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LISA L. JACKSON
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September 6, 2001

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VIA HAND DELIVERY

Members of the Board of Zoning Adjustment
District of Columbia Office of Zoning
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001
Attention: Richard S. Nero, Jr.

Re: BZA Case No. 16746

Dear Board Members:

On behalf of Wardman Court Limited Partnership, please find enclosed an original and ten copies of the prehearing statement in connection with the above-referenced application for special exception relief. Eleven reduced sets of architectural drawings are included as an exhibit to the same.

Should you have any questions regarding this matter, please do not hesitate to contact me at (202) 419-2559.

Sincerely,

Lisa L. Jackson

cc: Grady Ragsdale, Schwam Architects
Norman M. Glasgow, Jr., Esquire
Steven E. Sher, Director of Land Use and Zoning Services

BZA
Case No. 16746
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO.16746
EXHIBIT NO.22

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
Wardman Court, LP

BZA Application No. 16746
Hearing Date: September 20, 2001
ANC: 1B

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STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of Wardman Court, Limited Partnership (the "Applicant") in support of the above-referenced application for a special exception pursuant to Section 3101.1 of Title 11 of the District of Columbia Municipal Regulations (the "Zoning Regulations"). The special exception is being requested to allow for the continuation of an existing parking lot located in the 2400 block of 13th Street, N.W. as an accessory parking lot under Section 214 of the Regulations.

II.
JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the special exception requested herein pursuant to Section 3104.1 of the Zoning Regulations.

III.
BACKGROUND

A. Description of the Subject Property

Lot 109 in Square 2868 (the "Property") is one of five lots that make up the Wardman Court Condominiums and Clifton Terrace Apartments. Lots 106 and 107

each contain one rental apartment building and Lot 108 contains one building consisting of condominium units (collectively referred to throughout as "Clifton Terrace"). Lot 812 is a small vacant lot located to the south of Lot 106. Lot 109 has existed for approximately 45 years as a separate accessory parking lot serving Clifton Terrace residents. Lot 109 is zoned R-5-B as are lots 107 and 108 and 812. Lot 106, containing the westernmost building, is located in the C-2-B District. Lot 109 is contiguous to Lot 108 and is separated from lot 107 only by a 20 foot wide public alley. Lot 109 is approximately 22,951 square feet. (***See*** Exhibits A, B, C, D and E.)

B. Description of Surrounding Area

The Property is bordered to the north by the Clifton Terrace East building, to the west by the Clifton Terrace Centre building, to the east by 13th Street and to the south by a 20 foot public alley. Cardozo High School is located directly across 13th Street to the east. The Belmont Street apartments and several rowhouses are located on the south side of the public alley.

C. Prior Zoning Approvals

The Clifton Terrace buildings were built in approximately 1916 and originally consisted of more than 300 residential units. As pre-1958 structures, parking spaces are not required for the apartment buildings under Section 2100.1. On September 19, 1956, the Board of Zoning Adjustment issued an order approving the use of the Property for the parking of automobiles. The order limited parking on the site to residents of the Clifton Terrace Apartments and conditioned the

approval of the parking lot to a period of five years, subject to renewal at the discretion of the Board of Zoning Adjustment upon the filing of a new appeal in accordance with the then-existing zoning regulations. (***See*** Exhibit F.) Notwithstanding the lack of records of any further BZA approvals, Lot 109 has always been used as an accessory parking lot from 1956 to the present. Two of the three Clifton Terrace buildings are currently vacant. Pursuant to a recent grant from the United States Department of Housing and Urban Development ("HUD"), the Applicant is completely rehabilitating the three apartment buildings. The redevelopment effort includes major renovation of the three apartment buildings, upgrading the safety of the buildings, and upgrading the surrounding landscaping and other site improvements. When completed, the number of dwelling units among the three buildings will be reduced from approximately 285 to 228 units. The units will be a mix of approximately 152 low- and moderate-rate rental units in the two buildings located on Lots 106 and 107—including handicapped units—and 76 condominium units in the building located on Lot 108.

As part of the rehabilitation effort, the Applicant filed with the Board in October 2000, in BZA Application No. 16612, a special exception and variance to convert the existing surface lot to a structured four-level parking garage. The special exception and variance were unanimously granted. The Applicant has vigorously but unsuccessfully pursued financing to construct the planned parking garage. Without a sufficient level of financial resources, the Applicant is unable to construct the garage. The Applicant, however, is still proceeding with the re-

development of the apartment buildings. In proceeding with the project, the Applicant is seeking approval by the Board to maintain the status quo of the existing surface parking lot as a legal and authorized parking lot under the current zoning regulations.

D. Description of the Proposal

As mentioned herein, the Applicant seeks to continue the existing parking lot use under the current zoning regulations. The Applicant will also make improvements to the existing lot, which currently contains 38 parking spaces. The Applicant will remove the existing parking lot surface and base and resurface the area into a new 50 space lot, increasing the number of parking spaces available even though the density of the units in the apartment buildings will be decreased. The Applicant will provide bituminous paving and, in addition, will install new curbing, sidewalks, and landscaping as indicated on the attached plan. (***See*** Exhibit G.) Currently, there is no landscaping associated with the lot. Through the granting of this application, the opportunity exists for parking to be available for all three buildings. If the application is not granted, the Applicant will by necessity subdivide lots 108 and 109 into a single record lot and all the parking will be utilized by the occupants and guests of the condominium building as matter of right accessory parking. Spaces in the lot will be sold to owners of units in the condominium building, Lot 108. Those units that are not sold will be available for use by the residents of the two remaining rental apartment buildings.

IV.
THE APPLICANT MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION APPROVAL OF AN ACCESSORY PARKING LOT

A special exception use is deemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If an Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973).

In order to meet the burden of proof for a special exception, an Applicant must demonstrate that the proposed use 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. In the case of an accessory parking lot in the R-5-B zone, the Applicant must also demonstrate compliance with the requirements of Section 214.

A. The Proposed Use meets the conditions set forth in Section 214 of the Regulations

(1) Section 214.2: Accessory parking spaces shall be in an open area or in an underground garage no portion of which shall extend above the level of the adjacent finished grade.

The parking lot is an open area and does not extend above the level of the adjacent finished grade.

(2) Section 214.3: Accessory parking spaces shall be located in their entirety within 200 feet of the area to which they are accessory.

The Property is located in its entirety within 200 feet of the Clifton Terrace buildings.

(3) Section 214.4: Accessory parking spaces shall be contiguous to or separated by only an alley from the use to which they are accessory.

The Property is contiguous to Lot 108 and separated from Lot 107 only by a public alley.

(4) Section 214.5: All provisions of Chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under Section 2303.3 modify or waive the conditions specified in Section 2303.2 where compliance would service no useful purpose.

The Property complies with all applicable of the provisions of Chapter 23 of the Zoning Regulations regulating parking spaces. The pavement will be of a bituminous material. No space on the lot projects over any lot or building line. The parking currently is used exclusively for tenants of the Apartments. Spaces in the refurbished lot will be for the use of residents of the Clifton Terrace buildings only. Spaces will be sold to owners of the condominium units, and the remaining spaces that are not sold will be available to residents in the rental units. No vehicular entrance is within forty feet of a street intersection as measured from the intersection of the curb lines extended. The property will be kept free of refuse and debris and will be appropriately landscaped.

(5) Section 214.6: It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following: (1) strip zoning or shallow zoning depth; (b) Restricted size of lot caused by adverse

adjoining ownership or substantial improvements adjoining or on the lot; (c) Unusual topography grades, shape, size, or dimensions of the lot; (d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or (e) Traffic hazards caused by unusual street grades or other conditions.

The Clifton Terrace buildings were built at a time when there were no parking requirements under the Zoning Regulations. The parking lot was not built until approximately 50 years later. Thus, because of the substantial improvements on the lots on which the buildings are located, it would have been impracticable to locate a parking area on those lots.

(6) Section 214.7: Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

The Property has been used as a parking lot for more than 40 years and has helped to reduce on-street parking demand on the surrounding streets. Access to the lot is from 13th Street and the lot is designed in such a manner so as not to impede the flow of traffic on that street. The lot is located at a far enough distance away from the neighboring residential units to the south so as to not create any noise or any other objectionable traffic conditions.

B. The proposed special exception is in harmony with the general purpose of the Zoning Regulations and will adversely affect neighboring properties.

The accessory lot is in harmony with the general purposes of the Zoning Regulations to lessen congestion in the street and to secure the safety of residents of the District of Columbia. The lot provides a safe pool of off-street parking for the convenience of residents of the buildings. The lot provides safety for both residents

and their vehicles. The lot is located sufficiently far enough away from neighboring lots so that it does not adversely affect them. In addition, ingress and egress to and from the lot is designed in a manner to efficiently and expeditiously move vehicles off the street and onto the lot.

V.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A: A portion of the Sanborn Atlas showing the subject property highlighted in red.

Exhibit B: A portion of the Baist Atlas showing the property highlighted in red.

Exhibit C: Surveyor's Plat of the subject property.

Exhibit D: A portion of the Zoning Map showing the Subject Property highlighted in red.

Exhibit E: Photographs of subject property.

Exhibit F: A copy of an order of the Board of Zoning Adjustment entered on September 19,1956 approving the lot for accessory parking use.

Exhibit G: Architectural Drawings and Elevations

Exhibit H: Outline of testimony of Representative of Wardman Court Limited Partnership.

Exhibit I: Outline of testimony of Representative of Schwam Architects.

Exhibit J: Outline of testimony of Steven K. Sher, Director of Zoning & Land Use Services, Holland & Knight, LLP.

VI.
WITNESSES

A. Representative of Wardman Court, Limited Partnership.

B. Representative of Schwam Architects.

C. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight, LLP.

VII.
CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards for a special exception under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____
Norman M. Glasgow, Jr.

By: _____
Lisa L. Jackson

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006
(202) 955-3000

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A

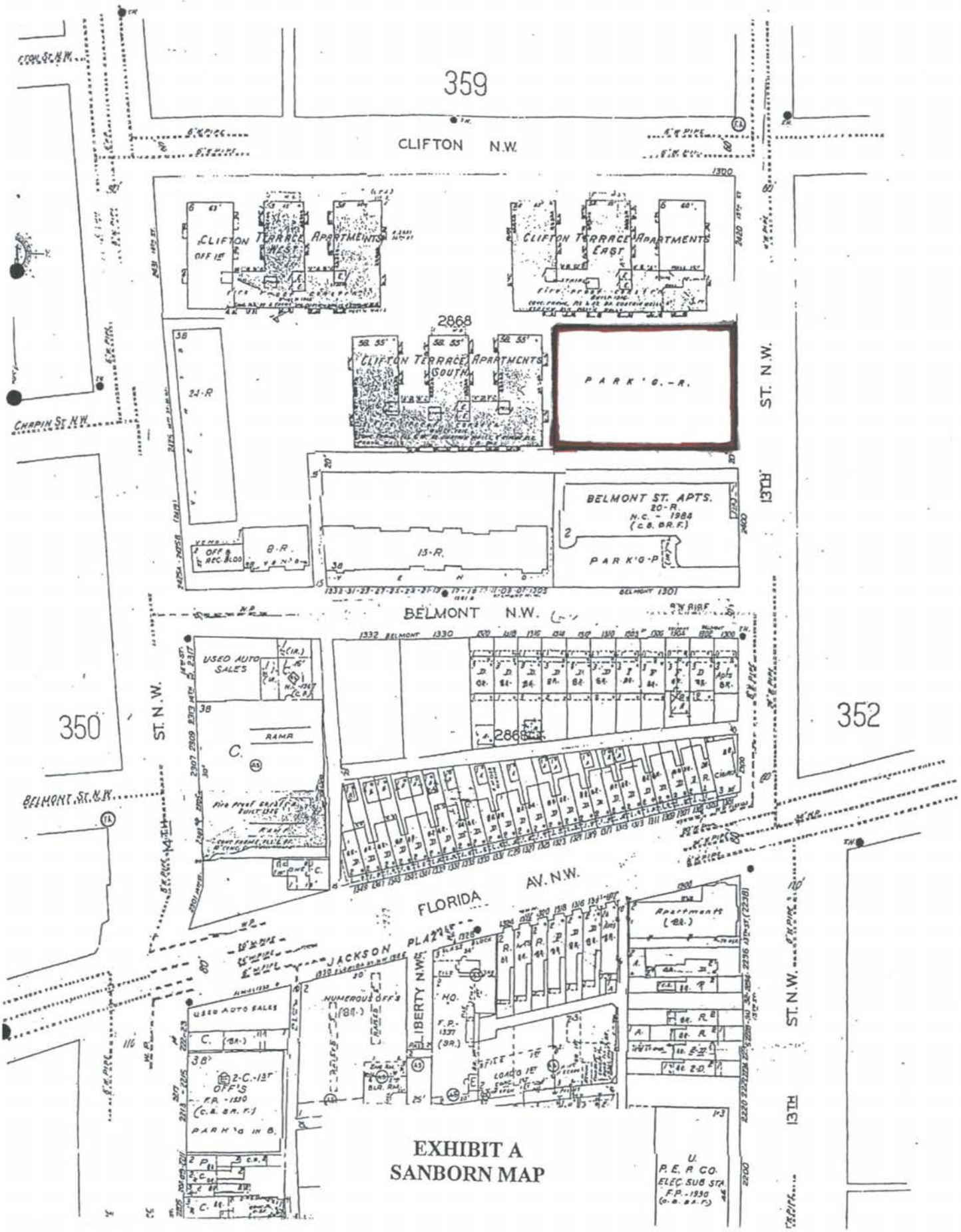
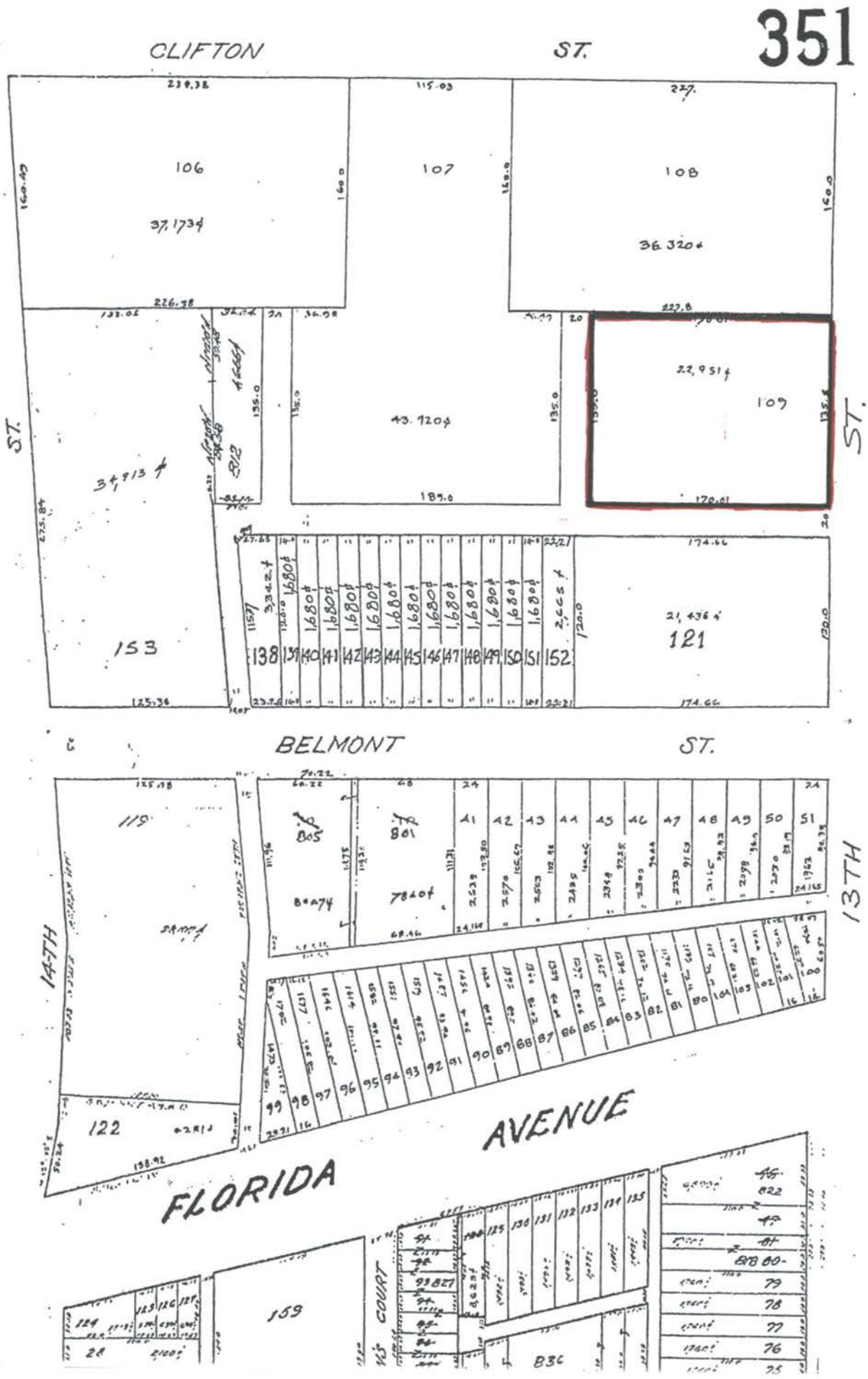


EXHIBIT A
SANBORN MAP


351
CLIFTON
ST.
106
37,173 ±
107
43,720 ±
108
36,320 ±
109
22,951 ±
153
34,913 ±
121
21,436 ±
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
BELMONT
ST.
119
122
14TH
13TH
FLORIDA
AVENUE
159
45TH COURT



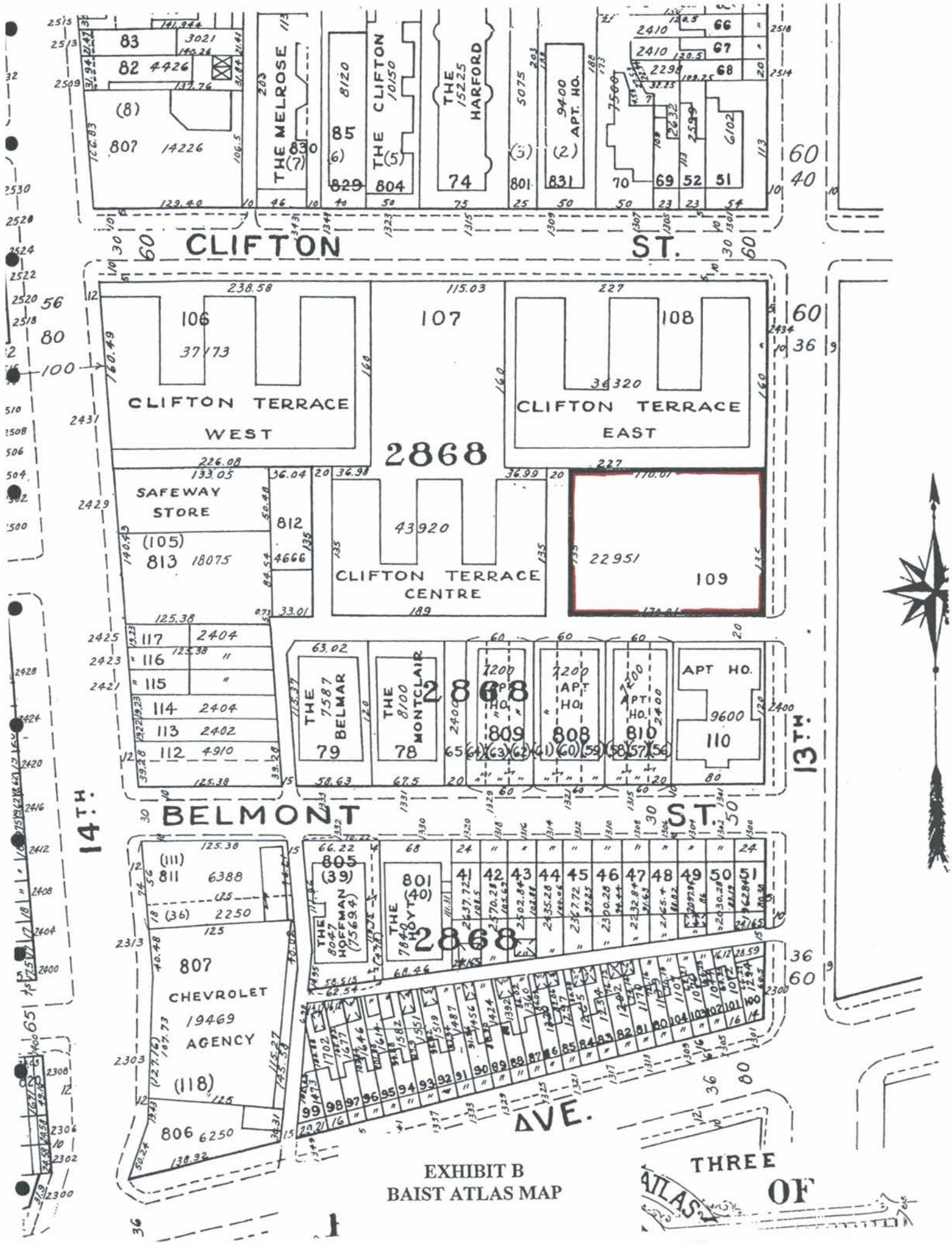


EXHIBIT B
BAIST ATLAS MAP

THREE ATLAS OF

C

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., APR. 3, 2001

Plat for Building Permit of SQUARE 2868 LOT 109

Scale: 1 inch = 30 feet Recorded in Book 50 Page 165

Receipt No. 2935

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

By: MH

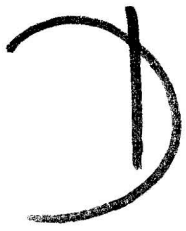
I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

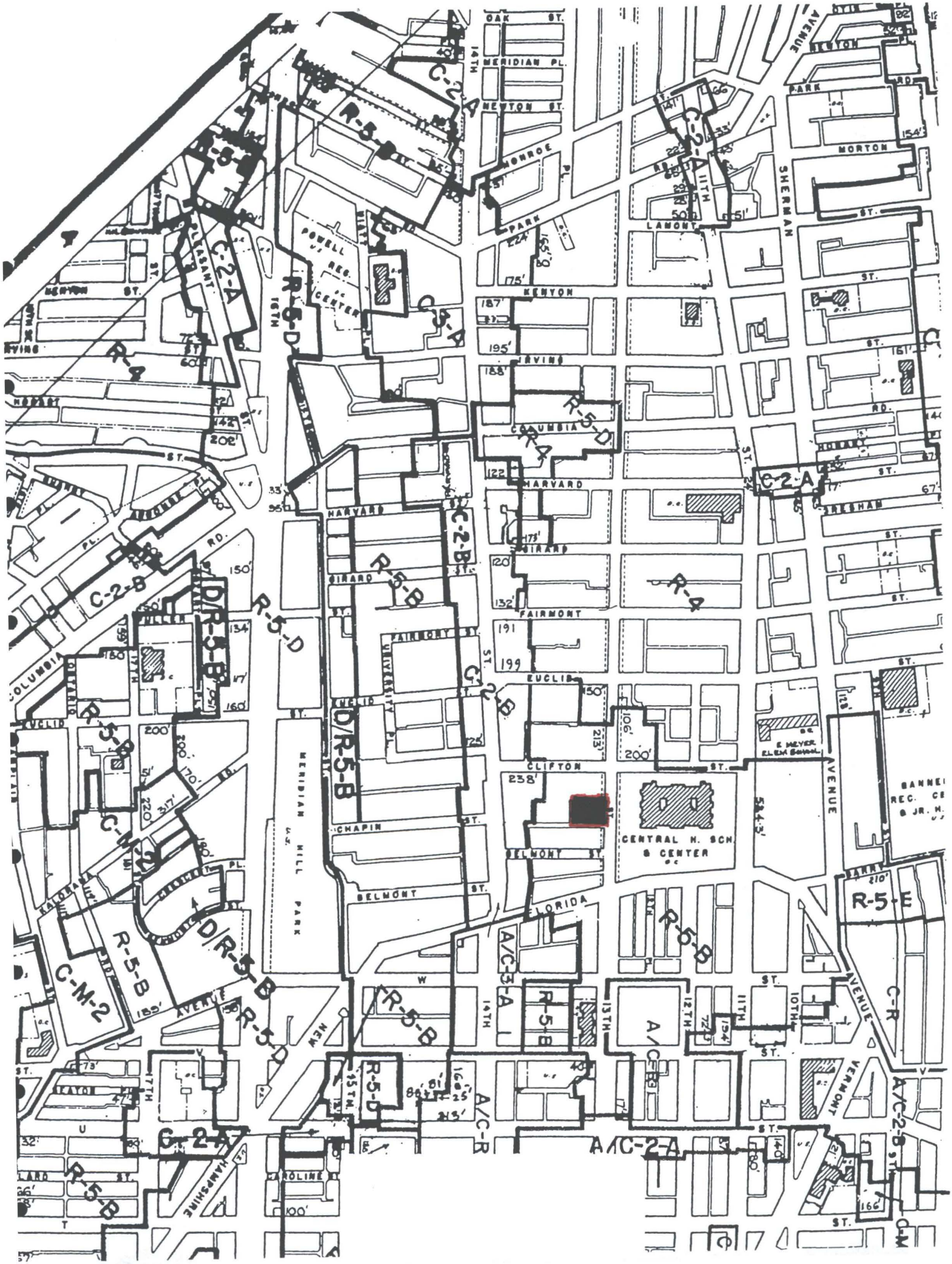
Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.






OAK ST.
MERIDIAN PL.
NEWTON ST.
MONROE PL.
PARK RD.
MORTON ST.
LAMONT ST.
KENYON ST.
IRVING ST.
COLUMBIA ST.
HARVARD ST.
SHERMAN AVENUE
GIRARD ST.
FAIRMONT ST.
EUCLID ST.
CLIFTON ST.
CHAPIN ST.
BELMONT ST.
FLORIDA ST.
MERIDIAN HILL PARK
CENTRAL H. SCH & CENTER
E. MEYER ELEM. SCHOOL
POWELL REC. CENTER
11TH
12TH
13TH
14TH
15TH
16TH
C-2-A
C-2-B
R-5-D
R-5-B
R-5-E
R-4
D/R-5-B
C-M-2
A/C-3-A
A/C-2-A
C-R





View of the subject property looking northwest from Thirteenth Street, N.W.



View of the subject property looking northwest from Thirteenth Street N.W.



Existing Surface Parking on Lot 109



View from Thirteenth Street, N.W.

F

Appeal #4564 PUBLIC HEARING--Sept. 19, 1956

Mr. Scrivener:

I move that the following Order be entered:

ORDERED:

That the appeal of Clifton Terrace East, Inc. to establish a temporary automobile parking lot in the 2400 block of 13th Street, N.W., lot 109, square 2868, be granted for the following reasons and subject to the condition hereinafter set forth:

(1) As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds that the continued use of this property for the temporary parking of automobiles is reasonably necessary and convenient to the neighborhood, and that its continued use for that purpose will not interfere unreasonably with the most appropriate use of neighboring property under the zone plan, as the property is used to accommodate tenants of Clifton Terrace. Furthermore, on-street and off-street parking facilities are extremely limited in this area of the city.

(2) There was no objection to the granting of this appeal registered at the public hearing.

This Order shall be subject to the following conditions:

(a) Permit shall issue for a period of five years, but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

(b) Parking on this lot shall be limited to tenants only of Clifton Terrace.

Mr. ~~Mix~~ Clouser: I second the motion. Motion unanimously carried.

G

EXHIBIT 22G

FROM

CASE 16746

IS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE

H

OUTLINE OF TESTIMONY OF REPRESENTATIVE OF THE APPLICANT

I. Introduction and General Description of CPDC

II. Description of Wardman Court (Clifton Terrace) complex

III. Brief Overview of Development Plan for the Site

IV. Brief Description of Prior Special Exception Request and Financing Difficulties

V. Brief Overview of Proposed Special Exception

VI. Conclusion

1

OUTLINE OF TESTIMONY OF REPRESENTATIVE OF SCHWAM ARCHITECTS

I. Introduction

II. Site Description

III. Description of Proposed Site Plan

IV. Traffic and Parking

V. Conclusion

ل

OUTLINE OF TESTIMONY OF LAND PLANNER

I. Introduction

II. Site Location

III. Site Description

IV. Zoning

V. Description of Proposed Special Exception

VI. Compliance with Standards

VII. Conformity with Comprehensive Plan

VIII. Conclusion