

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

APPLICATION OF:

410 GooDBuDDY LLC

KENDALL DORMAN & JANET T. ROY, MEMBERS

1000 LAMONT STREET NW

Square 2845, Lot 0129

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BZA Case No. TBD

Hearing: TBD

STATEMENT OF 410 GooDBuDDY LLC

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of 410 GooDBuddY LLC ("410 GooDBuddY") in support of its application to the Board of Zoning Adjustment for variance. Pursuant to 11 DCMR §§ 3103.2, 410 GooDBuddY seeks a variance from the off-street parking requirements under §2101.1, in the R-4 District.

The relief is necessary to allow the construction of a flat (two family dwelling) on a non-conforming lot located in the R-4 District at premises 1000 Lamont Street N.W., (Square 2845, Lot 0129)

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("BZA" or "Board") has jurisdiction to grant variance relief requested pursuant to D.C. Code § 5-424 6- 641.07 (2001 ed.) and sections 2101 of the Zoning Regulations (11 DCMR).

III. BACKGROUND

A. Description of the Subject Property

The Subject Property consists of Lot 0129 in Square 2845, the city block bounded by Lamont Street N.W., to the north, Kenyon Street, N.W., to the south, 11th Street, N.W., to the west and Sherman Avenue, N.W., to the east. There is no alley or alley access abutting the subject property.

The property is presently an unimproved lot. Lot 0129 is rectangular in shape, and consists of 750 square feet of land area. 410 GooDBuddY intends to build a 2 unit flat for their members' primary residence and maintain a rental in the lower floors. The lot is nonconforming for § 401 lot width (18 ft. minimum required, 15 ft. proposed), and § 401 lot area (1,800 sf. required, 750 sf. proposed); however, the lot preexists the 1958 zoning regulations and therefore, no relief is necessary.

The property is located in the R-4 Zoning District, a residential zone designed primarily for rowhouses that may be used as single family dwellings and flats. The property is not located within a Historic District.

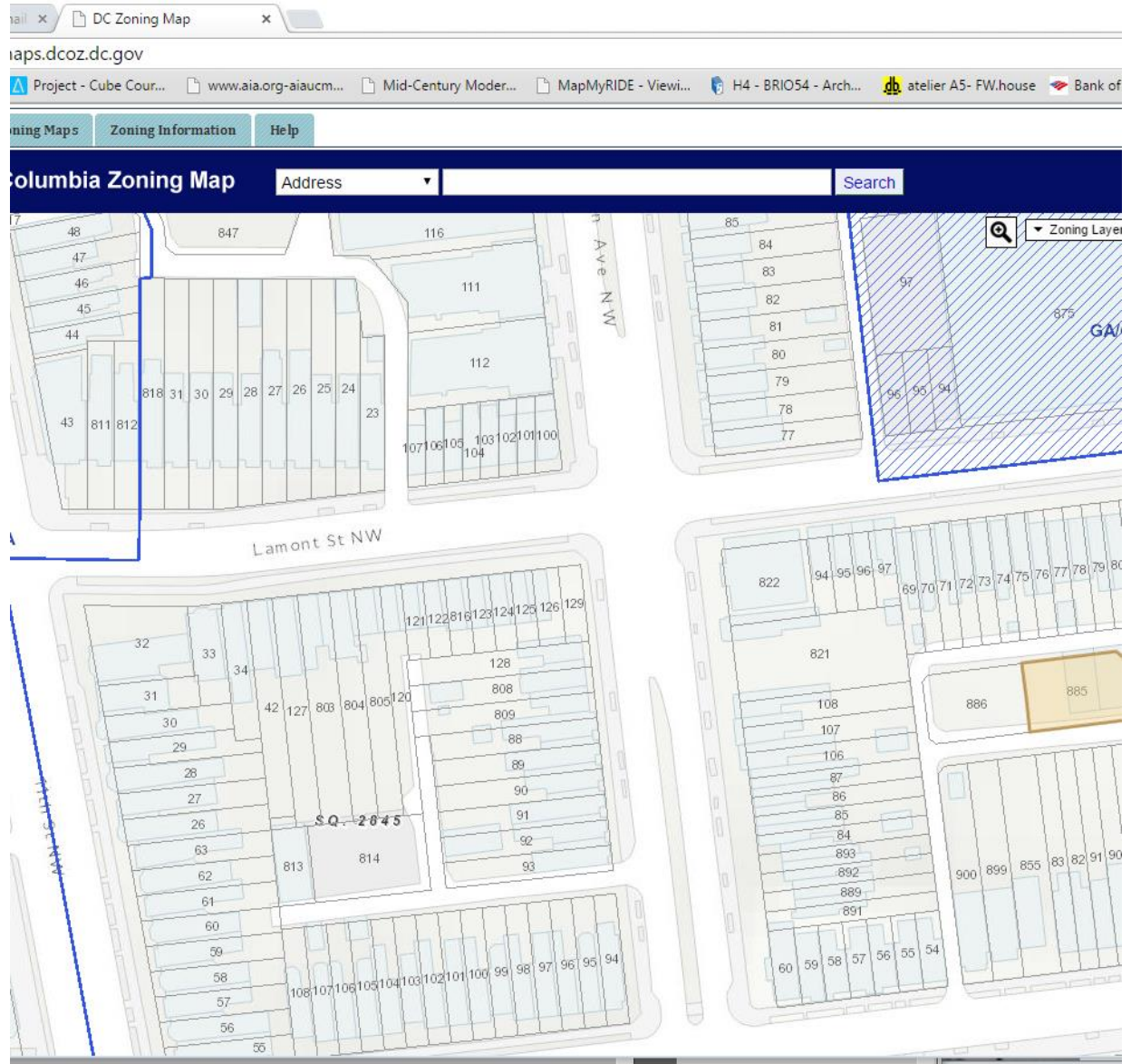


Exhibit A - Subject Property is shown as lot 129 square 2845 (North ^)

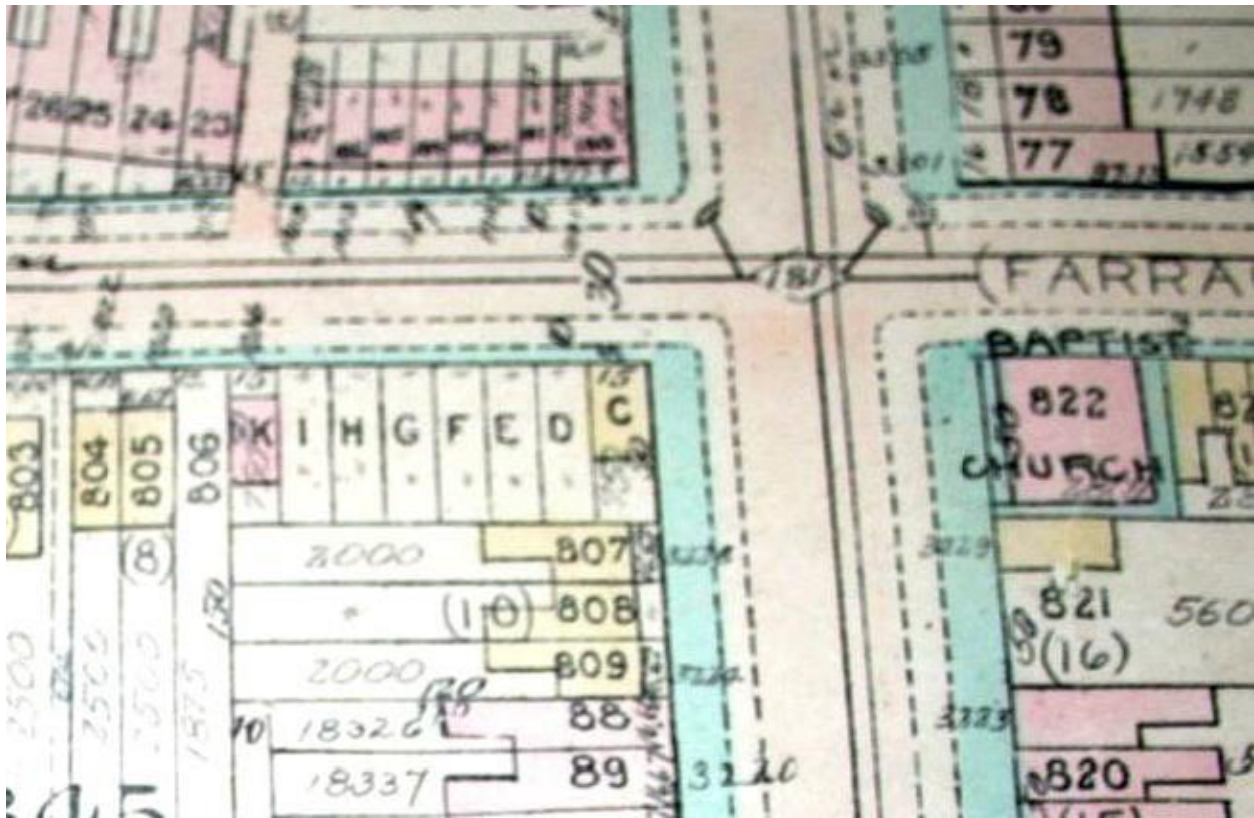


Exhibit B - Subject Property is shown as Lot "C" - 1919 Baist Map Volume 3 - Part 1 - Partial Plan 13

B. Description of Surrounding Area

The surrounding Columbia Heights neighborhood is characterized by late-nineteenth and early-twentieth century rowhouses, detached dwellings, small and larger - scale apartment buildings, and smaller scale commercial buildings. A two-story rowhouse abuts the 410 GooDBuddY property to the south and records show that the two-story rowhouse to the west is 2'-8" from the property line. Across Lamont Street NW to the north are 2 and 3 story rowhouses and there is a church across Sherman Avenue NW to the east.

C. Project Description

410 GooDBuddY proposes to construct a freestanding, 3 story + mezzanine, two unit flat building that has been professionally and carefully designed with 60% lot coverage. The building does not extend beyond the maximum height allowed at the time application for permit was made. A 1919 Baist map shows a structure located on the property as lot "C" – see Exhibit B. Architectural drawings and photographs are provided in Exhibit D.

The Neighborhood is characterized by small-scale structures of varying heights, shapes and exterior finishes, and many are without off street parking. Two- and three-story structures are commonly juxtaposed next to each other. At 11th street (the other end of Lamont Street, N.W.) for example, two- and three-story buildings are built next to one another. Similarly, third-story additions are found throughout the neighborhood.

The flat is to be constructed, like many of the houses in the neighborhood, of modest forms and modest materials (wood or metal frame construction with painted overlap fiber cement lap siding) with a low slope roof. It is to be built along the property lines at the west and east. A 20'-0" rear yard is proposed – most of which will be a garden for the Lower unit.

The design strives to maximize the privacy of adjacent properties. Parapet walls on the east, north and west elevations will be extended at least 3.0 feet above the finished roof surface and will further protect the privacy of adjacent properties. These parapet walls will also serve to buffer any noise or light that might emanate from the proposed roof deck area. The windowless, solid west wall of the flat will prevent views into adjacent yards.

The property has already been converted from a tax lot into one lot of record.

Notification to the adjacent neighbors of the building permit application has been sent, as required, to the neighbors via certified mail. Notification has been provided to Ms Megan Rappolt, at the Office of Planning on 11.3.15. Notification to the ANC is anticipated to be completed before the formal BZA hearing.

Listed below are the existing and proposed zoning calculations for the property.

Zoning Calculations

R-4 Provision	Allowed/required	Existing	Proposed	Relief Required
Height	40 ft. max. 3 stories max.	None	40 ft. 3 stories + mezzanine	No
Lot Width	18 ft. min.	15 ft.	15 ft.	No*
Lot Area	1800 s.f.	750 s.f.	750 s.f.	No*
F.A.R.	None prescribed	N/A	N/A	N/A
Lot Occupancy	60% max	N/A	60%	No
Rear Yard	20 ft. deep	N/A	20 ft.	No
Side Yard	None required or 8'-0" Min.	N/A	0'-0" or 8'-0" Min (at west)	No
Open Courts	None required	N/A	N/A	No
Parking	1	N/A	0	Yes

* The lot preexists the 1958 zoning regulations and therefore, no relief is necessary.

IV.

410 GooDBuddY MEETS THE BURDEN OF PROOF FOR VARIANCE FROM PARKING.

A. Standard of Review

Under D.C. Code, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is unique because, *inter alia*, of its size, shape or topography;
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied;
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

The proposed project meets all three prongs of this test. First, the property is unique without ally access and it is unlikely that curb cuts would be granted. Second, the owner will encounter substantial practical difficulties if the Zoning Regulations are strictly enforced because it will not be able to construct anything on the site and therefore it is economically unviable. Finally, the project will improve an unimproved lot and thus bring it back into occupancy in furtherance of the public good and without substantially impairing the intent or purpose of the zoning laws.

The confluence of these three conditions creates practical difficulties for 410 GooDBuddY in complying with the strict application of the Zoning Regulations with respect to Parking as discussed below.

(1) the property is unique because, *inter alia*, of its size, shape or topography;

The subject property has no alley access; in fact, there is no alley for 15 of the 17 adjacent properties along the south side of Lamont Street in the square. It is unlikely that curb cuts would be granted for the development along Lamont Street NW by the Public Space Committee because it is near the intersection. The lot is adjacent to a WMATA bus stop along Sherman Avenue NW – so a curb cut along Sherman Avenue NW is also unlikely to be granted. The lot, therefore, has no opportunity to provide onsite parking.

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied;

If a parking variance is not granted, then it is impossible for the Owners to secure a building permit to construct a building on their property. The BZA has found that practical difficulties exist where strict application of the regulations would severely limit the ability of the Owner to build on the site and create livable spaces.

Additionally, at a special public meeting on November 16, 2015, the Zoning Commission UNANIMOUSLY voted to approve modifications to the regulations regarding required vehicle parking, access and layout, to reflect policy goals for the

District as well as current needs of workers and residents. The proposed new regulations are to include the following: Single family residences and flats will not have required parking “if there is no alley access to the lot”. The Zoning Commission anticipates taking final action, so that the final text can be published in the DC Register made effective, on January 14, 2016 – but the zoning commission decided that it would not be made applicable for a period of six months afterwards.

(3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zoning plan.

The requested relief could be granted without detriment to the public good. The use requires one parking space per flat, and without those spaces it could be expected that additional cars would park on the street. But the addition of a small number of cars on the street should not have a great impact on the parking situation in the neighborhood. There is no potential vehicular access to the lot from an alley and it is believed that DDOT would not approve a curb cut because Sherman Avenue is a major arterial and a curb cut would likely be at the bus stop directly adjacent to the property. Also, this lot is very close to the intersection of Lamont Street and a curb cut could decrease the safety of vehicular turning movements.

The neighborhood is also served by transit, being almost equidistant from the Columbia Heights and Georgia Avenue Metro stations. Google maps says they are each .5 mile or a 9 minute walk from the lot. A 63 bus stop is adjacent to the site and other busses such as the 52, 53, 54 63, 64 H8, H2, H4, 79 and 70 are all close and serve the immediate neighborhood. The subject site is also walkable to the 14th street commercial district, the

Georgia avenue commercial district and to the planned Whole foods at the bottom of Sherman Avenue near the U street commercial district. This extensive transit service and walkability means residents are less likely to need cars. Not requiring a curb cut could also maintain the pedestrian-friendly environment of this block, would allow a more gracious visual streetscape, and maintain existing on-street parking spaces.

Granting the requested relief would not impair the integrity of the Regulations. While the Regulations generally intend to provide on-site parking for any given use, doing so in this case would necessitate curb cuts on Sherman Avenue, which could eliminate several parking spaces from the street and result in no net parking gain for the neighborhood and/or necessitate a curb cut at a bus stop pad.

The proposed variances will trigger significant public good without substantially impairing the intent or purpose of the zoning laws. By allowing the proposed building to be built on a non-conforming lot, this vacant lot can be brought back to full occupancy and enhance the residential facilities in the neighborhood. The rear of the lot can still be used as outdoor recreational space and open area. Required parking is a hardship.

V.

410 GooDBuddY MEETS THE TEST FOR VARIANCE RELIEF FOR A SINGLE-FAMILY DWELLING OR FLAT IN THE R-4 DISTRICT.

A. Standard for Approving Variance Relief

Relief granted through a variance is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met.

As demonstrated below, and through exhibits, testimony and other information to be submitted into evidence before the Board, 410 GooDBuddY meets the requirements for variance approval.

**VI.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION**

- Exhibit A: A portion of DC zoning map showing lot and adjacent lots;
- Exhibit B Baist's 1919 Map Volume 3 - Part 1 - Partial Plan 13
- Exhibit C: Surveyor's Plat of the Subject Property;
- Exhibit D: Architectural Drawings (Plans and Elevations) and Photographs of the Subject Property and Vicinity;

**VII.
WITNESSES**

- A. Kendall Dorman and Janet T. Roy, Members 410 GooDBuddY LLC
- B. Kendall Dorman - Principal @ Wiebenson & Dorman Architects PC,
Project Architects

**VIII.
CONCLUSION**

For the reasons stated above, the requested relief meets the applicable standards for a variance under the Zoning Regulations. Accordingly, 410 GooDBuddY respectfully request the Board to grant the application.

Respectfully submitted,

Kendall Dorman and Janet T. Roy
Members 410 GooDBuddY LLC

By: _____

Date: December 1, 2015