

Exhibit A

BOARD OF ZONING ADJUSTMENT

SPECIAL EXCEPTION APPLICATION

APPLICANT'S STATEMENT

824 Varnum Street, N.W.; Square 3024, Lot 50

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT

824 Varnum LLC (the "Applicant") recently purchased the property located at 824 Varnum Street, N.W., Square 3024, Lot 50 (the "Property"), which is zoned R-4. The improvements on the Property consist of a pre1958, two-story, row dwelling (the "Building") in substantial need of repair. The Applicant proposes to construct an addition to the building and to convert it to a three (3) unit apartment building. Special exception approval pursuant to 11 DCMR §336 is hereby requested for the conversion to 3 units. The applicable R-4 zoning limits the Property to 2 units as a matter of right.

II. DESCRIPTION OF THE PROPERTY AND VICINITY

The Property is located at 824 Varnum Street N.W. in the Petworth neighborhood, one block to the east of Georgia Avenue. As indicated above, it is located in the R-4 zone district. The Property has a land area of 3,295 square feet and is improved with a semi-detached structure sharing a party wall with another row structure to the east. To the west and further east, the subject block of Varnum Street and the 4200 block of 8th Street are developed with similar semi-detached structures, several of which have been converted to 3 units including 843 Varnum). Across Varnum Street to the north are several small apartment buildings including 807 Varnum (7 units) and 817 Varnum (3 units). To the south, both the northern and southern sides of the 800 block of Upshur Street are primarily developed with low scale, commercial buildings which include a pizza place, two bars and cafe restaurants, a yogi center as well as two churches.

III. Proposed Conversion Plan

The Applicant plans to add approximately 680 square feet to the rear of the Building and convert it to 3 units. The addition will consist of a three-story rear addition to the Building as set forth in the architectural plans, which are included herewith. The addition will add approximately 3'4" to the height of the Building for a total height of 34'6" and extend the rear of

the Building by 13'8". Two surface parking spaces accessed from the public alley to the rear will be provided.

IV. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF §336

Pursuant to §336 of the Zoning Regulations, the Board is authorized to grant special exception relief for the conversion of pre 1958 buildings to apartments in the R-4 zone district based upon a finding that the standards set forth in Section 336 are met and where, in the judgment of the Board, pursuant to Section 3104, 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. As detailed as follows, the proposed conversion meets the requirements and standards of both Sections 336 and 3104.1.

A. §336 Compliance

The proposed 3 unit plan satisfies all of the requirements of the recently adopted new "pop up regulations" (11 DCMR §336.2 through §336.1, Order No. 14-11), as follows:

Section 336.2 *"The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under §3104, subject to §§336.3 through 336.11. "*

The proposed addition will be thirty-four feet (34 ft.) in height.

Section 336.3 *"The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at §2603.9"*

The proposed conversion is only for 3 units so the IZ set aside requirements of §2603.9 do not apply.

Section 336.4 *"There must be an existing residential building on the property at the time of filing an application for a building permit."*

The Property currently contains a pre1958 single family structure.

Section 336.5 *"There shall be a minimum of nine hundred square feet (900 sq.ft.) of land area per dwelling unit."*

The proposed conversion to three (3) units requires a minimum of 2,700 square feet of land area. The Property has a land area of 3,295 square feet and therefore satisfies the minimum area requirement.

Section 336.6 *"Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code. "*

The addition, including roof structures and penthouses, will not block or impede the function of a chimney or other external vent on the adjacent properties.

Section 336.7 *"Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator."*

The addition will not interfere with the operation of a solar energy system on the adjacent properties as there are no such systems on adjacent properties.

Section 336.8 *"A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size."*

There are no roof top architectural elements original to the house such as a turret, tower, or dormer that will be removed or significantly altered with the proposed addition or conversion.

Section 336.9 *"Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The light and air available to neighboring properties will not be unduly affected. The proposed addition conforms to matter of right zoning standards and as such is not likely to unduly affect the adjacent building to the east or other noncontiguous properties to the west and south.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

The privacy and use and enjoyment of neighboring properties will not be unduly compromised. The proposed addition to the rear conforms to all R-4 matter of right standards and could be constructed without BZA approval but for the 3 unit conversion.

(c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley.

The proposed addition will not substantially visually intrude upon the character, scale, and pattern of houses along Varnum Street. The proposed additional height with the addition is not substantial and is actually below matter of right standards.

Section 336.10 *"In demonstrating compliance with §336.9, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways. "*

The Applicant is submitting plans and photos showing the relationship of the proposed addition to the neighboring properties from Varnum Street and the public alley to the rear of the Property.

Section 336.11 *"The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block. "*

No special treatment is necessary because the addition will be within matter of right standards and will be compatible with adjacent properties and the block in general.

B. §3104.1 Compliance

The proposed 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..." (11 DCMR §3104.1).

The scale of the proposed addition is permitted as a matter of right and is therefore in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps. It will not adversely affect the properties to the east or west. The property to the west is in need of substantial repair. The property to the east, 822 Varnun, is separated from the subject Building by the Property side yard as well as the side yard of 822. The north and south, as the properties are separated from the Property on Varnum Street, a public alley and Upshur Street, respectively. Varnum Street and Upshur Street are 90 foot right of ways.

IV. CONCLUSION

For all of the foregoing reasons, the proposed conversion meets the requirements for special exception approval by the Board. The Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia Giordano', written in a cursive style.

Cynthia Giordano