

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION

APPLICANT'S STATEMENT

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.

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 are photos of the existing dwelling. The Applicant is proposing to construct a seven (7)-unit apartment house, 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 alley system behind Varnum Street. A copy of the Zoning Map for this Property is attached as Exhibit B.

The proposed building will be three (3) stories and will have a maximum height of thirty-three feet and six inches (33'6"), about six feet and six inches (6'6") below the maximum permitted height in the R-5-A zone.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING NEIGHBORHOOD.

The Property is located in the R-5-A zone and is surrounded by R-5-A zoning. Behind the Property across the public alley is a 52-unit apartment community that fronts Webster Street and is known as the Webster Gardens Apartments. The R-5-A zone 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, and to the north by Rock Creek Cemetery.

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, or will be adjusted in response to input from the Office of Planning.

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.*

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.

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.*

Because the proposed apartment house is surrounded by R-5-A zoning, including apartment houses one within the same block, the special exception relief will not tend to adversely affect the use of neighboring property. Furthermore, the proposed structure is much smaller than the matter-of-right house that can be constructed on the Property: the proposed structure is six feet and six inches (6'6") lower than the maximum permitted building height, is seventy-two percent (72%) of the maximum permitted lot occupancy, has side yards that are greater than eight (8) feet, and has a rear yard that is three (3) times the required length.

IV. CONCLUSION

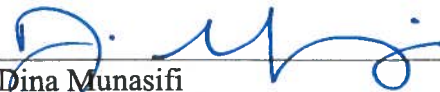
For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,



Martin Sullivan
Sullivan & Barros, LLP

Date: March 30, 2015



Dina Munasifi
Sullivan & Barros, LLP

Date: March 30, 2015