
From: Brown, M Carolyn (WAS - X75990)
Sent: Friday, March 20, 2015 5:11 PM
To: 'LeGrant, Matt (DCRA)'
Cc: bjackson@eya.com; jmclaurin@eya.com; Tondro, Maximilian
Subject: RE: Hillcrest

Dear Matt,

In follow up to our email correspondence regarding the above-referenced matter, we provide the following additional information detailing (a) what zoning relief the revised project would require if it were to be a completely new project today (e.g., without the existence of the prior BZA relief); and (b) which zoning relief required per (a) would be satisfied by the relief already provided by the BZA (e.g., special exception relief for multiple buildings on a theoretical lot, etc.).

As you know, the BZA approved the construction of 54 houses on the steeply sloping site. Nineteen of the houses fronted on Southern Avenue (a paper street), plus two whose side yards were on Southern Avenue; the remaining houses were accessed by a new private internal roadway. In addition to section 2516 relief, the approved project required variances from lot area, side yard, front yard (under section 2516), rear yard, lot occupancy, and lot width. The same relief would be required under the current plan to a comparable or lesser degree. Some of the other houses in the development also required relief from the limit on number of stories. That area of relief is eliminated from the proposed scheme.

1. Zoning Relief Required if Project Filed New Today

If the project were filed today, the areas of relief would be as follows:

- a. Section 2516. The proposed development for 26 detached single-family dwellings would require relief from section 2516 to allow multiple one-family dwellings on a single lot of record by creating theoretical building sites.
- b. Lot Area: The zoning regulations require a minimum land area of 5,000 square feet for each lot. None of the 26 proposed house sites would meet the requirement and would require a variance. The average lot area is 2,698 square feet, with the smallest lot at 2,441 square feet.
- c. Side Yard. The zoning regulations require a minimum side yard width of eight feet. None of the 26 proposed house sites would comply and thus require a variance. The average side yard will be 5.6 feet in width, with the smallest being 5 feet.
- d. Front Yard. Section 2516 of the zoning regulations requires a minimum front yard for theoretical lots without street frontage. The depth must be equal to the rear yard

requirement, or in this case, 25 feet. The proposed average front yard depth would be 18.46 feet, with the smallest at 15.28 feet deep.

e. Rear Yard. The zoning regulations require a minimum rear yard depth of 25 feet. Thirteen of the 26 proposed houses need relief. The proposed average rear yard would be 24.68 feet deep, with the smaller rear yard at 23 feet deep.

f. Lot Width. The zoning regulations require a lot width of 50 feet. All of the 26 houses would require relief. The proposed average lot width would be 35.56 feet, with the smallest lot at 34 feet wide.

2. Zoning Relief Needed for Current Plan Satisfied by Previous Approvals

No new areas of relief are required for the current proposal and the extent of relief requested is comparable to the relief previously approved, or slightly reduced, as described below:

a. Section 2516. This is the same relief as previously granted. Fewer theoretical building sites are required.

b. Lot Area: This is the same relief as previously granted. The approved plan authorized an average lot size of approximately 2,703 square feet for the houses on Southern Avenue houses. The average size in the new plan will be 2,698 square feet. This represents a deviation of less than one percent. The smallest lot size in the new proposal is 12 square feet larger than in the previously approved project. Thus, the degree of relief is lessened.

c. Side Yard. This is the same relief as requested in the approved project. The average side yard will be 5.6 feet in width, with the smallest being 5 feet. By comparison, in the previously approved plan, the average side yard was smaller at 5.18 feet wide, with the same width of five feet for the smallest side yard. Thus, the degree of relief is the same and slightly lessened for the average size.

d. Front Yard. Section 2516 of the zoning regulations requires a minimum front yard for theoretical lots equal to the rear yard requirement, or in this case, 25 feet. In the current plan, the area of Southern Avenue would be a private roadway. As a result, all the 26 proposed houses would require relief. In the previous plan, Southern Avenue was to be constructed to DDOT standards as a public street such that the 19 houses fronting on Southern did not require a variance. However, the remaining 35 houses required front yard relief. Here, the proposed average front yard depth would be 18.46 feet, with the smallest at 15.28 feet deep. In the previously approved plan, the average front yard was 17.65 feet, and the smallest at 14.99 feet deep. Thus, the degree of relief and the number of houses requiring relief has been reduced since the approved plan.

e. Rear Yard. The zoning regulations require a minimum rear yard depth of 25 feet. Thirteen of 26 proposed houses need relief. The proposed average rear yard would be 24.68 feet deep, with the smaller rear yard at 23 feet deep. Likewise, in the previously

approved plan, 13 of the Southern Avenue houses required relief. The average rear yard was 24.63 feet, with the smallest at 23 feet deep. Thus, the amount and degree of rear yard relief is the same.

f. Lot Width. The zoning regulations require a lot width of 50 feet. All of the 26 houses in the new plan would require relief. The proposed average lot width would be 35.56 feet, with the smallest lot at 34 feet wide. In the previously approved plan, the average lot width was 36.4 feet and the smallest lot was 33.76 feet wide. Thus, the degree of relief is comparable and has been reduced for the smallest lot.

Because no new areas of relief are required for the new, smaller plan and the degree of relief is the same or has been reduced, we believe the proposed project falls within the parameters of the relief granted under BZA Order No. 17837. For your convenience, I am resending the proposed plan and spreadsheets comparing the two projects, as well as a copy of the BZA order. (These are the same documents previously sent -- no changes).

Thanks for your help with this matter. Please do not hesitate to contact us if need any additional information or clarifications.

Best regards,

Carolyn

Mary Carolyn Brown | Holland & Knight

Partner

800 17th Street N.W., Suite 1100 | Washington DC 20006

Phone 202.862.5990 | Fax 202.955.5564

carolyn.brown@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

From: LeGrant, Matt (DCRA) [<mailto:matthew.legrant@dc.gov>]

Sent: Tuesday, March 10, 2015 5:27 PM

To: Brown, M Carolyn (WAS - X75990)

Cc: bjackson@eya.com; jmclaurin@eya.com; Tondro, Maximilian

Subject: RE: Hillcrest

Importance: High

Carolyn Brown-

I have had a chance to discuss this with my counsel and we agreed that if you could provide a more substantive explanation regarding the effects of the proposed changes, it would be helpful. Please provide a letter or email that states:

a) What zoning relief the revised project would require if it were to be a completely new project today (e.g., without the existence of the prior BZA relief); and

b) Which zoning relief required per (a) would be satisfied by the relief already provided by the BZA (eg., special exception relief for multiple buildings on a theoretical lot – provided, etc)

Let me know if you have any questions and thanks.

Best Regards,

Matthew Le Grant

Zoning Administrator

Dept of Consumer and Regulatory Affairs

Government of the District of Columbia

1100 4th St SW - Room 3100

Washington, DC 20024

Phone: 202 442-4652

Email: matt.legrant@dc.gov

Web: <http://dcra.dc.gov/service/zoning-dcra>