

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

PREHEARING STATEMENT – BZA APPLICATION NO. 19011

Gabriel, LLC (Applicant)
129 Varnum Street, NW; Square 3321, Lots 10 and 11

I. INTRODUCTION.

Gabriel, LLC (the “Applicant”) is proposing the construction of a seven-unit apartment house on the property located at 129 Varnum Street, NW, Washington, D.C., Square 3321, Lots 10 and 11 (the “Property”). The Property is located in the R-5-A zone district. In the R-5-A zone, an 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 pursuant to certain guidelines.

The Property consists of two rectangular lots with a combined width of forty (40) feet and a length of one-hundred fifty-five (155) feet each, for a total land area of six thousand two hundred (6,200) square feet. The Property is currently improved with a one-family dwelling, which will be razed. Attached as Exhibit A to the Applicant’s Statement are photos of the existing dwelling. The Applicant is proposing to construct a seven (7)-unit apartment house (to be sold as condominiums), with a floor area ratio of 0.9 and a lot occupancy of 28.87%. Seven (7) legal parking spaces will be provided at the rear of the Property, accessed via the twenty-foot wide alley behind the rear of the Property. A copy of the Zoning Map for this Property is attached as Exhibit B to the Applicant’s Statement.

The proposed building will be three (3) stories and is characterized by its limited massing in relation to the maximum permitted and minimum required zoning criteria. For instance, the proposed lot occupancy is 28.87%, well under the forty percent (40%) maximum permitted lot coverage. The proposed height is thirty-three feet and six inches (33’6”) – six and a half (6.5) feet below the maximum permitted height. The rear yard setback is sixty-three (63) feet. Side yards are each 8 feet 4.5 inches (8’-4.5”). The stairway penthouse is limited in size, and is only 5 feet 2 inches (5’ – 2”) above the proposed building’s parapet. It is worth noting that while the R-5-A Zone District is the most restrictive zone in terms of area requirements, the Applicant is proposing a building that is well under most of those area requirements.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING NEIGHBORHOOD.

The Property is located in the R-5-A zone, in the middle of a fairly large R-5-A zone district. This block of Varnum Street is characterized by one-family dwellings, flats, and group houses. To the north of the Property, across the public alley, is a 52-unit apartment community that fronts on Webster Street and is known as the Webster Gardens Apartments. The R-5-A zone district that the Property is located in is bordered to the south by C-1 zoning, to the east by the Armed Forces Retirement Home campus, to the north by Rock Creek Cemetery, with R-4 zoning to the east.

The proposed building (the “Building”) will consist of seven (7) residential units, including one 1-bedroom unit, five 2-bedroom units, and one 3-bedroom + den unit. The revised architectural plans are being submitted together with this prehearing statement. The Office of Planning has requested a rendering showing the proposed building. The architect is therefore working on a 3-D rendering which will include neighboring properties, in order to show the full context of the proposed project. This rendering will not be ready until early next week.

III. THE APPLICATION MEETS THE REQUIREMENTS OF SECTIONS 3104 AND 353.

A. Overview.

Pursuant to Section 3104.1 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 Section 353 of the Zoning Regulations.

Uses that are permitted by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. 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). This application provides satisfactory evidence that the Applicant has satisfied the relevant zoning requirements of Sections 353 and 3104.1, as described below.

B. The Special Exception Requirements.

The proposal in this application satisfies the requirements of Sections 3104.1 and 353 of the Zoning Regulations necessary to approve the proposed use of a seven-unit apartment house as follows:

Section 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 seven (7) 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.

Section 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 seven (7) units in the R-5-A zone, and provides seven (7) 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.

Section 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. The

proposed building is designed and located to have minimal impact on light and air to neighboring properties. As noted above, the proposed height is only 33'6", with a small rooftop penthouse limited to a height of only 5'2" above the proposed building's parapet, and set back at least 1:1 from all four walls of the proposed structure. The side yards will be 8'- 4.5"; wider than what would be required for a one-family dwelling. The rear yard setback (63') is more than three times greater than the required rear yard setback of 20'.

This proposal includes seven (7) parking spaces, one for each proposed unit. At one-to-one, the R-5-A has the most stringent parking requirement in the District. Considering the size of the proposed units, this Property will have more parking spaces per lot area and per building area than most other homes in the neighborhood.

The Applicant has been working with the Office of Planning to address comments regarding that agency's review of the Application. In particular, in response to comments regarding the design of the Building, the architect has responded to the Office of Planning that the proposed facade design draws upon the language of the existing adjacent buildings, and continues the 2 story brick band that is prominently featured on the majority of the buildings along Varum Street, NW. They have also referenced the change in material that occurs at the attic floor of the existing adjacent buildings to further strengthen its contextual relationship. Most houses along this block of Varum Street feature a porch, and the proposed project includes a projecting bay that is approximately the same proportion on the new south facade. The proposed aluminum bay windows are consistent with the architectural language of other multi-family buildings throughout the District. The proposed design is built upon strong contextual relationships and will harmonize with the immediate adjacent buildings.¹

Section 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.*

¹ While the language in Section 353 does not include a review of the "design" or building materials for a proposed R-5-A building, the Applicant and its architect will continue to respond to and work with the Office of Planning on such issues to design the best possible project.

The Applicant has submitted site plans and typical floor plans and elevations, as well as a landscape plan. Grading information has been noted on the civil plan included on Page A-5 of the architectural plans. The Application anticipates no new rights of way or easements.

Section 3104.1 Special Exceptions 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.

As noted above, the massing of the proposed Building is modest and reasonable, well within the zoning envelope for the R-5-A District. The Application asks for no relief from any area requirements. The project will provide a unit mix of reasonably-sized units, with one 1-bedroom unit, five 2-bedroom units, and one 3-bedroom + den unit. The Property is located at the center of this particular R-5-A - zoned area. The proposed apartment house is surrounded by R-5-A zoning, including apartment houses across the rear alley. For these reasons, the special exception relief will not tend to adversely affect the use of neighboring property.

IV. 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 approval.

Respectfully submitted,



Martin Sullivan
Sullivan & Barros, LLP

Date: June 2, 2015