPRING
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EXISTING



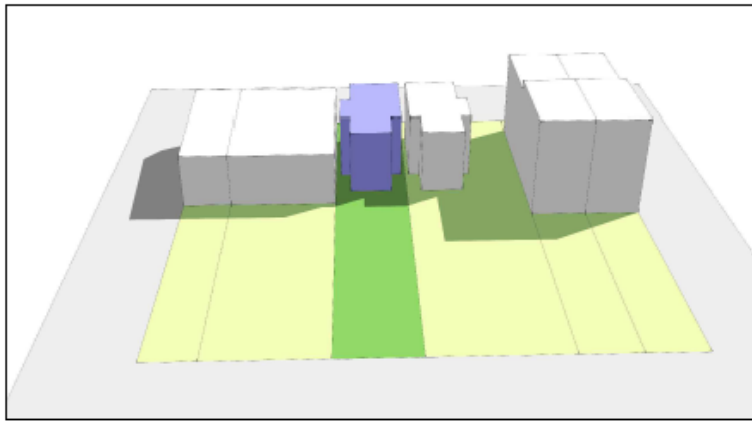
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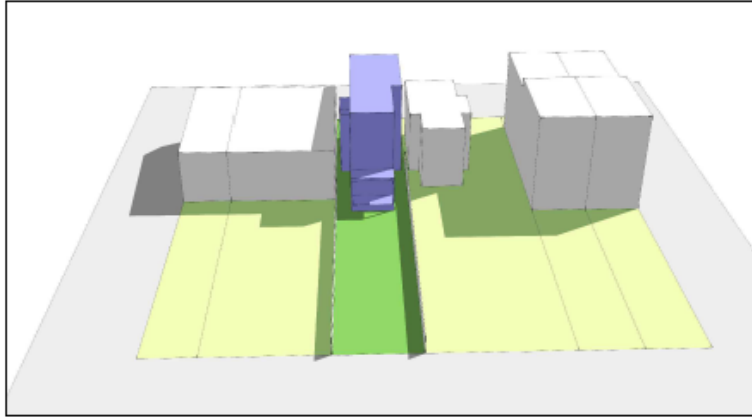
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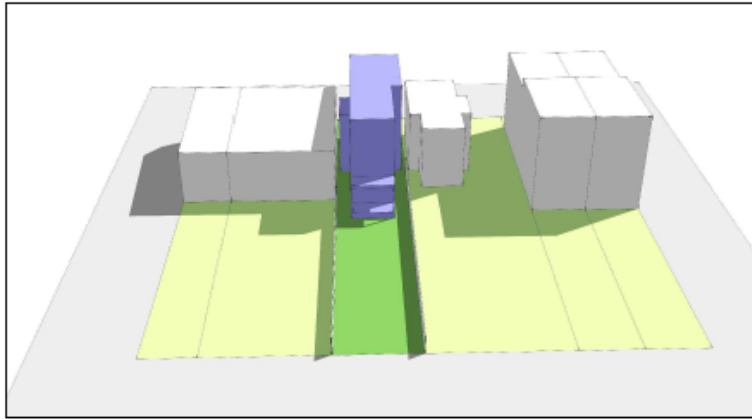
SUMMER
@ 9AM



EXISTING



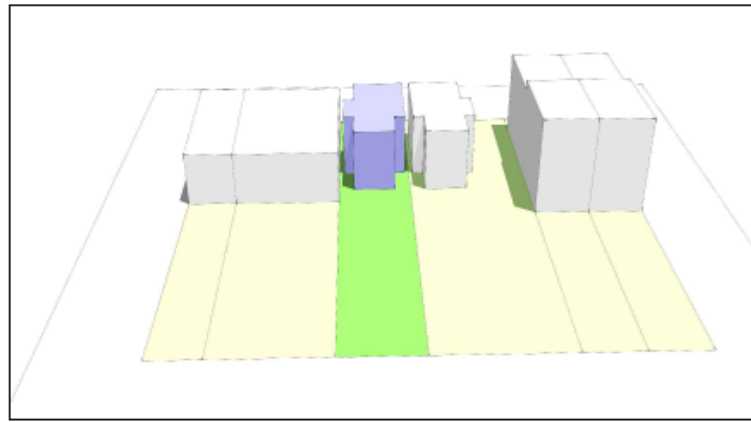
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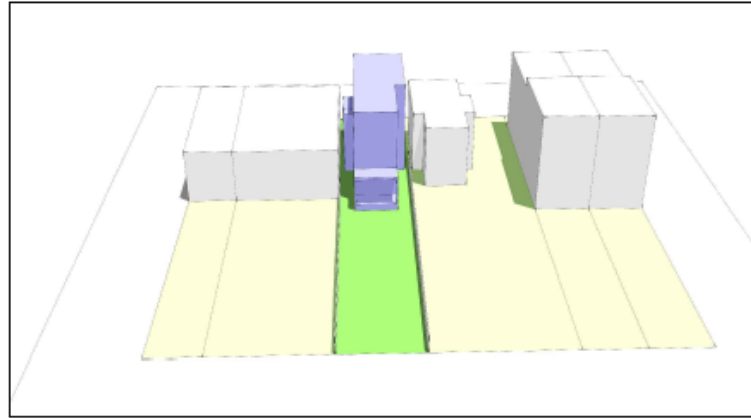
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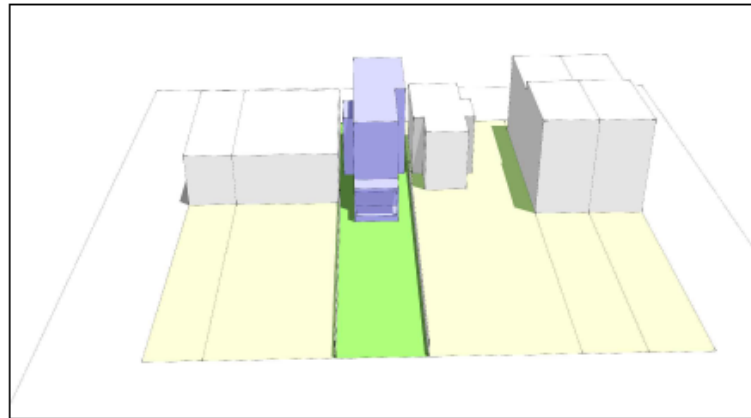
SUMMER
@ NOON



EXISTING



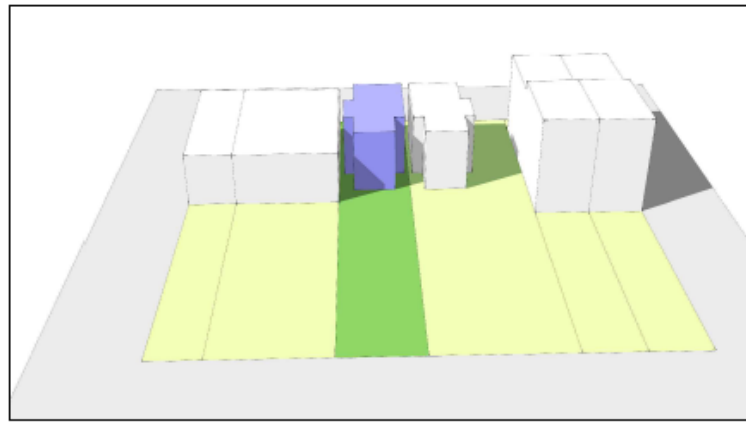
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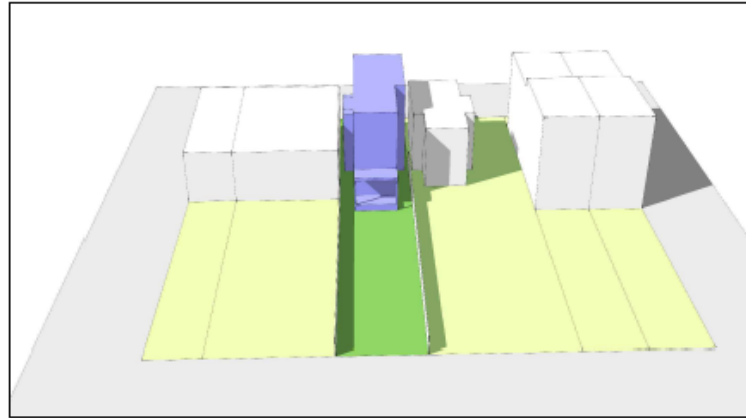
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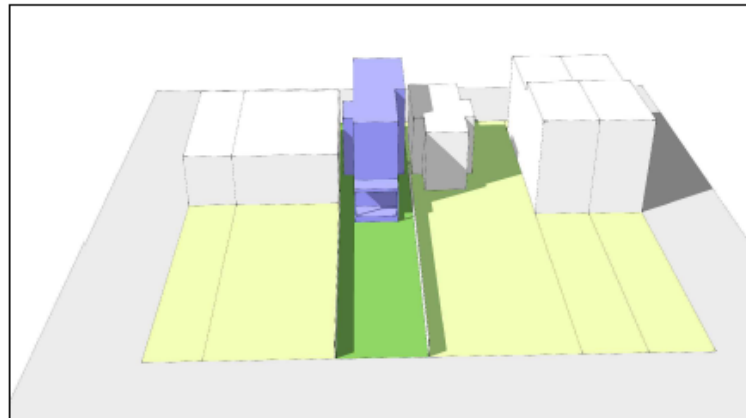
SUMMER
@ 3 PM



EXISTING



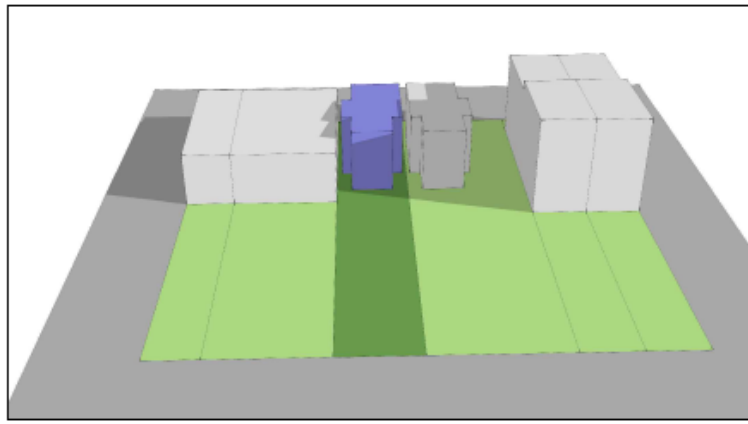
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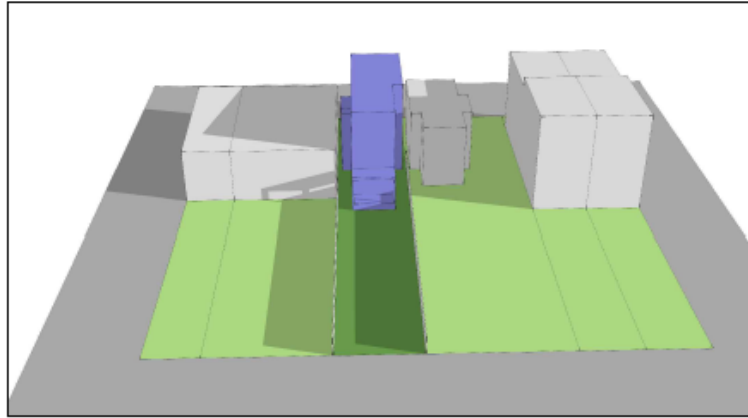
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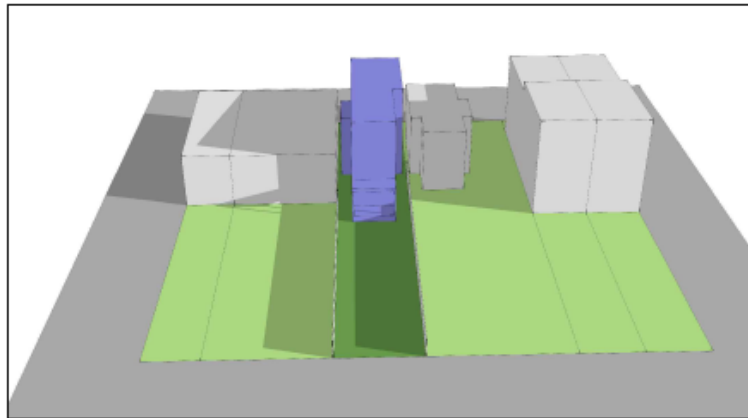
WINTER
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EXISTING



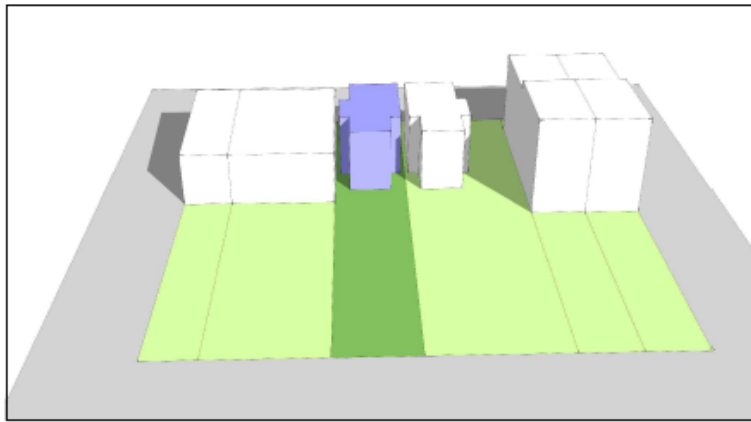
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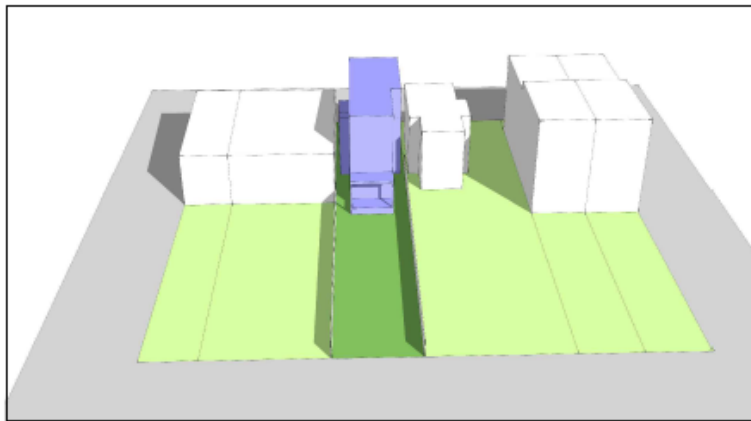
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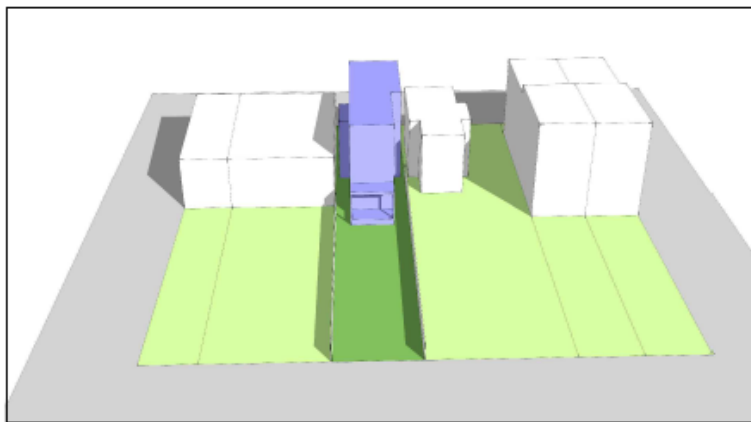
WINTER
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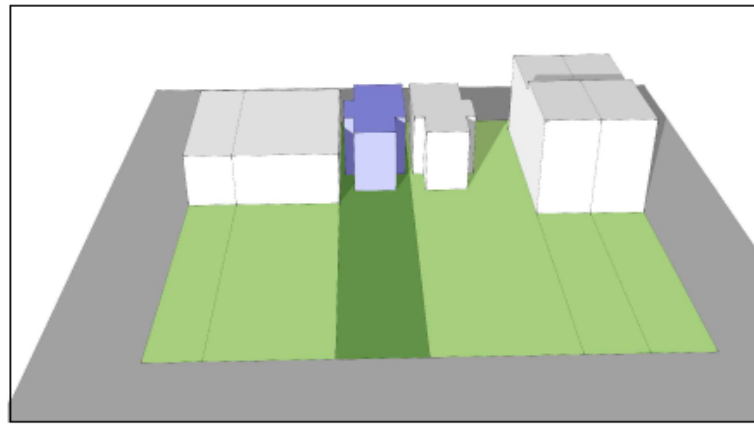
BY RIGHT
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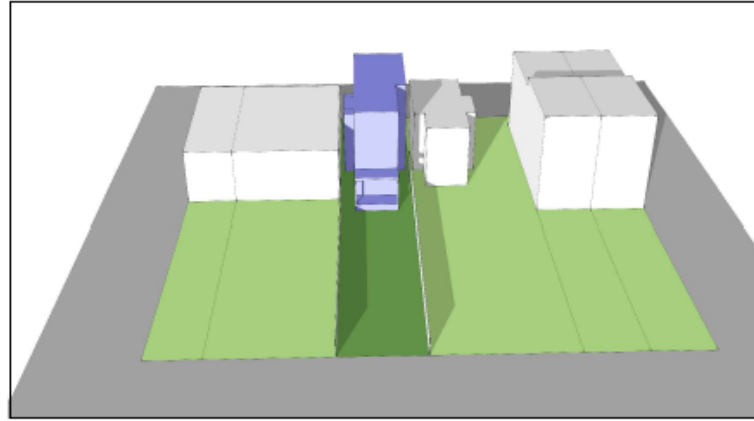
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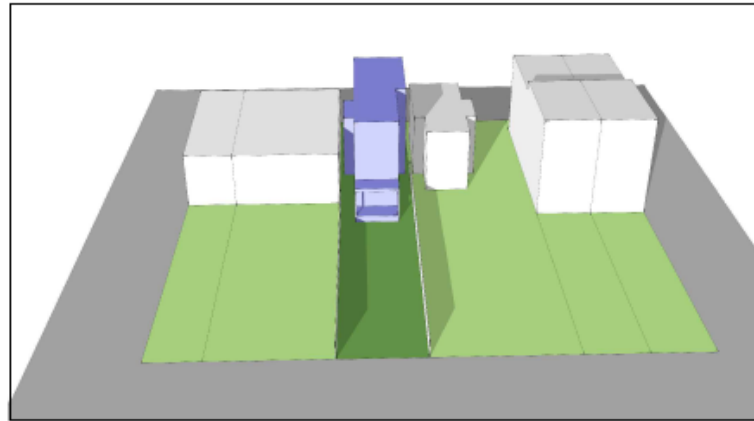
WINTER
@ 3 PM



EXISTING



BY RIGHT
10' EXTENSION



PROPOSED
15' EXTENSION



320.2(i)(2): The privacy and use of enjoyment of neighboring properties shall not be unduly compromised;

- Third floor addition would vertically extend the existing NC eastern side yard and would not have any windows along that side yard
- There are windows on portions of the third-floor and rear addition
- Those windows are setback at least five feet from side lot lines

(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;

- Addition does not substantially visually intrude upon the character, scale and pattern of houses along Varnum Street or the alley
- Addition is set back 3 feet
- Retaining the existing cornice



1153 Oates
Adjacent Building to the S/SE

1151 Oates
Subject Property

Apartment Building to the West/NW



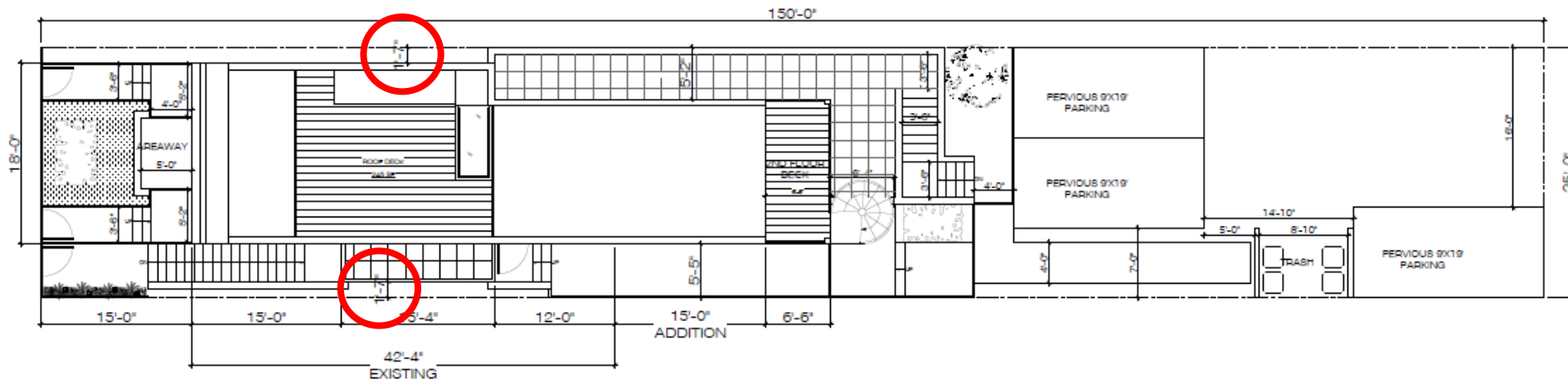
Subject Property

Photos of the surrounding area



Special Exception Relief pursuant to E § 5201

- Existing Non-Conforming Side Yards
 - Width varies, but at narrowest points, each side yard is 1 ft. and 7 in.
 - The third story addition is extending the nonconforming side yards (upwards)
 - Requesting relief pursuant to E-5201 from the minimum side yard requirements of E-307.4 and the limitations on enlargements/additions to nonconforming structures of C-202.2



Requirements of E-5201.3

- 5201.3(a): *The light and air available to neighboring properties shall not be unduly affected;*
- 5201.3(b): *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*
- 5201.3(c): *The addition or accessory structure, together with the original 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 subject street frontage;*
- Same requirements as U-320.2(i)
 - Shadow studies demonstrate that light and air available to neighboring properties will not be unduly affected
 - Only proposed windows are separated at least five feet from side lot lines
 - Addition is setback three feet so as to not visually substantially intrude upon the character scale and pattern

Requirements of D-5201.3

5201.3(d): In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways

5201.3 (e): The Board of Zoning adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%)

- The applicant has provided plans, photographs, and maps to demonstrate the relationship of the accessory structure to adjacent buildings and views from public ways
- Lot occupancy is limited to 29%-- well below the permitted lot occupancy for the RF-1 Zone (60%)

D § 5201.4 - 5201.6

- *Section 5201.4 “The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.”*
- The Applicant will comply with Board directives for protection of adjacent and nearby properties.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.”*
- The Applicant is not requesting to introduce or expand a nonconforming use.
- *Section 5201.5 “This section may not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.”*
- The Applicant is not requesting to introduce or expand nonconforming height or number of stories.

Conclusion

- Applicant attended 3 ANC meetings
- ANC voted to support the Application
- Office of Planning is recommending approval
- Adjacent neighbor at 1153 Oates Street is in support