

October 31, 2018

To: Mr. Clifford Moy

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

Burden of Proof – 5835 Colorado Ave NW

Project Overview:

Site Specifications
Square/Lots: Sq.:2937 Lots: 0832
Current Zoning: RA-1
Lot Size: 2,325 sq. ft.
Existing Condition: House in ruins due to fire

5835 Colorado Ave Associates LLC intend to develop lot at 5835 Colorado Ave NW into a five-unit condominium. Project location is near the intersection of Colorado Ave NW, Missouri Ave NW, and Georgia Ave NW, and is bound by public alleys on the North and East sides.

Relief sought:

5835 Colorado Ave Associates LLC, owners of 5835 Colorado Ave NW, seek variances for creating a higher density development at site than what is currently allowable in the RA-1 Zoning District.

Relief sought is as follows:

1. Relief sought from Maximum Permitted FAR of 0.9. Proposed FAR is 1.6.

Per Sub-title F of the 2016 Zoning Regulations:

302 DENSITY – FLOOR AREA RATIO (FAR)

302.1 Except as provided in other provisions of this subtitle and in Subtitle C, Chapter 15, the maximum permitted FAR in the RA-1 through RA-5 zone shall be as set forth in the following table:

TABLE F § 302.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR
RA-1	0.9
RA-2	1.8
RA-3	3.0
RA-4	3.5
RA-5	5.0 6.0 for an apartment house or hotel

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

- Relief sought from Maximum Permitted Lot Occupancy of 40%. Proposed lot occupancy is 61%.

Per Sub-title F of the 2016 Zoning Regulations:

304 LOT OCCUPANCY

304.1 Except as provided in other provisions of this chapter, the maximum permitted lot occupancy shall be established for lots in the RA-1, RA-2, RA-3, RA-4, and RA-5 zones as set forth in the following table:

TABLE F § 304.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy (Percentage)
RA-1	40
RA-2	60
RA-3	75
RA-4	75
RA-5	75

SOURCE: Final Rulemaking published at 63 DCR 2447 (March 4, 2016 – Part 2).

3. Relief sought from Side yard requirement of 3” per foot of height. No side yard is provided in proposed design.

Per Sub-title F of the 2016 Zoning Regulations:

306 SIDE YARD

306.1 An eight-foot (8 ft.) side yard shall be provided for a detached or semi-detached dwelling.

306.2 For all other buildings:

(a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and

4. Relief sought from Penthouse side setback requirements. Front and rear setback requirements are met in the proposed design.

Per Sub-title C of the 2016 Zoning Regulations:

1502 PENTHOUSE SETBACKS

1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

- (a) A distance equal to its height from the front building wall of the roof upon which it is located;
- (b) A distance equal to its height from the rear building wall of the roof upon which it is located;
- (c) A distance equal to its height from the side building wall of the roof upon which it is located if:
 - (1) In any zone, it is on a building used as a detached dwelling, semi-detached dwelling, rowhouse or flat, that is:
 - (A) Adjacent to a property that has a lower or equal permitted matter-of-right building height, or
 - (B) On a corner lot adjacent to a public or private street or alley right-of-way or a public park;

Justification for Relief Sought:

To obtain an area variance, “an applicant must show that

- 1. there is an extraordinary or exceptional condition affecting the property;
- 2. practical difficulties will occur if the zoning regulations are strictly enforced; and
- 3. the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.”

We address each factor in turn below.

- 1. Exceptional Condition/ “Uniqueness”

Relief is required due to physical characteristics of the lot in question and its surroundings. This lot sits at the border between the RA-1 Zoning District and the more prevalent MU-7 Zoning District immediately to the North and East, along Georgia Ave NW. Across the alley to the North of lot 0832 sits a sixty-four-unit five story building. Similar properties exist on nearby lots along Georgia Ave NW. To the South, along Colorado Ave NW, detached, semi-detached and attached dwellings with front porches prevail. Row dwellings can be found across the street.

This lot is unique in the sense that it can act as a transition between the single-family dwellings along Colorado Ave NW and the much larger multi-unit building to the North. Currently the

difference is scale between the two different zoning districts that our lot is on the edge of is jarring.

2. Practical Difficulty

Without relief the scale of the development would be inadequate for its economic viability.

Building width would need to be reduced to fifteen feet to comply with side yard requirement.

Lot occupancy limit of 40% would result in a floor plate 33% smaller, greatly reducing size and quality of units provided, intended to be family sized two-bedroom units.

Compliance with penthouse side setback requirements would compromise upper story, which contains master suite for the only three-bedroom unit in the development.

3. No substantial detriment to the public good or integrity of the zone plan.

The proposed development will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Care has been taken to evaluate surrounding property types and their scale, to request relief only where deemed most appropriate and least detrimental to adjacent properties. For example:

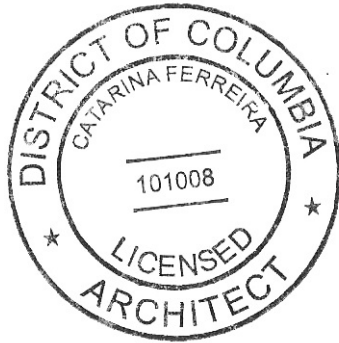
- proposed architectural features act as transitional elements between the large multi-unit building to the North and smaller dwellings to the South. An example of this is the proposed access to the penthouse level, which alludes to traditional corner turrets on row dwelling buildings throughout Washington DC, and acts as transition between the two vastly different architectural scales that currently collide at this lot.
- Proposed building massing is broken down in a way that addresses the smaller scale of row dwelling buildings to the South. Front porch is reinterpreted in a contemporary way, and the most prominent, forwardmost portion of the building is a similar width as adjacent row dwelling.
- A Mansard roof is employed to further engage with smaller scale single family residential context.
- Materials are differentiated from top to bottom, further reinforcing the relationship with smaller scale buildings to the South.

We believe the proposed developments will not tend to affect adversely the Public Good for the following reasons:

- Two parking spaces are included in the proposed development.
- Penthouse level proposed is by right with exception of relief requested from side setback requirements.
- No solar panels exist on adjoining property, no windows along exterior wall on North side of adjoining structure.
- Length of building proposed is only three feet greater than adjoining building length to the South based on information obtained from GIS maps.

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

Sincerely,



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