

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION AND VARIANCE APPLICATION

APPLICANT'S STATEMENT

Observatory Land Trust (Applicant)
3915 Fulton Street, NW, Square 1806, Lot 804

I. **Introduction.**

Observatory Land Trust (the "Applicant") is proposing the construction of a six-unit apartment house on the property located at 3915 Fulton Street, NW, Washington, D.C., Square 1806, Lot 804 (the "Property"). The Property is located in the R-5-A zone district. In the R-5-A zone, apartment house use is permitted as a matter-of-right; however, pursuant to 11 DCMR § 353, all new residential developments shall be reviewed by the Board of Zoning Adjustment as special exceptions.

The Property consists of a rectangular lot with a width of sixty (60) feet and a length of one-hundred twenty-five (125) feet, for a total land area of 7,500 square feet. The Property is currently improved with a one-family dwelling, which will be razed. The Applicant is proposing to construct a six (6)-unit apartment house, with a floor area ratio of 0.9 and a lot occupancy of forty-five percent (45%). Six legal parking spaces will be provided at the rear of the Property, accessed via the alley system behind Fulton Street. A copy of the Zoning Map for this Property is attached as Exhibit A.

The proposed building will be only two stories, and will have a maximum height of 26.4 feet, about thirteen and one-half feet (13.5), and one story under, the maximum permitted height in the R-5-A zone. Because of the difficulty in configuring the 0.9 FAR into six units appropriately sized for this market, the Applicant is requesting variance relief to increase the maximum permitted lot occupancy from forty percent (40%) to forty-five percent (45%).

II. **Description of the Property and Surrounding Neighborhood.**

The Property is located in the R-5-A zone, in a transitional area between a lower density R-2 zone to the east and a higher-density R-5-A zone on this block of Fulton Street and to the

west. Attached as Exhibit B is a survey of buildings in the surrounding area, including two 7-story apartment buildings across the street from the Property and several large apartment buildings to the west.

III. The Application Meets the Requirements of Section 353.

This proposal complies with the requirements of 11 DCMR § 353, as follows:

- 353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.

At only six (6) apartment units, the Applicant does not expect any material effect on the adequacy of existing and planned area schools from an increase in the number of students.

- 353.3 The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

Because the Application proposes only six (6) units in the R-5-A zone, and provides six (6) parking spaces, it does not present a burden on the adequacy of public streets, recreation, and other services to accommodate the residents of the proposed apartment house.

- 353.4 The Board shall refer the application to the D.C. 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 future residents of the project and the surrounding neighborhood.

The Applicant believes that the arrangement of the building, provisions of light, air, parking, recreation, landscaping, and grading will be acceptable to the Office of Planning, or will be adjusted in response to input from the Office of Planning.

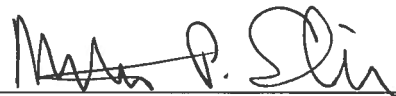
353.5 In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

The Applicant has submitted four (4) site plans and two (2) sets of typical floor plans and elevations, and will submit a grading plan and landscaping plan. The Application anticipates no new rights of way or easements.

IV. Area Variance Request.

Because of the relative size of the Property, and its location in a transitional area between a lower density residential zone and the higher-density apartment buildings across the street from the Property and to the west, the Applicant was faced with a practical difficulty in configuring 0.9 FAR of apartments in the number and configuration, and height, appropriate for this transitional area. The Applicant therefore designed a building that was one story short of the maximum number of stories, and about thirteen and one-half (13.5) feet lower than the maximum permitted height, but needed a slightly higher lot occupancy to accomplish this. Therefore, the Applicant is requesting relief for an additional five percent of lot occupancy. Because of the small nature of the request, and the lower than maximum height, granting relief is not likely to be a substantial detriment to the public good or to the integrity of the Zone Plan.

Respectfully submitted,

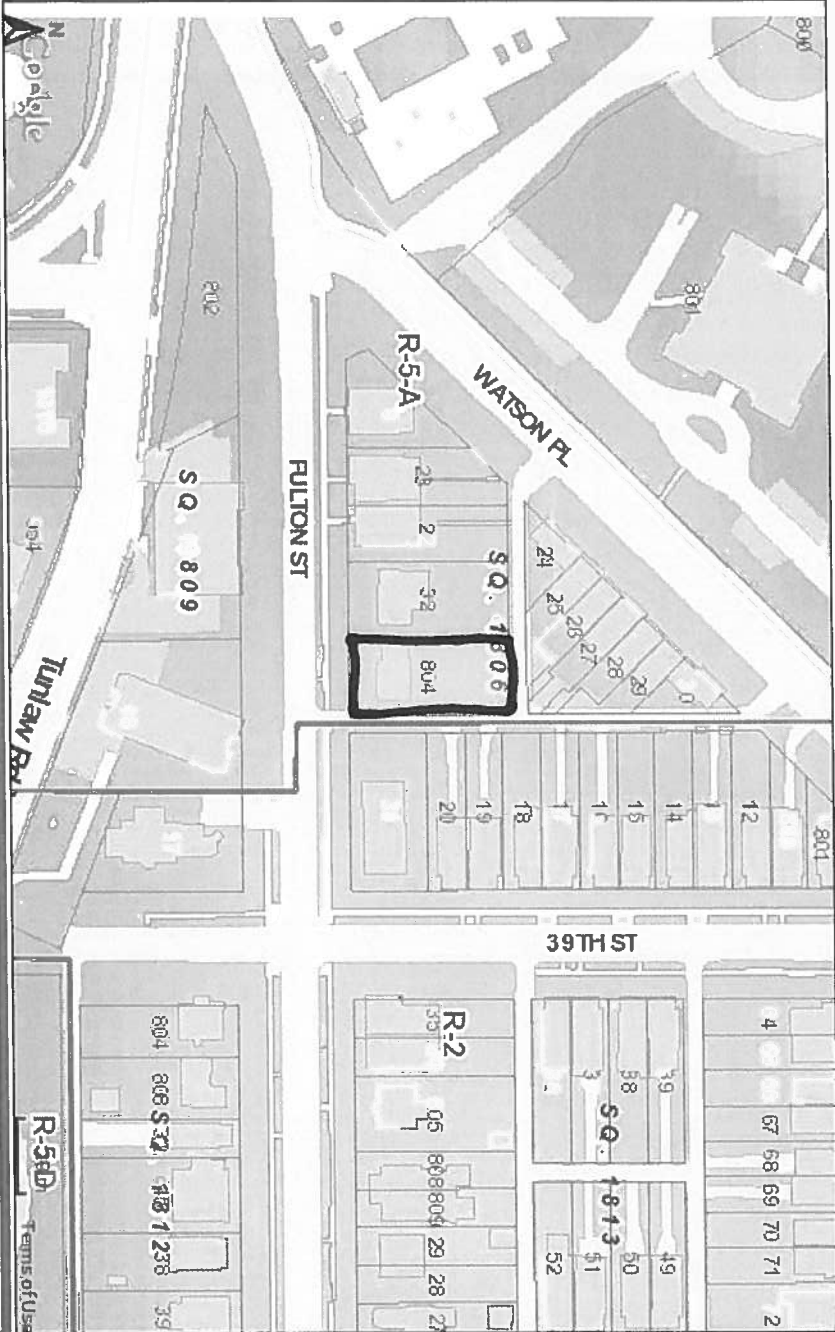


Martin Sullivan
Sullivan & Barros, LLP

Date: April 15, 2014



Zoning Report for Square: 1806 Lot: 0804 April 15, 2014



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Zoning Layers

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Zone Districts

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Pending Zones

☐

Overlays

☐

Pending Overlays

☐

Base Index

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Historic Districts

☐

Active PUDs

☐

Pending

☐

TDRs

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Campus Plans

☐

CEA

Latitude: NaN Longitude: NaN

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

Zoning Data Summary**	
Square/Suffix/Lot	1806 / n/a / 0804
Premises Address	3915 FULTON ST NW
Zoning District (s)	R-5-A
Overlay District (s)	
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	3
Council Member	Mary M. Cheh
ANC	3B
ANC Chairperson	undefined
SMD	3B01
Commissioner	Joe Fiorillo

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.

Exhibit B

Survey of the Area Surrounding 3915 Fulton Street, NW

3919 Fulton Street – Abutting to the West

This is a former one-family dwelling, now vacant, slated for redevelopment as a small apartment house (R-5-A zone).

3901 Fulton Street – Across Alley – Just East of 3915 Fulton

Apartment house with 10 units

3921 and 3925 Fulton Street NW – Abutting to the West

2 semi-detached multi-family units

3901 Tunlaw Rd. – Across Fulton Street

7-story apartment building

3875 Tunlaw Rd – Across Fulton Street

7-story apartment building

3909 – 3921 Watson - Across the Rear Alley

A row of seven (7) row houses (this is also in the R-5-A zone)

2804 – 2822 39th Street, NW

A set of five (5) duplexes

Other nearby structures in the R-5-A zone include:

The Archbold – 2725 39th St NW – 5-story, 63 unit apartment building

3900 Tunlaw – a 100-unit cooperative apartment building

4000 Tunlaw – an 11-story, 291 unit apartment building

The Colonnade – 2801 New Mexico Avenue, NW – a 9-story, 180 unit apartment building

3900 Watson Place, a 130-unit cooperative apartment building