BEFORE THE BOARD OF ZONING ADJUSTMENT
OF
THE DISTRICT OF COLUMBIA

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

KSI Services, Inc. ("KSI"), hereby requests the Board of Zoning Adjustment for the District of Columbia ("BZA") to approve special exceptions, under Subsections 410 and 2516 of the Zoning Regulations, to allow the construction of 33 new single family detached dwellings with garages in a theoretical lot subdivision and 176 luxury garden apartments in the R-5-A and R-5-B Zone Districts on Good Hope Road, S.E. (Square 5735, Parcels 219/96, 220/31 and Lot 804, Square 5763 and Parcel 219/38, Square 5736).

II.
Background

KSI is the contract purchaser of the subject property. It desires to create a theoretical lot subdivision in order to construct 33 new, single family detached dwellings (with garages) and a 176 luxury garden apartment project in the R-5-A and R-5-B Zone Districts. The subject property is bifurcated by a portion of Fort Stanton Park located under the jurisdiction of the National Park Service. The

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westernmost part of the Property ("West Parcel") is to be developed as a single family detached lot subdivision and the easternmost parcel ("East Parcel") is to be developed with garden apartments. Both parcels are depicted on the Comprehensive Plan Generalized Land Use Map as being in the Moderate Density Residential Land Use category. The proposed development is consistent with this land use designation from a density and use standpoint. Approval of the special exceptions will provide a needed high quality addition to the housing stock and increase home ownership opportunities and the tax base in Wards 6 and 8, and the city as a whole.

III.
Description of the Subject Property and Surrounding Area

A. The Subject Property

The property is located on the south side of Good Hope Road, S.E., between 24th Street, S.E. to the east, and 18th Street, S.E. to the west. The East Parcel of the property consists of 355,227 square feet (8.15 acres) of land area. This parcel is rectangular in shape and has approximately 535 feet of frontage on Good Hope Road, S.E. It is currently vacant with virtually no vegetation. It is located entirely in the R-5-A Zone District and abuts Ft. Stanton Park on its west and south boundaries.

The West Parcel of the subject property is irregularly shaped and consists of approximately 332,365 square feet (7.63 acres) of land area. It is also vacant. This parcel is split zoned with approximately two-thirds in the R-5-B Zone District and one-third in the R-5-A Zone District. This site abuts Fort Stanton park land on its south and east sides. It has 760 feet of frontage on Good Hope Road, S.E. and 360 feet of frontage on U Street, S.E.

B. Surrounding Area

The subject property is located in the Fort Stanton neighborhood area on the border of Wards 6 and 8. The East Parcel is in Ward 8 and the West Parcel is in Ward 6. The immediate area of the subject property is characterized by well maintained communities of single family dwellings, garden and high-rise apartments, such as the 672 unit Marbury Plaza high-rise located to the north of the subject site.

The nearest shopping area to the subject property is the Good Hope Marketplace Shopping Center located at Good Hope Road and Alabama Avenue, S.E. The Center is anchored by a large Safeway supermarket. Ketcham Elementary School is located a few blocks to the west of the site at 15th and U Streets, S.E., and the Anacostia Branch of the public library is located directly north of the site at 18th Street and Good Hope Road. Good Hope Road is a major Metro bus

route, providing connecting to bus and Metrorail service throughout the District and region. The subject site is well served by public facilities, including transportation, and shopping opportunities.

IV.
Applicant is Entitled to Special Exception Relief

A special exception use is deemed compatible with other uses permitted in a particular zoning classification provided that certain requirements are met. In reviewing applications for special exceptions under the Zoning Regulations, the BZA's discretion is limited to *determining* whether the proposed exception satisfies the requirements set forth therein. If the prerequisites are satisfied and the Applicant meets its burden, the BZA must ordinarily grant the application. First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 432 A2d 965 (1981); see also Bakers' Local Union No. 118 v. D.C. Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of the subject special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring properties.

V.
The Application Meets the Standards for the Proposed Special Exceptions

Both applicable sections of the Zoning Regulations are designed to ensure adequate control, and site plan review, of new residential development. As shown in this application, KSI's proposal presents a superior living environment for future residents.

A. Section 410

All developments in the R-5-A Zone Districts, except for single family detached, must be approved by the Board of Zoning Adjustment as a special exception. The applicable portions of the Regulations require that:

(a) All buildings in the group of buildings shall be erected simultaneously.

(b) All front entrances of the group shall abut a street, front yard, or front court.

(c) No rear or service entrance abuts a street, front yard, or front court unless below the main floor.

(d) No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area of the group.

(e) No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:

(a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;

(b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and

(c) There shall adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

(f) The height of an individual building in a group of buildings may be measured as follows:

(a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and

(b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing

access to the majority of the dwelling units within the building.

(g) The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.

KSI proposes to construct 176 unit luxury garden apartments on the East Parcel consistent with the special exception conditions set forth in Section 410 in the R-5-A Zone District. All of the individual apartments in the buildings will be erected simultaneously. All front entrances of the group abut a front yard or front court. There are no rear or service entrances. No exterior stairway will be constructed above the level of the joists of the main floor unless located entirely within the building area.

KSI has endeavored to design the luxury garden apartment project to assure the creation of a high quality living environment for the enjoyment of future occupants and visitors. There will be adequate access to the street from each building. There will be adequate access for fire protection and other purposes provided by the private roadway easement. There will be adequate yards, courts, light, and air for each building. The project fully complies with each of the intent and conditions of Section 410 of the Regulations.

B. Section 2516

Section 2516 permits a theoretical subdivision in order for two or more principal buildings to be erected on a single subdivided lot. The standards, as applicable to this application, are:

(a) the project is consistent with use, height, bulk, open space and other restrictions of the Zone District; and

(b) the following provisions shall apply:

(1) The front of the building shall be the side upon which the principal entrance is located;

(2) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the district in which the building is located;

(3) A rear yard shall be required; and if any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.

(4) The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any required yard;

(5) Each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width; and

(6) The height of a building shall be measured from the finished grade at the middle of the front of the building.

KSI seeks a special exception in order to build 33 single family detached dwellings on a theoretical subdivision in a residential district on the West Parcel. All of the single family dwellings will front on a private roadway. Each of these units will comply with the provisions of Section 2516. Further, the area of land that forms the means of ingress/egress is not included in the area of any theoretical lot or in any yard. The planned roadway, providing vehicular ingress and egress, to the new dwellings will be 25 feet wide and paved. There are two means of vehicular ingress or egress serving the project. Each of the dwelling units will have its own driveway leading to off-street (garage) parking, either for one or two cars. There are curb parking opportunities for visitors along the planned roadway. All of the proposed building heights will be measured from the finished grade at the middle of the front of the building.

KSI's development proposal complies with the substantive provisions of Section 2516, and the proposed development will not have an adverse effect on the present character and future development of the neighborhood. The development of the site with architecturally attractive well constructed single family detached dwellings will complement the surrounding area.

KSI has designed the proposed residential development so as to be architecturally functional and visually pleasing to its future inhabitants and sensitive to its environment. The new development has been designed in terms of its size, location of driveways; net density; height, design, screening, and location of structures, so as to be harmonious with existing development on neighboring properties.

VIII.
Points in Support of this Application

Exhibit A: Site and Architectural Plans

Exhibit B: A portion of the Baist Atlas Map and Sanborn Map Showing the site outlined in red.

Exhibit C: A portion of the Zoning Map showing the subject site outlined in red.

Exhibit D: Property Owners' List

Exhibit E: Zoning Certification

Exhibit F: Photographs of the subject site and surrounding area.

IX.
Conclusion

Approval of the special exceptions from Sections 410 and 2516 of the Zoning Regulations will be in harmony with the general purpose and intent of the Zoning Regulations and Map. Further, the approval of the special exceptions will not tend to adversely affect the use of any neighboring properties.

KSI has demonstrated that it meets the burden of proof established under Sections 410, and 2516 of the Zoning Regulations necessary for the approval of special exceptions to permit the new construction of 176 new luxury garden apartments, and 33 new single family detached dwellings in the R-5-A and R-5-B Zone Districts. Thus, KSI respectfully requests that this application be approved.

Respectfully submitted,

WILKES, ARTIS, HEDRICK & LANE CHARTERED

Phil T. Feola

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Urban Planner

Date: 3-1-99

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