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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:

We are neighbors who live near the 1521 Varnum St , NW seven unit apartment project. We believe the decision of Zoning Administrator Mathew Le Grant to grant as a matter of right permission to build a seven unit apartment complex on our block is incorrect, and are deeply concerned with the potential outcome.

Mr. Le Grant erred when he granted "matter of right" permission to build 7 apartments of approximately 1,350 sq ft each (a total of over 9,000 sq ft) in place of a house that had 2,380 sq ft of habitable space.

The decision is incorrect for two reasons: the permitted plans show that the proposed buildings at 1521 Varnum St are not a conversion of the existing home but rather new construction, and thus the situation does not fall under Title 11 Sec 330.5(e). Further, this apartment project is so large that it goes beyond the scope of a R-4 zone where "The primary purpose of the R-4 District shall be the stabilization of remaining one-family dwellings." Mr. Le Grant's decision puts our neighborhood on a slippery slope, opening the door to significant infill development changing our neighborhood from a low density, row house neighborhood envisioned by R-4 to something more like Columbia Heights

Title 11 Sec.330.5(e) states that a building or structure may be converted to an apartment house. In this case we 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 after the work is the shared wall and parts of the front and side wall. Even the few parts that remain, however, both the front and side wall, will be so significantly changed as to be unrecognizable. Even the slab on which the house was built will be demolished and replaced making this project a raze not a demolition. 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 currently has a building (single family house) and a structure (garage). The house has approximately 2,380 sq ft of habitable 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; there is no building on that part of the property to convert and it will be built from the ground up. Both the proposed front and back buildings are each 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 an existing building but rather 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 an existing building not the conversion of a lot. Use of "minor flexibility," if envisioned in the law, is not permissible when 1) the change to the existing structure and habitable space is so extreme; and 2) the change is contrary to the purpose of the R-4 Zone in which the lot is placed. 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. This decision is not relevant because in 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".

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

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(e) requires a developed lot and a building or structure that will be converted. Given that a 330.5(e) project escapes the consultation requirement that would be imposed for new construction, allowing conversion under the circumstance of the extreme changes in this case would create a significant loophole to the need for consultation for significant development that changes the character of the property. 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. This would frustrate the general public policy underlying R-4 districting and citizens and neighbors' interests in consultation in the case of proposed transfiguring changes to property

We 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 We thank you for your attention to this matter.

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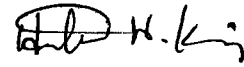


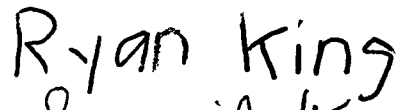

1673 Columbia Rd NW
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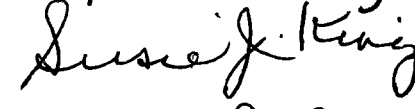
Herbert King

Ryan H. King

Susie J. King







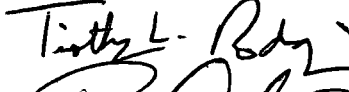
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