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May 1, 2015

BZA Case Number: 18991

Re: Appeal for 1521 Varnum Street, NW

Appellant: John Stokes, owner and resident of 1519 Varnum Street, NW

To the Board of Zoning Adjustment:

I live at 1500 Varnum Street, NW. Living on the same block as this proposed apartment complex I am deeply concerned by the decision of Zoning Administrator Mathew Le Grant to grant as a matter of right permission to build a 7 unit apartment complex on my block.

Mr. Le Grant erred when he granted "matter of right" permission to build 7 apartments of approximately 1,350 sq ft each in place of a house that had 2,380 sq ft of habitable space. His decision is a slippery slope that will result in significant infill development changing my neighborhood from a low density and row house neighborhood to something more like Columbia Heights. The decision is incorrect for 2 reasons: the permitted plans show that the permitted buildings are not a conversion of the existing home but rather new construction. Further, this apartment project is so large that it goes beyond the scope of a R-4 where "The primary purpose of the R-4 District shall be the stabilization of remaining one-family dwellings."

Title 11 Sec 330.5(c) states that a building or structure may be converted to an apartment house. In this case I believe there is so little left of the original building, a single family home, that a reasonable person would not call this a conversion but rather new construction. The plans show that the only parts of the original house that will be left is the shared wall and parts of the front and side wall, however, both the front and side wall will be so significantly changed as to be unrecognizable. The plans call for all but a small portion of the house to be removed. Even the slab on which the house was built will be demolished and replaced. It appears from the plans that over 95% of the original home will be demolished: a reasonable person would assume that for all intent and purpose the house is being razed. How can this be a conversion of the home when so little of the original home remains to be converted? Further, how can this be a conversion when less than 1% of new project will be made up of the original house? It can't. No reasonable person would view a project where from the street nothing remains of the original house.

1521 Varnum St has a building (single family house) and a structure (garage). The house has approximately 2,380 sq ft of inhabitable space. The habitable space of the proposed buildings will be approximately four times the size of the existing home. Apartments 1 through 4 will be constructed on the front of the property within an extended footprint of the original building. Apartments 5, 6 and 7 will be in a separate building. A reasonable person would view the back building as new construction because but for the stairs it is a completely separate, built from scratch and well beyond the original footprint of the house. Both the front and back buildings are significantly beyond the footprint of the original house to such an extent that a reasonable person would see this project as new construction not a conversion.

How do you convert a building with 2,380 sq ft of habitable space into a complex of seven apartments of approximately 9,450 sq ft? Mr. Le Grant does this by deciding that the code does not refer to the conversion of the existing building but to a lot. Mr. Le Grant's use his power of "minor

flexibility" is neither here nor there because the code calls for the conversion of a building not the conversion of a lot. There is no way an architect could fit seven apartments of this size into the original house in keeping with a reasonable interpretation of the "conversion of an existing building" We know that because the plans call for an additional new building to go up behind the front building. The BZA in Order No. 18108 affirmed the division of one lot into two lots not the conversion of the original building on the original lot. The purported conversion of a single family home into seven apartment units approximately 4 times the size of the original home is not supported by a reasonable understanding of "conversion of a building or structure".

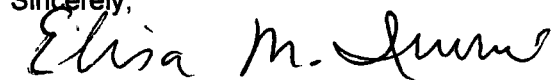
Mr. Le Grant erred in allowing the developer to use the accessory building for apartments 5, 6 and 7. 1521 Varnum St has an accessory building that will be razed to provide space for the new building that will hold 3 apartments. At the current time, accessory building may not be turned into living spaces.

1521 Varnum St is a developed lot with an existing house and garage that may be converted which is then subject to Chapter 11-4 This project should not be allowed because it is not a conversion of an existing home but rather new construction. Well over 95% of the original house will be demolished leaving virtually nothing left to convert In addition, a reasonable person would not call this a conversion because the new buildings will be approximately 4 times larger than the original house. No person walking down the street would recognize this project as a conversion because the materials used and balconies in front are not in keeping with neighboring homes.

I ask that you grant the appeal of John Stokes in this matter because Mr. Le Grant erred in his interpretation of the matter of right conversion of a building or structure. If this permit stands, in the future the matter of right conversion of a building or structure on a developed lot in an R-4 will be limited by the size of the lot not the conversion of the existing building or structure the standard for an undeveloped lot. The code clearly distinguishes between developed and undeveloped lots. In addition to height, area and density requirements construction on an undeveloped lot requires consultation with neighbors and other city agencies the matter of right a conversion under 330.5 (c) requires a developed lot and a building or structure that will be converted. I fear that allowing a matter of right conversion of a building in a R-4 district to be limited solely by the minimum lot area requirement will make our city the wild west of infill development with city residents left paying the price.

I thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Elisa M. Irwin". The signature is fluid and cursive, with the first name being the most prominent.

Elisa M. Irwin
1500 Varnum Street, NW