

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of SOLID BRICK VENTURES LLC, 93 HAWAII VENUTRES  
LLC & 98 WEBSTER VENTURES LLC**

**Hawaii Ave. and Webster St., NE (Square 3674, Lots 2-11,19)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Solid Brick Ventures LLC, 93 Hawaii Ventures LLC, and 98 Webster Ventures LLC, (collectively known as the “**Applicant**”), the respective owners of the properties located at 65, 69, 73, 77, 81, 85, 89, 93 and 97 Hawaii Avenue and 66 and 98 Webster (Square 3674, Lots 2-11,19) (the “**Subject Properties**”). Ownership of the individual properties is indicated on the Property Ownership Table included with the Application. The Subject Properties are located in the RA-1 Zone district. Each individual property is improved with an existing apartment building with eight (8) residential dwelling units. The Applicant is proposing to construct additions and modifications to each building (the “**Buildings**” or individually each “**Building**”) and increase the number of dwelling units in each Building - some Buildings will increase from 8 to 9 units, others from 8 to 16 units (the “**Project**”). The following relief is required for the overall Project:

**1. Relief for New Residential Developments in the RA-1 Zone**

Subtitle U, Section 421 states “all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section.” Accordingly, the Applicant is seeking approval for the increase in units pursuant to U § 421.

**The following relief is required for 97 Hawaii and 98 Webster only:**

### 1. Side Yard Relief

The existing Buildings on 97 Hawaii and 98 Webster (the southeastern-most of the eleven properties) are currently improved with 8-unit buildings, which require only one 8-foot side yard, pursuant to F § 306.2. The existing Buildings currently conform with the side yard requirements. F § 306.2 requires a multi-family building with 3 or more dwelling units per floor provide two side yards measuring at least 3 in/1 ft. in height, but no less than 8 feet. Once increased to 16 units, each Building will be required to provide two side yards. As the proposal for each of these two Buildings is to simply construct a third story addition on top of the existing building footprints, neither of which have a side yard on their respective east sides abutting 1<sup>st</sup> Street, NE, the Applicant is seeking special exception relief pursuant to F § 5201 from the side yard requirements of F § 306.2.

### 2. Court Relief

Each of these two Buildings has an existing non-conforming open court on its east side, abutting 1<sup>st</sup> Street, NE. Pursuant to F § 202.1, the minimum open court requirement in the RA Zones is 4 in./ft. of height of court but not less than 10 ft. minimum. Accordingly, it will be extending this nonconformity. Based on the new height of 38 feet and 7 inches, the court on 97 Hawaii is required to be 12.86 feet. Based on the new height of 37 feet and 6 inches, the court on 98 Webster is required to be 12.5 feet. The court on 97 Hawaii ranges from 0 ft. to 4 feet 6 inches and the court on 98 Webster ranges from 0 feet to 17 feet and 9 inches. Accordingly, the Applicant is requesting special exception relief pursuant to F § 5201 from the minimum open court requirements of F § 202.1.

## **II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception approval requested pursuant to Subtitle X § 901, U § 421, and F § 5206.

### **III. BACKGROUND.**

#### **A. Description of the Subject Property and Surrounding Area.**

The Project is made up of eleven (11) properties, nine (9) of which front on Hawaii Avenue, to the northeast, and two (2) of which front on Webster Street, to the southwest. The properties on Hawaii Avenue are all contiguous, and represent one entire block, but for one building on the north end, 61 Hawaii Avenue, also improved with an apartment building. A public alley separates the Hawaii properties from the Webster properties and serves the rear of all properties. The Webster properties are not adjacent and there are 7 unrelated properties in between the Webster properties. A more detailed site plan identifying the buildings has been included in the plans.

The immediate area consists primarily of larger residential apartment buildings, and there are some single-family semi-detached homes in the larger surrounding area. The larger area, made up of Fort Totten, Pleasant Hill, and University Heights, is characterized by institutional uses, such as the Armed Forces Retirement Home, and Catholic University. The Fort Totten Metro is about a 15-minute walk from the properties, to the north and east. Fort Totten Park is located to the north of the Properties and is about a 2–3-minute walk.

#### **B. Description of the Proposed Project.**

The following changes are proposed for each Building:

##### **65 Hawaii:**

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 10 ft. 4 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. 3 in. to 32 ft. 7 in.), lot occupancy is decreasing (from 40% to 35%), the eastern side yard is decreasing (from 10 ft. to 8 ft.), the height is being increased (from 25 ft. to 35 ft. 4 in.), and FAR is increasing (from .81 to 1.08). Accordingly, all development standards are met.

- Parking: Increasing from 0 spaces to 5 spaces

66 Webster

- Use: Increasing from 8 to 16 residential units
- Addition: Constructing a 3<sup>rd</sup> story addition on top of the existing building footprint
- Development Standards: Height is increasing (from 25 ft. to 35 ft. 4 in.) and FAR is increasing (from 0.73 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

69 Hawaii:

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 10 ft. 4 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. 3 in. to 32 ft. 7 in.), lot occupancy is decreasing (from 40% to 35%), the eastern side yard is decreasing (from 10 ft. to 8 ft.), the height is being increased (from 25 ft. to 36 ft.), and FAR is increasing (from .81 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

73 Hawaii:

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 10 ft. 4 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. 3 in. to 32 ft. 7 in.), lot occupancy is decreasing (from 40% to 35%), the eastern side yard is decreasing (from 10 ft. to 8 ft.), the height is being increased (from 25 ft. to 34 ft. 10 in.), and FAR is increasing (from .81 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

77 Hawaii:

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 10 ft. 4 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. 3 in. to 32 ft. 7 in.), lot occupancy is decreasing (from 40% to 35%), the eastern side yard is decreasing (from 10 ft. to 8 ft.), the height is being increased (from 25 ft. to 35 ft.), and FAR is increasing (from .81 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

81 Hawaii:

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 10 ft. 4 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. 8 in. to 32 ft. 4 in.), lot occupancy is decreasing (from 40% to 35%), the eastern side yard is decreasing

(from 10 ft. to 8 ft. at its smallest), the height is being increased (from 25 ft. to 35 ft. 8 in.), and FAR is increasing (from .81 to 1.08). Accordingly, all development standards are met.

- Parking: Increasing from 0 spaces to 5 spaces

#### 85 Hawaii

- Use: Increasing from 8 to 9 residential units
- Addition: Demolishing a 7 ft. 11 in. portion at the rear and adding a 3rd story to existing footprint, also adding a 2-foot, 3 story addition on the east side of the Building
- Development Standards: As a result, rear yard is increasing (from 22 ft. to 29 ft. 11 in.), lot occupancy is decreasing (from 39% to 36%), the eastern side yard is decreasing (from 10 ft. to 8 ft. at its smallest), the height is being increased (from 25 ft. to 36 ft. 11 in.), and FAR is increasing (from .77 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

#### 89 Hawaii

- Use: Increasing from 8 to 16 residential units
- Addition: 3<sup>rd</sup> story addition to existing footprint and cellar level addition
- Development Standards: As a result, the height is being increased (from 25 ft. to 35 ft. 6 in.), and FAR is increasing (from .74 to 1.08). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

#### 93 Hawaii

- Use: Increasing from 8 to 16 residential units
- Addition: Slight demolition at the rear; proposing a 3<sup>rd</sup> story addition to existing footprint and cellar level addition.
- Development Standards: As a result, rear yard is increasing (from 25 ft. 6 in. to 29 ft. 9 in.), lot occupancy is decreasing (from 36% to 35%), the height is being increased (from 25 ft. to 37 ft. 6 in.), and FAR is increasing (from .81 to 1.04). Accordingly, all development standards are met.
- Parking: Increasing from 0 spaces to 5 spaces

#### 97 Hawaii:

- Use: Increasing from 8 to 16 residential units
- Addition: Slight demolition at the rear (4 in.); proposing a 3<sup>rd</sup> story addition to existing footprint and cellar level addition.
- Development Standards: As a result, rear yard is increasing (from 38 ft. 8 in. to 39 ft.), the height is being increased (from 25 ft. to 38 ft. 7 in.), and FAR is increasing (from .72 to 1.08).
- Parking: Increasing from 0 spaces to 5 spaces
- Relief Required: Court and Side Yard

98 Webster:

- Use: Increasing from 8 to 16 residential units
- Addition: Slight demolition at the rear (2 ft. 7 in.); proposing a 3<sup>rd</sup> story addition to existing footprint.
- Development Standards: As a result, rear yard is increasing (from 20 ft. 3 in. to 23 ft.), lot occupancy is being decreased (37% to 36%), the height is being increased (from 25 ft. to 37 ft. 6 in.), and FAR is increasing (from .75 to 1.08).
- Parking: Increasing from 0 spaces to 4 spaces
- Relief Required: Court and Side Yard

**IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X § 901.2, F § 5206, F § 5201 AND U § 421.**

**A. Overview.**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception 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; subject also, in this case, to the specific requirements for relief under Subtitle U § 421 and F § 5201 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

**A. General Special Exception Requirements of Subtitle 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 DCMR Subtitle X § 901.2).

The RA-1 Zone provides for areas predominately developed with low to moderate density development, including multi-family residential buildings. The Project is in harmony with the general purpose and intent of the Zoning Regulations, as the proposal is to increase the density and do additions to existing multifamily residential buildings. The Applicant is not proposing to create new apartment buildings and is instead renovating and creating additional housing within existing apartment buildings—a number of which will be set-aside as IZ units. Moreover, the Applicant is reconfiguring the building footprints to increase the rear yards and decrease the lot occupancy for a number of these buildings, and the GFA will be relocated to the third story, creating more efficient building footprints and increasing rear yard space and parking. In addition, the Project is otherwise conforming with the development standards of the RA-1 Zone.

**B. Specific Requirements of U § 421.**

The Zoning Regulations require that all new residential developments in the RA-1 Zone, except those comprising all one-family detached and semi-detached dwellings, be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section:

**Section 421.2: The Board of Zoning Adjustment shall refer the application to the relevant District of Columbia agencies for comment and recommendation as to the adequacy of the following:**

**(a) Existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project; and**

According to DC Public Schools online Enrollment Boundary System Information, the following public schools are considered “in-boundary” schools for the Building: Bunker Hill Elementary School, Brookland Middle School, and Dunbar High School. All DC public students eligible for grades K-12 have a guaranteed right to enroll in their respective in-boundary schools.

**(b) Public streets, recreation, and other services to accommodate the residents that can be expected to reside in the project.**

The Subject Properties are located on two public Streets, Webster and Hawaii. Hawaii Avenue intersects with North Capitol Street about 600 feet north of the Properties. North Capitol Street is a major transportation corridor in the District. The Fort Totten Park is a 2-3 minute walk from the Properties. The Fort Totten Metro station is only a fifteen-minute walk, from the Subject Property. The Applicant is providing 5 parking spaces for most properties, even though the requirement is either one space or zero spaces (depending on the addition type). Accordingly, residents should be adequately served by the surrounding public streets, recreation, and other services in the area (such as public transportation).

**Section 421.3: The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.**

**1. Site Plan, Arrangement of Building and Structures, and Provision of Light and Air**

The general location and building footprints are not changing. The only proposed changes are to demolish rear portions of the building, resulting in a decrease in lot occupancy and an increase in the rear yard space. The demolished gross floor area will be relocated to third story additions.

**2. Parking, Recreation, Landscaping and Grading**

Regarding parking, the Applicant is proposing ample parking for each building—4 or 5 spaces—where either no spaces or only one space is required for the proposed additions and increases. Regarding recreation, the Fort Totten Park is a 2–3-minute walk from the Properties. Regarding landscaping and grading, the Applicant will provide a landscaping and grading plan in additional submissions.

**Section 421.4: In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor**



**plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.**

The Applicant has submitted a site plan and set of typical floor plans and elevations. The Applicant will also submit a landscaping and grading plan. The Applicant is not proposing any new rights-of-way or easements.

**C. Specific Requirements of F § 5201 (Court and Side Yard Relief).**

As described above, the Applicant is requesting relief to construct a third-floor addition on top of the existing Buildings on 97 Hawaii and 98 Webster. The proposal in this Application satisfies the requirements of 11-F DCMR § 5201, as follows:

**Section 5201.1: For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9.**

The Applicant is proposing an addition to a principal residential building on a non-alley lot. Accordingly, the Applicant is permitted to request relief from the side yard requirements of F § 306.2 and the court requirements of F § 202.1 pursuant to F § 5201.1(b) and (c), which respectively permit relief for yards and courts.

**Section 5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure, shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:**

**(a) The light and air available to neighboring properties shall not be unduly compromised;**

The proposal is to construct a third story addition on top of the existing building footprint. For both Buildings and properties (97 Hawaii and 98 Webster), the nonconforming court is on the east side of the Building, abutting 1<sup>st</sup> Street, not an adjacent Building or property. Accordingly,

the light and air available to neighboring properties will not be impacted at all by the increase to the nonconforming court, or lack of a side yard on that east side.

**(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the increase in the nonconforming court or by the lack of a side yard on the east side, as there are no adjacent neighboring buildings on the east side.

**(c) The proposed addition or accessory structure, together with the original building, or the new 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 street and alley frontage; and**

The proposal to increase in the nonconforming court and not provide a side yard on the east side shall not substantially visually intrude upon the character, scale, and pattern of houses along the street, because the Applicant is simply proposing to construct a third story addition on top of the existing building footprint. The scale and pattern of the buildings is being maintained.

**(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such 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.**

The Applicant has provided plans, photographs, elevations, and section drawings sufficient to represent the relationship between the proposal to adjacent buildings and views from public ways.

**Section 5201.5: 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 if the Board of Zoning Adjustment requires 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.

**Section 5201.6: This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.**

The Applicant is not proposing to introduce or expand a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

**V. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully submitted,

*Martin P Sullivan*

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Date: April 12, 2021

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