

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Simone Management, LLC

**APPLICANT'S HEARING STATEMENT
July 2015**

This Pre-Hearing Statement ("Statement") outlines the existing and proposed use of the property and the manner in which the application ("Application") complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR § 3104.1 for a special exception under § 353.1 to allow the redevelopment of the subject property by construction of new four dwelling units apartment building. The application also seeks variance relief pursuant to § 3103.2 from the minimum number of parking spaces required as set forth under § 2101.1, including from the access and maintenance provisions set forth for minimum width of aisle under § 2117.5

SUMMARY OF APPLICATION

The applicant seeks a special exception pursuant to 11 DCMR § 3104.1 to allow, under § 353.1 the construction of a new four-unit apartment building in replacement of a similar structure and use which existed on the subject property prior to its demolition in entirety.

The applicant also seeks variance relief pursuant to § 3103.2 from the minimum required number of parking and the minimum aisle width set forth under §§ 2101.1 and 2117.5 respectively

Whereas the previous building occupied approximately fifty percent (50%) of the lot area at the time of its existence, the applicant proposes a footprint of approximately thirty-eight percent (38%) in compliance with the forty percent limitation prescribed for its underlying R-5-A zone district.

The proposed building consists of a cellar and two floors above, therefore a two-story building. Three standard parking spaces, one short of the four spaces required, will be provided on site and accessible from the 25 feet public alley which abuts the subject property. Lot configuration constraints including the fact that the subject property is

encumbered by a 15 feet Building Restriction Line (BRL), prohibits compliance with the minimum width of aisle requirements and providing the fourth required parking space. The proposed new construction will provide an approximate nine feet (9 ft.) aisle width where seventeen feet (17 ft.) is required.

The proposed building will comply with all other applicable provisions of the Zoning Regulations, including the minimum required rear yard setback, height and number of story limitation, and floor area ratio (FAR).

JURISDICTION OF THE BOARD

The application is properly before the BZA. The Board is authorized to grant the requested special exception under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR § 3104.1

PROPERTY LOCATION AND DESCRIPTION

The property is located in the in Southeast quadrant of the city and mapped under Square 5795, Lot 0027 in the Atlas Baist Maps.

The lot is currently vacant, although evidence of the existence of a prior structure(s) exists and will be provided in the course of the hearing.

The subject property is located amongst a mixture of walk-up garden apartments, flats and row dwellings. The proposed walk-up apartment house is therefore compatible with the prevailing conditions of its immediate neighborhood.

The lot is irregularly-shaped and comprises two thousand five hundred and ninety eight (2,598 ft²) in lot area. A fifteen feet (15 ft.) public alley abuts the side property lot line on the South, while the front property lot line is within a fifteen feet (ft.) Building Restriction Line (BRL), which restricts that portion of the lot to specified projections.

STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

The Applicant requests approval from the Board of Zoning adjustment (BZA) of a special exception under § 353.1 to allow the proposed redevelopment of the subject property by way of new construction of a four-unit apartment house.

The proposed redevelopment will comply with all other applicable provisions of the Zoning Regulations, except for the provision of §353.1 which subjects all new residential developments in the R-5-A zone district, except those comprising one-family detached and semi-detached buildings, to review by the BZA under specified special exception provisions. The application also seeks variance relief from the minimum number of required parking spaces – providing three (3), one short of the required four (4), including from the minimum width of aisle; constrained by limited size to providing nine feet (9 ft.) whereas seventeen feet (17 ft.) is required.

The Board is authorized to grant special exceptions where, in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to specified conditions.

Under the General Provisions of the R-5 Districts and as more specifically set forth under § 350.1 the R-5 Districts are General Residence Districts which are intended to permit in a single district”all types of urban residential development if they conform to the height, density and area requirements established for these districts under Chapter 4 of this title...”

Chapter 4 of the Zoning Regulations establishes a maximum height of 40 feet and three stories for buildings or structures in the R-5-A zone district within which the subject property is located; density not to exceed 0.9 FAR; percentage of lot occupancy limit of 40%; rear yard setback minimum of 20 feet.

The proposed building or structure complies with all the foregoing provisions as attested by the self-certification form and worksheet in conjunction with the submitted project plans and Surveyor’s Plats.

The subject property had been previously improved by an apartment house with the same number of units, but is a structure or building of greater density and size. Further, the previously existing use did not provide any parking on site, although said condition would have been grandfathered because that structure was in existence prior to May 12, 1958. Comparatively, the proposed redevelopment of the subject property constitutes a reduction in intensity of use of the property and an improvement on its potential adverse impact on street parking specifically and on the neighborhood in general.

The proposed use is deemed a compatible use in the R-5-A zone district and more importantly the neighborhood epitomizes the objective of the General Provisions as set forth under § 350.1 given that it features such urban mix of all types of urban residential development contemplated therein, as aforementioned.

CONCLUSION

The Board is authorized to grant a special exception, in excerpt, where in its judgment, the relief 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 properties.....”

The applicant proposes to redevelop the subject property to establish the same use that previously existed on site, poignantly of lesser density and potential adverse impact in a neighborhood with a balanced mixture of three-story walk-up garden apartments, row dwellings, flats and other types of one-family dwellings. Therefore the proposed project

is compatible and is in harmony with the general purpose and intent of the Zoning Regulations and Maps, as set forth in §§ 350.1 and 350.2 of the General Provisions section of the R-5 Districts.

Subject to the provisions of § 353, the proposed use of the subject premise as an apartment house is use permitted in the underlying R-5 District as specifically set forth under § 350.4 (f).

For the foregoing reasons, the proposed use will not tend to affect adversely, the use of neighboring properties.

The Applicant therefore respectfully requests that the application be granted.